



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria, VA 22314

DATE: August 9, 2021

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SUBJECT: Fresh Fruit and Vegetable Program Operations for SY 2021-2022 during COVID-19

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

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| Issuing Agency/Office: | FNS/Child Nutrition Programs |
| Title of Document: | Fresh Fruit and Vegetable Program Operations for SY 2021-2022 during COVID-19 |
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| Summary: | (1) This memorandum provides clarification on questions related to the operation of the Fresh Fruit and Vegetable Program (FFVP) during alternative Child Nutrition Program operations in all States and school food authorities (SFAs) due to the continued public health emergency associated with the novel coronavirus (COVID-19). (2) This memorandum applies to SFAs operating the FFVP. (3) This document relates to section 19 of the National School Lunch Act (NSLA) [42 U.S.C. 1769a]. |

This memorandum includes questions and answers intended to provide clarification on the operation of the Fresh Fruit and Vegetable Program (FFVP) during implementation of alternative Child Nutrition Program operations throughout school year (SY) 2021-2022 due to the continued novel coronavirus (COVID-19) public health emergency. These questions and answers were previously issued and have been updated for application to SY 2021-2022. The following Q&A documents are the sources for the attached consolidated FFVP Q&As:

- [SP 12-2020, April 9, 2020](#) – Fresh Fruit and Vegetable Program during COVID-19
- [SP 19-2020, May 19, 2020](#) - Fresh Fruit and Vegetable Program during COVID-19: Questions and Answers #2

- [SP 23-2020, August 21, 2020](#) - Fresh Fruit and Vegetable Program Operations for SY 2020-21 during COVID-19
- [SP 03-2021, October 23, 2020](#) - Fresh Fruit and Vegetable Program Operations for SY 2020-21 during COVID-19
- [SP 05-2021, CACFP 04-2021, SFSP 04-2021](#), January 5, 2021 - Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations during School Year 2020-2021 – Q&As #4

The Secretary has broad authority for the administration of the FFVP, as permitted under section 19 of the National School Lunch Act (NSLA) [42 U.S.C. 1769a]. Although many schools are returning to normal operations, FNS recognizes that some local Program operators are continuing to practice social distancing, and working to limit the amount of time children spend congregating at meal and snack service sites. Therefore, based on the exceptional circumstances of this public health emergency due to the novel coronavirus, and pursuant to existing statutory authority, FNS is exercising its enforcement discretion to allow the following flexibilities in the operation of the FFVP. Please note, these flexibilities are effective for school year 2021-2022, and remain in effect until June 30, 2022.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child participants during a challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

for
Angela M. Kline
Director
Policy and Program Development Division
Child Nutrition Programs

Questions and Answers

1. May Fresh Fruit and Vegetable Program (FFVP) operators provide the fruit or vegetable service outside of a regular school day?

Yes. Although many schools will be back to normal operations during the upcoming school year, due to the continued public health emergency and given possible school building closures and continued implementation of alternate instructional models that allow for social distancing, elementary schools operating FFVP may serve fresh fruits and vegetables to students at the time the operators determine to be appropriate. A waiver from FNS is not necessary to exercise this flexibility.

2. May FFVP operators provide the fruit or vegetable service in a non-congregate setting?

Yes. Although many schools will be back to normal operations during the upcoming school year, due to the continued public health emergency and given possible school building closures and continued implementation of alternate instructional models that allow for social distancing, elementary schools operating FFVP may serve fresh fruits and vegetables in a non-congregate setting, including through home delivery. A waiver from FNS is not necessary to exercise this flexibility.

3. May the FFVP fruit or vegetable service be provided at the same time as another Child Nutrition Program meal service?

Yes. Although many schools will be back to normal operations during the upcoming school year, due to the continued public health emergency and given possible school building closures and continued implementation of alternate instructional models that allow for social distancing, elementary schools operating FFVP may provide the FFVP service alongside other Child Nutrition Program meals. A waiver from FNS is not necessary to exercise this flexibility. This means that elementary schools that are operating other Child Nutrition Programs, such as the National School Lunch Program Seamless Summer Option (SSO), may provide FFVP foods along with SSO meals at the same time.

4. May elementary schools operating FFVP allow parents or guardians to pick up the FFVP food from the site or does the child have to be in attendance?

Elementary schools offering FFVP foods in a non-congregate setting may not provide those foods to parents or guardians unless they are accompanied by their child(ren). Section 19(b) of the National School Lunch Act (NSLA) requires schools participating in the FFVP to make fresh fruits and vegetables available “to students.” Because the Families First Coronavirus Response Act (P.L. 116-127) did not include FFVP as a “qualified program,” the nationwide waiver allowing parents to pick up meals for children at non-congregate sites does not apply to FFVP. A State agency

may request a waiver allowing schools to provide FFVP foods to parents and guardians. Any waiver request would be processed according to the requirements of Section 12(l) of the NSLA. Flexibilities under the waiver should be implemented by program operators only until such a time when greater levels of congregation in in-school settings is safe and healthy to pursue.

5. What quantity of FFVP fruits and vegetables may be served?

Elementary schools operating FFVP that are providing multiple days of meals at one time also may provide multiple servings of FFVP foods at one time. For example, sites may permit children to pick up a week's supply of FFVP fruits and vegetables at a time. The FFVP serving for a week must reflect what would be served to an individual student during a school week.

6. Are FFVP operators required to provide an educational component with the FFVP service?

No. While elementary schools operating the FFVP are encouraged to provide a nutrition education lesson with the FFVP service, FNS recognizes that a nutrition education lesson may not be practical during this public health emergency.

7. Can elementary schools that currently participate in FFVP provide fruits and vegetables to any child attending an SSO open site at that school?

Yes. Normally, FFVP foods may only be provided to enrolled children at elementary schools currently approved to operate the program. However, if the elementary school is operating an SSO open site, FFVP foods may be provided to any children attending the site.

8. May FFVP funds be used towards purchasing fresh fruits and vegetables for SSO meals?

No, FFVP funds may not be used to purchase fruits and vegetables for SSO meals. However, FFVP elementary schools operating SSO may provide FFVP foods as a separate benefit, along with the service of SSO meals. (See Question 3).

- 9. If an FFVP elementary school is not serving meals during school building closures or implementation of alternate instructional models that allow for social distancing, may the SFA serve the FFVP foods from a high school or alternative location where SSO meals are being served?**

By law, FFVP foods may only be served from participating FFVP elementary schools. A waiver is necessary in order to be able to serve FFVP foods at alternative locations, including high schools. Any waiver request would be submitted by the State agency and processed according to the requirements of Section 12(l) of the NSLA.

- 10. If FFVP schools are delivering SSO meals to households, can the FFVP foods be provided to all children in the household regardless of age?**

Yes. SFAs operating FFVP at SSO open sites may provide FFVP foods to any child attending the site (see Question 7). Similarly, prior SSO QAs have allowed delivered meals to be served to all children residing in the household.

- 11. If an FFVP school participating in SY 2020-2021 is not selected to participate in FFVP for SY 2021-2022, can they expend their remaining funds through the fall and then stop participating?**

No. If a previously participating FFVP school is not selected for the new school year, they cannot expend any of their remaining FFVP funds in the new school year starting July 1, 2021. The funds will be recovered during the year-end closeout process.

- 12. May the period of performance to obligate funds for the FY 2021 FFVP be extended beyond September 30, 2021?**

No. State agencies and SFAs are still required to obligate all allocated FY 2021 funds by the last day of the fiscal year (Sept. 30, 2021). Any unobligated, unexpended funds that remain after this date will be recovered and reallocated in a future year as part of the normal FFVP funding process.

- 13. For the FFVP application, if the sites cannot get actual signatures from the principal and superintendent on the Certification of Support document, may State agencies approve grant applications?**

The NSLA requires that applications to participate in FFVP include a signed certification of support by the principal and superintendent. Therefore, these signatures must be included on the application. Please note, however, that electronic signatures are acceptable.

14. Do schools that participated in FFVP during school year (SY) 2020-2021 and that are selected for participation in SY 2021-2022 need a new certificate of support signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school) or do the existing signatures suffice?

If nothing has changed from the previous school year in terms of required signatories or other required information, the school/SFA representative may indicate this on the application and maintain this information for the record and for the review process. In that case, no new signatures would be required.

If any or all of the required signatories have changed, new signatures are required. However, if signatures cannot be obtained due to social distancing, signatories may be obtained when the program starts at the beginning of the new school year. Electronic signatures are also acceptable.