

# USDA Waiver Flexibility Options

## School Year 2021-2022

School Year 2021-2022 waivers were released on Tuesday, April 20, and the State opted into them all on April 26. All waivers require School Food Authorities to submit a request to use them. This request occurs during the iCAN application approval process. Schools that do not have a waiver request approved by CANS are unable to use those waiver flexibilities.

#	SY21-22 Waiver Flexibility Name	Special Notes	Program	Effective Dates
85	Allow the Seamless Summer Option through SY2021-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• <b>ALL children eat free meals; simple meal counts (by reimbursable meal) are allowed; ALL meals claimed at free reimbursement rate for the entire SY.</b></li> <li>• All schools are eligible to use this waiver <b>without</b> being area eligible. Including residential programs.</li> <li>• SFAs that opt into this waiver also opt into waiver #86.</li> <li>• Direct certification is still required.</li> <li>• Meal and snack service can be closed enrolled (i.e. enrolled students only) <i>or</i> open enrolled (i.e. feeding all children 0-18 years old in the community).</li> <li>• SFAs do not need to operate SSO previously to use this waiver.</li> <li>• We are waiting for guidance about collecting free/reduced applications.</li> <li>• We are waiting for guidance about weekend or holiday meals.</li> </ul>	SSO	7-1-2021 to 6-30-2022
86	Allow SFSP Reimbursement Rates in SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Allows the SSO Reimbursement Rate to match the higher SFSP Reimbursement Rate for meals and snacks: SFSP free reimbursement rate (details of the exact SFSP rate is to be determined).</li> <li>• Currently, multiple reimbursement rates in SNP (including SSO) is not available. We are working with the iCAN system vendor and hope to find a solution soon.</li> <li>• The Specially Needy and Severe Need Rates and the performance based (7 cents) lunch reimbursement are not added to the SFSP reimbursement rate.</li> </ul>	SSO	7-1-2021 to 6-30-2022
87	Allow Non-Congregate Meal Service for SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Allows non-congregate meals and snacks served.</li> <li>• Socially distanced in school meals, meal pick-up options, and grab-go meals.</li> <li>• Approval for use is based on actual operations that use this waiver flexibility.</li> </ul>	NSLP, SBP, SSO, CACFP	7-1-2021 to 6-30-2022
88	Waiver of Meal Service Times Requirements for SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Allows meal service time flexibility to ensure safe service of meals.</li> <li>• Used to support alternative meal service models and social distancing including meal pick up with multiple meals served at one pickup.</li> <li>• Approval for use is based on actual operations that use this waiver flexibility.</li> </ul>	NSLP, SBP, SSO, CACFP	7-1-2021 to 6-30-2022

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89	Allow Parents and Guardians to Pick Up Meals for Children for SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Allows parents or guardians to pick up meals and snacks,</li> <li>• SFA must have an accountability and integrity plan to ensure meals are distributed only to parents or guardians of eligible children, &amp; no duplicate meals are distributed to any child.</li> <li>• Approval for use is based on actual operations that use this waiver flexibility.</li> </ul> <p>* SFA must also opt into the non-congregate waiver.</p>	NSLP, SBP, SSO, CACFP	7-1-2021 to 6-30-2022
90	Allow Specific School Meal Pattern Flexibility in SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Provides the opportunity for schools to request flexibility in any of the following:                             <ul style="list-style-type: none"> <li>○ Sodium limits at Breakfast and Lunch, this may allow the use of Target 1 requirements</li> <li>○ All Grains meet the Whole Grain Rich requirement</li> <li>○ Pre-schoolers, at least 1 serving per day is Whole Grain Rich</li> <li>○ Vegetable Subgroups</li> <li>○ Offer 2 varieties of milk</li> <li>○ Low-fat unflavored milk</li> <li>○ Age/grade groups</li> </ul> </li> </ul> <p>*All SFAs must make a request to use any of these flexibilities. Requests must be targeted and justified with a demonstrated need, based on plans to support nutritious meals while minimizing COVID exposure. This is not a blanket approval.</p>	NSLP, SBP, SSO	10-1-2021 to 06-30-2022
91	Allow Specific Meal Pattern Flexibility in CACFP For SY21-22 - <b>NEW</b>	<p>Provides the opportunity for operators to request flexibility in any of the following:</p> <ul style="list-style-type: none"> <li>○ at least 1 serving per day is Whole Grain Rich</li> <li>○ Oz Eq grain crediting requirement</li> <li>○ low-fat unflavored milk</li> </ul> <p>*All operators must make a request to use any of these flexibilities. Plan must be targeted and justified with a demonstrated need.</p>	CACFP	7-1-2021 to 6-30-2022
92	Allow OVS Flexibility for Sr. High Schools in SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Waiver to the HS requirement to use OVS.</li> <li>• Useful if school is serving individually plated or pre-packaged meals.</li> </ul>	NSLP, SSO	7-1-2021 to 6-30-2022
93	Area Eligibility in the Afterschool Programs and for Family Day Care Home (DCH) Providers in SY21-22 - <b>NEW</b>	<ul style="list-style-type: none"> <li>• Waiver applies to:                             <ul style="list-style-type: none"> <li>○ NSLP Afterschool Snack (only available during SY)</li> <li>○ CACFP At Risk Afterschool Care - Meals &amp; Snacks (only available during SY)</li> <li>○ CACFP DCH meals &amp; snacks.</li> </ul> </li> </ul> <p>*All Free reimbursement for snacks/meals and Tier 1 reimbursement for DCH prov. USDA waiver guidance does not currently include centers.</p>	NSLP Afterschool Snack, CACFP specific providers	7-1-2021 to 6-30-2022
94	Waiver of Onsite Monitoring Requirements in the School Meal Programs - REVISED - EXTENSION 3	<ul style="list-style-type: none"> <li>• Allows the following flexibilities:                             <ul style="list-style-type: none"> <li>○ SFA onsite monitoring can be virtual</li> <li>○ SFA FSMC onsite monitoring – can be done with virtually or as a desk audit</li> </ul> </li> </ul>	NSLP, SBP, SSO	End of pandemic

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		* State Agency waiver that <i>allows</i> desk audits or virtual visits. Actual plans to be determined. There is language to postpone reviews that requires specific USDA approval. USDA will issue more guidance.		declaration from US HHS
95	Waiver of Onsite Monitoring Requirements for State Agencies in CACFP - EXTENSION 3	State Agency waiver that <i>allows</i> desk audits or virtual visits. Actual plans to be determined. USDA will issue more guidance.	CACFP	End of pandemic declaration
96	Waiver of Onsite Monitoring Requirements for Sponsors in the CACFP - EXTENSION	<ul style="list-style-type: none"> <li>• Waives for all Sponsoring Organizations:               <ul style="list-style-type: none"> <li>○ Reviews conducted per 226.16(d)(4)(iii) be conducted onsite.</li> <li>○ Allows for offsite monitoring in addition to the flexibilities provided for sponsors in the extension of Waiver #27: Nationwide Waiver of Monitoring Requirements for Sponsors in the CACFP.</li> <li>○ To ensure program integrity Sponsor Agencies who opt into this waiver will need to ensure continuation of their monitoring activities. This can be completed through activities such as desk audits and virtual monitoring.</li> </ul> </li> </ul>	CACFP	End of pandemic declaration from US HHS

# USDA Waiver Flexibility Options Summer 2021

All Summer 2021 waivers require School Food Authorities to submit a request to use them. This request occurs during the iCAN application approval process. Program operators that do not have a waiver request approved by CANS are unable to use those waiver flexibilities.

**Summer 2021 Waiver Flexibilities Actual End Dates:**

**For School Food Authorities:** these waivers expire at the end of your 2020-21 school year OR at the end of your summer program (SSO/SFSP) OR Sept. 30, 2021 if your school year does not start before this date.

**For CACFP Operators:** the waiver to operate SFSP during the school year **has not** been extended at this time. This means that SFSP operations will end at the start of the 2021-22 School Year in your community. Once school begins, you must return to CACFP operations. If you typically operate CACFP and have opted to continue SFSP instead you must have a complete CACFP app for PY20-21 on file to avoid having to start over as a new CACFP agency which requires additional work.

#	Summer 2021 Waiver Flexibility Name	Special Notes	Prog	Waiver Exp Date
74	Nationwide Waiver to Allow Meal Pattern Flexibility in SSO – EXTENSION 9	<ul style="list-style-type: none"> <li>• Applies to only SSO, NOT for SFSP.</li> <li>• Waives:               <ul style="list-style-type: none"> <li>○ Meal pattern requirements for SSO to support access to nutritious meals.</li> <li>○ requirement that schools must offer students at least two different options for fluid milk.</li> </ul> </li> </ul> <p>* SFSP Expiration of this flexibility will go into effect 06/30/2021.</p>	SSO (not SFSP)	09-30-2021*
75	Nationwide Waiver to Allow Non-Congregate Feeding in SFSP and SSO – EXTENSION 6	Waives congregate feeding to allow safety of the participants and still providing nutritious meals.	SFSP, SSO	09-30-2021*
76	Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals – EXTENSION 6	May distribute meals to a parent or guardian if the SA approved non-congregate feeding services.	SFSP, SSO	09-30-2021*
77	Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 4	Allows operating of open sites in areas that are not located where poor economic conditions exist.	SFSP, SSO	09-30-2021*
78	Nationwide Waiver of Meal Service Time Restrictions in SFSP and SSO – EXTENSION 3	Allows meals to be served outside of the standard mealtimes and multiple meals to be given out at one time. *Must be used in conjunction with non-congregate feeding.	“Normal” SFSP & SSO	09-30-2021*
79	Nationwide Waiver to Allow OVS Flexibilities in SFSP – EXTENSION 3	Allows the use of OVS with the SFSP meal pattern.	“Normal” SFSP	09-30-2021*

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80	Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in SFSP and SSO – EXTENSION 3	Allows Closed enrolled sites to establish eligibility based on area eligibility.	“Normal” SFSP & SSO	09-30-2021*
81	Nationwide Waiver to Waive First Week Site Visits in SFSP – EXTENSION 3	Waives the first week visit requirements for: <ul style="list-style-type: none"> <li>• Sponsors successfully operating other CNPs</li> <li>• Sponsors who successfully operated SFSP the previous year</li> </ul>	“Normal” SFSP	09-30-2021*
83	Nationwide Waiver to Allow Sponsors that Successfully Participated in SFSP in FY19 to Operate as an Experienced Sponsor in FY21	Allows SA to use streamlined <i>Experienced Sponsor Application</i> and approval process for returning sponsors that successfully participated in the SFSP in FY2019, but not in FY2020 due to COVID.	SFSP	FY21