# Superintendent’s Memo #180-20

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: July 17, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Planning for School Meals in SY 2020-2021

The purpose of this memo is to provide information regarding school nutrition programs for students for school year (SY) 2020-2021. The Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) has elected to utilize the five waivers issued by the U.S. Department of Agriculture (USDA) to assist in the planning and provision of school meals for the upcoming school year. These waivers will provide flexibilities needed to operate the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the At-Risk portion of the Child and Adult Care Food Program (CACFP). Ensuring equitable access to nutritious meals for all students, whether receiving in-class or virtual instruction while minimizing potential exposure to COVID-19, remains the focus of the VDOE. Local school divisions must notify the VDOE-SNP of their request to utilize the waivers. The meal pattern flexibility waiver will require VDOE-SNP approval. A link to a SurveyMonkey tool is included in this memo for waiver election and application.

It is important to note that school meals can only be served and claimed for reimbursement when the LEA considers the school day as an instructional day, either through in-class or virtual/remote instruction.

### *Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs*

The VDOE has received a waiver for SY 2020-2021 to allow non-congregate feeding in the Child Nutrition Programs for meals served through the NSLP, SBP, and the At-Risk portion of the CACFP. This waiver is effective July 1, 2020 through June 30, 2021.

### *Nationwide Waiver to Allow Meal Service Time Flexibility in NSLP, SBP, and the At-Risk Portion of the CACFP*

The meal service time flexibility waiver allows school nutrition program sponsors to select flexible meal times. This waiver applies to the NSLP, SBP, and the At-Risk portion of the CACFP and is in effect July 1, 2020 through June 30, 2021.

### *Nationwide Wavier to Allow for Parents and Guardians to Pick up Meals for Children*

School nutrition program sponsors may allow a parent or guardian to pick up meals for their students. Election of this waiver requires that the school nutrition program have a non-congregate feeding waiver in effect and must have a written plan for ensuring that accountability and program integrity are maintained. Processes must be in place to ensure meals are distributed only to parents or guardians of eligible students, and that duplicate meals are not distributed. This waiver applies to the NSLP, SBP, and the At-Risk portion of the CACFP and is in effect July 1, 2020 through June 30, 2021.

### *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*

This Meal Pattern Flexibilitywaiver allows the VDOE-SNP to grant flexibilities in the meal pattern when sponsors are unable to meet the meal pattern requirements due to COVID-19 related issues. School nutrition program sponsors must apply and be approved to utilize this waiver. Sponsors must make every effort to maintain nutrition standards to the maximum extent possible. This waiver applies to the NSLP, SBP, and the At-Risk portion of the CACFP and is in effect July 1, 2020 through June 30, 2021.

### *Nationwide Waiver to Allow Offer versus Serve (OVS) Flexibility for Senior High Schools in the NSLP for School Year 2020-2021*

This waiver grants flexibility for the OVS requirement in high schools and allows high schools the option to offer complete meals for delivery or pick up without having to utilize OVS. This waiver applies only to the NSLP and is in effect July 1, 2020 through June 30, 2021.

### Important Clarifications

#### *The At-Risk Portion of the CACFP*

The At-Risk portion of the CACFP can only be operated during the school year and by program sponsors that meet the minimum eligibility requirements. The At-Risk Portion of the CACFP cannot operate during the summer when school is not in session. CACFP sites will not be approved to operate at any time from July 1, 2020 to the day prior to the opening of school.

#### *Instruction Days – NSLP and SBP*

All meals served during the planned school year must be claimed under the NSLP, SBP, or CACFP. Local education authorities (LEAs) may choose a variety of educational scenarios for the SY 2020-2021. For example, scenarios may include students alternating between in-class and virtual learning. Students may access and consume their school meals from a variety of locations such as in the classroom, cafeteria, delivered on the bus, or by parent pick-up. However, school meals can only be claimed for reimbursement when the LEA counts days as instructional days. For example, if an LEA operates a four-day instruction week (whether in-class or virtually), Monday through Thursday, meals can only be claimed on those four days and not on Friday. Parent pick-up of meals or meal delivery is not allowed on days that are not considered instructional days. The exception is school nutrition program sponsors who qualify can utilize the At-Risk portion of the CACFP on non-instructional days.

#### *Meal Patterns – NSLP*

There are a few important considerations for planning meals. When the LEA is using a four-day instructional week, the LEA may use the NSLP four-day meal pattern. Also, if a LEA is requesting flexibilities in the meal pattern, it must be due to COVID-19 related issues. These waivers will be accepted on a case-by-case basis. When applying for a waiver, the request must be targeted and justified with all appropriate safety measures taken into account. A four day instructional week is highly discouraged as students will be unable to receive meals.

#### *Unanticipated Closures vs School Year*

There are several differences when moving forward into this school year versus the unanticipated closure in March 2020. A planned school closing due to COVID-19 is not considered an unanticipated closure. When schools or other providers are closed to minimize the risk of COVID-19 during the SY, the Seamless Summer Option (SSO) and the Summer Food Service Program (SFSP) cannot be used to claim weekend meals. School nutrition programs and non-school program sponsors approved under the At-Risk portion of CACFP can claim a meal and a snack on non-instructional days and weekends.

### How to Apply for Waivers for SY 2020-2021

Please use the [Online Waiver Application](https://www.surveymonkey.com/r/covid-waiver-app) to elect and apply for the waivers. The non-congregate waiver, meal time flexibility waiver, and the OVS waiver are opt-in waivers. The waiver to allow for parent and guardian pick-up must have a plan to ensure meals are distributed to only parents and guardians of eligible children and that duplicate meals are not distributed to any child. LEAs and non-school sponsors can also apply for meal pattern flexibilities through the [Online Waiver Application](https://www.surveymonkey.com/r/covid-waiver-app).

The VDOE is applying to the USDA for additional waivers to continue to provide additional flexibilities for the upcoming SY. If you have any questions, please contact the SNP or CNP regional specialist assigned to your region or Denise Branscome at [barbara.branscome@doe.virginia.gov](mailto:Barbara.branscome@doe.virginia.gov).

JFL/SCC/bdb