

Health and Nutrition Services COVID-19 Webinar: USDA Q&A Summer Food Service Program Operations

COVID-19 COMMUNICATIONS

September 16, 2020

Professional Standards Learning Code: 3240



Arizona Department of Education (ADE)

This training was developed by the Arizona Department of Education (ADE) Health and Nutrition Services Division (HNS).

Intended Audience

This training is intended for **School Food Authorities (SFAs) operating the National School Lunch Program (NSLP) and sponsors of the Summer Food Service Program (SFSP)**. All regulations are specific to operating the NSLP under the direction of ADE.

Professional Standards

Information to include when documenting this training for Professional Standards:

Training Title: COVID-19 Communications Webinar: USDA Q&A on SFSP/SSO Operations

Key Area: 3000-Administration

Learning Codes: 3240

Length: 1 hour





Meet Your Trainers!

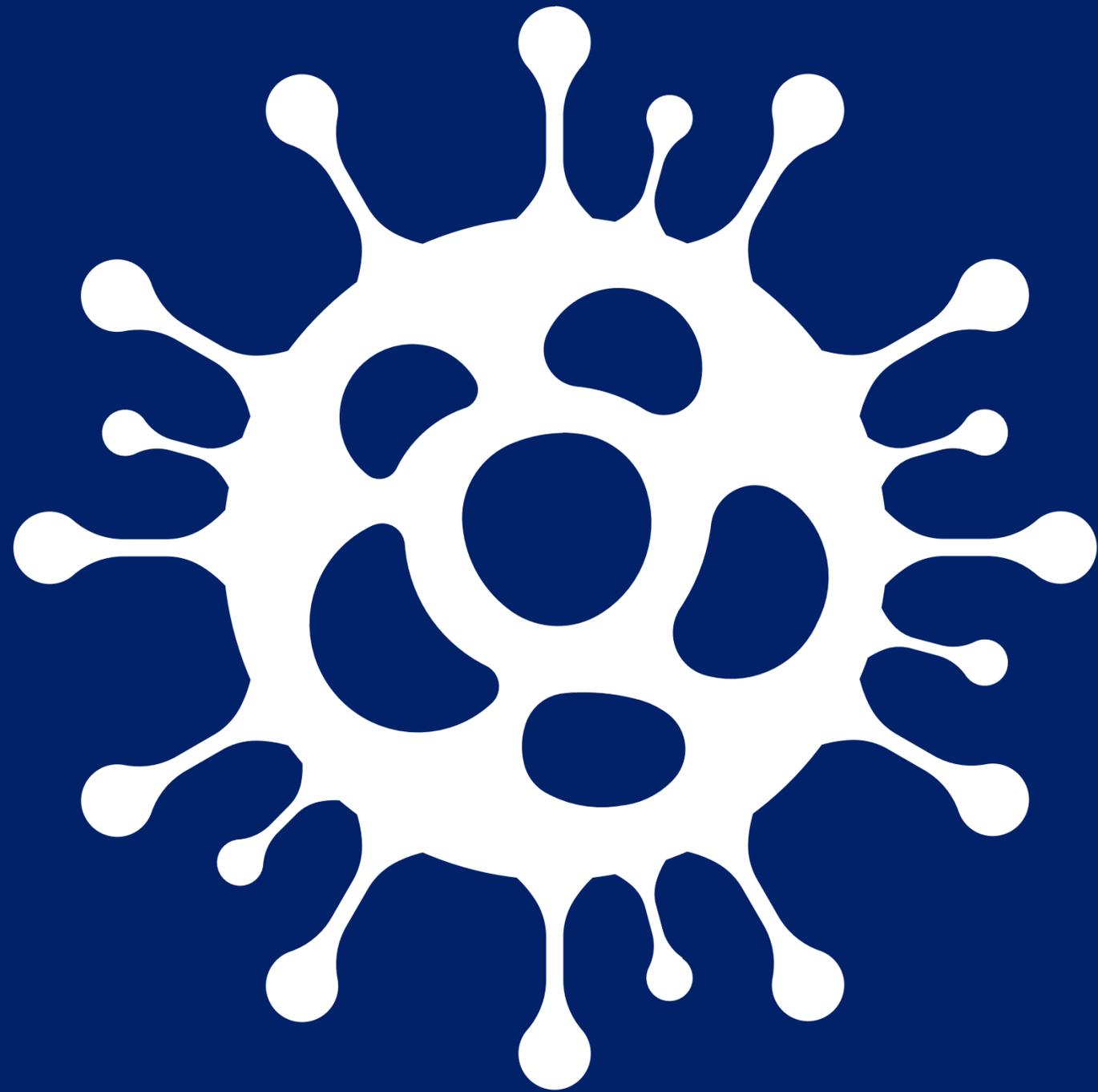
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GET INFORMED.

TODAY'S DISCUSSION

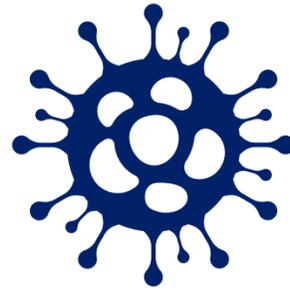
Review of new USDA guidance on
Summer Food Service Program/
Seamless Summer Option operations
through December 2020

USDA Guidance September 11, 2020

USDA released one new waiver and a Q&A to address SFSP/SSO operations through December 2020.

- **Child Nutrition Response #57:** Nationwide waiver to allow reimbursement for meals served prior to notification of approval and provide flexibility for pre-approval visits in the SFSP
- **SP 25-2020, CACFP 14-2020, SFSP 14-2020:** Q&A relating to the nationwide waiver to allow SFSP/SSO operations through December 2020.

The above waiver "waives" certain program regulations. The memo provides clarification on what is allowable under the current SFSP/SSO waivers.



DISCLAIMER

ADE Health and Nutrition Services is comfortable providing only clear guidance as stated in the USDA guidance. We will not make any assumptions or infer any allowances that are not specifically stated in the waivers.

Prior Notification of Approval and Pre-Approval Visits Waiver

Child Nutrition Response #57



Reimbursement for Meals Served Prior to Notification of Approval

[COVID -19 Child Nutrition
Response #57](#)

Waives the following Program regulations:

7 CFR 225.9(d) Reimbursements. Sponsors shall not be eligible for meal reimbursements unless they have executed an agreement with the State agency... Reimbursements shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program.

Flexibility for Pre-Approval Visits

[COVID -19 Child Nutrition
Response #57](#)

Waives the following Program regulations:

7 CFR 225.7(d)(1) Pre-approval visits. The State agency shall conduct pre-approval visits of sponsors and sites, as specified below, to assess the applicant sponsor's or site's potential for successful Program operations and to verify information provided in the application.

USDA Q&A Relating to SFSP / SSO Operations through December 2020

USDA Memo SP 25-2020, CACFP 14-2020, SFSP 14-2020



1. Which Child Nutrition Programs may school food authorities (SFAs) and sponsors operate during the waiver period?

SFAs may operate the National School Lunch Program (NSLP) and the School Breakfast Program (SBP), the Seamless Summer Option (SSO), and/or the Summer Food Service Program (SFSP). SFAs also may operate the at-risk afterschool component of the Child and Adult Care Food Program (CACFP) concurrently with any of the Programs previously mentioned. Non-SFA sponsors may operate the SFSP. Sponsors also may operate the at-risk afterschool meals component of the CACFP concurrently with the SFSP.

Please note that all Program eligibility and operating requirements continue to apply unless specifically waived.

SUMMARY: SFAs can operate NSLP, SBP, SFSP/SSO and At-Risk at the same time. Non-SFA sponsors can operate SFSP and At-Risk at the same time.

2. Can the at-risk afterschool meals component of the CACFP operate simultaneously with SFSP/SSO?

Yes. The at-risk afterschool meals component of the CACFP, which operates during the regular school year, may operate simultaneously with the SFSP/SSO during implementation of Waiver #56. As noted in *SP 13, CACFP 07, SFSP 06-2020, Child Nutrition Program Nationwide Waivers: Questions and Answers*, 2020, April 11, 2020, <https://www.fns.usda.gov/cn/covid-19/nationwide-waivers-qas>, Program operators may participate in multiple Programs. However, under no circumstance may children receive more than the number of reimbursable meals allowed in each Program for which they are eligible.

For more information on the operation of the at-risk afterschool meals component of the CACFP, see Question 15 in *SP 14, CACFP 08, SFSP 07-2020: Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #3*, issued April 11, 2020, <https://www.fns.usda.gov/cn/covid-19/meal-service-during-novel-coronavirus-outbreaks-qas>.

SUMMARY: Sponsors can operate SFSP/SSO and At-Risk at the same time, as long as participants do not receive more than the allowable number of meals in each program:

SFSP/SSO: Two meals OR one meal and one snack

At-Risk: One meal and one snack

Note: Enrichment requirements still apply, and it can be offered in a virtual setting.

3. Which SFSP/SSO sponsor types should State agencies prioritize when approving new sponsors?

State agencies must avoid duplication of services in particular areas. Under section 13 of the Richard B. Russell National School Lunch Act at 42 U.S.C. 1761(a)(4)(A) and 7 CFR 225.6(b)(5), State agencies must use the following priority system in approving applicants that propose to serve the same area or the same children:

1. SFAs;
2. Public agencies and private nonprofit organizations that have participated in SFSP previously;
3. New public agencies; and
4. New private nonprofit organizations.

If two or more sponsors apply to serve the same area, 7 CFR 225.6(b)(v) requires State agencies to make a determination on a case-by-case basis and consider the resources and capabilities of each applicant. Additionally, when approving sites, 7 CFR 225.6(d)(ii) requires State agencies to ensure that sites are not duplicating services within the SFSP and SSO programs.

Therefore, if an SFA meeting program requirements seeks approval to provide meals through the SFSP or SSO, the State agency should only consider approval of other applicants if there is a clear gap in service that the non-SFA applicant proposes to cover, and that services will not be overlapping. As a result of these requirements, some sponsors, even those that were operating during summer 2020, may be required to discontinue operations. As State agencies move forward in the school year with SFSP and SSO operations, it is critical that the State agency recognize the importance of maintaining integrity in all of the Programs and target resources appropriately.

SUMMARY: SFAs have top priority followed by public agencies and nonprofit organizations that have previously participated in SFSP. New public agencies and new private nonprofit organizations will fall next in the application approval process.

Note: SFAs have until September

25 to apply. After this deadline, ADE has revised this guidance as of 9/17/20.

Community Organizations will be able to claim sites.

4. May SFSP sponsors amend their applications to reflect continuation of operations through December 31, 2020, or should they submit a new application to determine which sites can operate SFSP/SSO?

The State agency has discretion with regard to the process used to extend SFSP/SSO applications and FNS encourages use of streamlined application extension processes for sponsors that were previously approved for summer 2020. However, please note that this extension process must include updating the period of meal service operations and any other changes necessary to reflect school year operations, such as site locations.

However, State agencies are not required to approve all SFSP/SSO sponsors for extended operation. When reviewing applications, State agencies should consider the priorities for approving sponsors and sites that are addressed in Question 3.

SUMMARY: SFAs and Sponsors will not be required to provide a FY21

ADE has revised this guidance as of 9/17/20.

but will be required to complete applications in CNPWeb.

Community Organizations (COs) will be required to submit a FY21 Budget for October-December 2020 service.

Note: FY21 Management Plan and Budget will be addressed after December.

5. Can State agencies approve new SFA applications using a streamlined SFSP/SSO application process?

Yes, for experienced sponsors and sites. The SFSP regulations at 7 CFR 225.6(c)(3) provide a streamlined application process for State approval of experienced sponsors in good standing, including SFAs that administer the NSLP or SBP. This process is further outlined in *SP 07, SFSP 04-2013 – REVISED: Summer Feeding Options for School Food Authorities*, issued November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.

SUMMARY: New SFAs that are in good standing may submit applications to operate October-December 2020 with the new streamlined process through CNPWeb.

6. If an SFA that opts to participate under Waiver #56 served meals through NSLP/SBP between the beginning of school year 2020–2021 and December 31, 2020, may they claim those meals under SFSP/SSO instead?

Yes. When submitting their claim for meals served between the beginning of school year 2020–2021 and December 31, 2020, SFAs which have been approved to participate in SSO/SFSP pursuant to Waiver #56 may claim meals served under SFSP or SSO rather than through NSLP/SBP. States may reimburse SFAs for these meals at the free rate through SFSP or SSO. However, any student who paid for their meals must receive a refund for their meal payments.

SUMMARY: SFAs may claim previous meals served under NSLP as SFSP/SSO, BUT reimbursement must be made to children that paid for meals under NSLP during that period.

Note: ADE will allow SFAs to claim all NSLP meals served since the beginning of this school year under SFSP.

7. May State agencies reimburse SFSP sponsors for meals that were served before the sponsor was notified of written approval for participation in the Program?

Yes. Under *COVID-19: Child Nutrition Response #57: Nationwide Waiver to Allow Reimbursement for Meals Served Prior to Notification of Approval and Provide Flexibility for Pre-Approval Visits in the Summer Food Service Program*, September 11, 2020, State agencies may reimburse newly approved SFSP sponsors for meals served prior to written approval notification. This will enable newly approved sponsors to more quickly transition to SFSP.

Additionally, during the initial COVID-19 emergency response, FNS inadvertently neglected to allow State agencies to reimburse new SFSP sponsors for meals served prior to their written approval. Therefore, as part of the above referenced waiver, State agencies may reimburse approved SFSP sponsors for allowable meals served during the initial COVID-19 emergency response through August 30, 2020, but that were served prior to their written approval to operate SFSP.

SUMMARY: New SFAs and ones that stopped claiming SFSP in July can be reimbursed for meal services provided in July and August.

Note: ADE will provide further guidance on how to submit retroactive claims.

8. May an SFA choose to participate under NSLP/SBP instead of SFSP/SSO?

Yes. SFAs may choose to operate NSLP/SBP. Waiver #56 does not require SFAs to transition to SFSP/SSO. SFAs that operate NSLP/SBP may choose to follow the regular Program requirements, or may participate under the COVID-19 waivers for School Year 2020-2021. The School Year 2020-2021 waivers may be found here: <https://www.fns.usda.gov/programs/fns-disaster-assistance/fns-responds-covid-19/child-nutrition-covid-19-waivers>.

SUMMARY: SFAs have the following options:

- 1) Operate NSLP under the applicable NSLP waivers through June 30, 2021**
- 2) Operate NSLP without using the NSLP waivers**
- 3) Operate SFSP/SSO under the applicable SFSP/SSO waivers through December 31, 2020**

9. May a State approve an SFA to operate SFSP/SSO at some schools and operate NSLP/SBP at other schools?

There is no Federal requirement that an SFA can be approved for only one Program to operate in all schools within the SFA. State agencies may approve SFAs to operate different Child Nutrition Programs based on the needs of each school. FNS strongly encourages State agencies and SFAs to provide the flexibility needed to meet varying school circumstances. State agencies may choose not to approve SFAs to operate different Child Nutrition Programs at their individual schools if operational impediments exist that would prevent them from effectively managing such arrangements.

SUMMARY: SFAs may participate in which ever program(s) are most beneficial to the needs of the children at each individual site.

Each SFA is responsible for maintaining proper documentation of each program.

Note: SFAs need to update CNPWeb and submit required waivers for parent pick up and multiple meal distribution.

10. Can SFAs operating SFSP/SSO under Waiver #56 serve weekend meals, and serve all children through age 18, regardless of whether the children are enrolled in the SFA?

If the SFA's sites are approved as open sites, they must serve all children who request a meal from those sites. However, States, SFAs, and sponsors are encouraged to tailor their operations to the needs of the community, and State agencies should review sponsor plans with this in mind. SFAs also may elect to operate closed enrolled sites that serve only enrolled students. Additionally, meals may be offered on weekends and holidays, consistent with SFSP/SSO regulations. As a reminder, the continuation of Waiver #56 is contingent on the availability of funds.

SUMMARY: SFAs operating open sites must make meals available to all children 18 and under who request a meal.

SFAs operating closed enrolled sites must make meals available to enrolled students only.

SFAs operating SFSP/SSO can serve meals on weekends and holidays.

Note: Regarding community orgs, we are waiting on additional guidance for weekends and holiday service.

11. If an SFA opts to participate under the non-congregate waivers for breakfast, is the SFA required to offer non-congregate meals for lunch?

No. However, if a State agency has elected to use the non-congregate waiver (*COVID-19: Child Nutrition Response #33: Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – Extension #4*), schools that have elected to implement the waiver must offer the same meals to every enrolled student whether they attend virtually or in-person. This is consistent with the response to Question 1 of *SP 24-2020, CACFP 13-2020, SFSP 13-2020, Questions and Answers for the Child Nutrition Programs during School Year 2020-21 – #5*, issued August 21, 2020, <https://www.fns.usda.gov/disaster/pandemic/covid-19/questions-and-answers-child-nutrition-programs-during-sy-2020-21>.

FNS strongly encourages schools to make meals available to all enrolled students. However, a school may decide to offer non-congregate meals only at breakfast, but not at lunch. In that case, non-congregate meals must be made available to all enrolled students at breakfast, but can be limited to those students attending school in person at lunch.

Also, please note that if meals are offered through the SFSP or SSO and the school is operating an open site, as defined under 7 CFR 225.2, the school must make meals available to all children who attend the site.

SUMMARY: Schools that have elected to implement the non-congregate feeding waiver must offer reimbursable meals to every enrolled student regardless of their individual learning plan.

However, If operating in person meal service, SFAs do not also have to operate non-congregate service at the same time.

SFSP/SSO open sites must make meals available to all children who request a meal.

12. Can States approve new sites in areas that were previously being served under the State’s plan for implementation of their individual area eligibility waiver? If so, do the sites have to be operated by the same sponsor?

In moving forward with an extension of their area eligibility plan, States should prioritize ensuring that meal sites are targeting benefits to children in need. If sponsors and/or sites that operated in the previously identified areas during the unanticipated school closures due to COVID-19 are unable to continue operating through December 31, 2020, yes, the State agencies may approve new sponsors and/or sites to serve children in need in those areas that are consistent with their plans.

SUMMARY: If an SFA decides to not operate at a site in a non-eligible area, an established sponsor can pick up that site if they want. They would need to complete the area eligibility waiver via survey monkey which is on the COVID-19 Guidance to Child Nutrition Operators webpage.

Note: Click here for the [SFSP Area Eligibility Waiver](#)

13. Under the Nationwide Waiver to Extend Area Eligibility, may States expand into new areas that were not covered by their individual area eligibility waiver plan?

The nationwide waiver allows States to continue to allow SFSP and SSO sponsors in good standing to operate open sites in areas consistent with the State plan, but that are not necessarily located in “*Areas in which poor economic conditions exist.*” If State agencies determine that areas in their state that were not previously identified in their area eligibility plan are now in need, yes, the State can consider adding them to their plan. The State should prioritize meal sites in those areas targeting benefits to children in need, as required by the waiver.

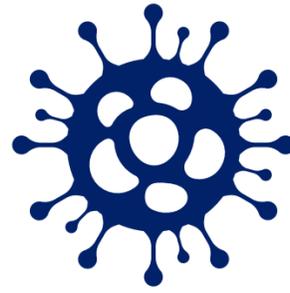
SUMMARY: Sponsors can continue to serve non-area eligible sites as long as they opt into the waiver and provide a plan to identify/provide meals to the children of need in that specific area.

Note: Click here for the [SFSP Area Eligibility Waiver](#)

14. What does “FNS reserves the right to withdraw this approval subject to the availability of funds” mean?

The Antideficiency Act (ADA) (Pub.L. 97–258, 96 Stat. 923) prevents Federal agencies from incurring obligations or making expenditures (outlays) in excess of amounts available in appropriations or funds. Thus, this language establishes a condition on the waivers approved by FNS, which likely will increase program costs, can be rescinded if the Agency anticipates that the total cost of Program operations will exceed the funds available to support it. FNS estimates that existing resources are likely sufficient to support the extension of the waiver expanding SFSP/SSO sites to areas not area-eligible through December 31, 2020, but impacts from waivers, flexibilities, and changes in program operations due to the COVID-19 public health emergency on Federal Child Nutrition Program costs are not yet known. Timely monitoring of program activity is essential to ensure both the continuity of program operations for our partners and the adequacy of funds. In the event FNS projects a shortage of funds prior to the expiration date of this waiver, FNS will notify all State agencies at that time that SFSP/SSO sites in non-area eligible areas will no longer be able to serve meals for Federal reimbursement. FNS will reimburse all claims for qualified meals served prior to the projected date of inadequate funds. FNS will provide advanced notice, to the extent possible, in order to minimize out-of-pocket expenses for program operators.

SUMMARY: Operation under the current SFSP/SSO waivers can continue through December 31, 2020, as long as there is sufficient funding.



Q&A

Please type your questions into the chat box.



THANK YOU!

The slides and recording will be posted on the COVID-19 Resources Webpage. If you are attending the live webinar, you will be marked attended in EMS then will be able to access the survey and certificate of completion.

Join us for the next Health and Nutrition Services COVID-19 Communications Webinar: TBD!

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Information to include when documenting this training for Professional Standards:

- **Training Title:** Recorded Webinar: School Nutrition Programs COVID-19 Webinar: COVID-19 Webinar: USDA Q&A on SFSP/SSO Operations through December 2020 9.16.20
- **Learning Codes:** 3240
- **Key Area:** 3000-Administration
- **Length:** 1 hour

Please Note: Attendees must document the amount of training hours indicated regardless of the amount of time it takes to complete it.



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