



Food and
Nutrition
Service

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DATE: April 20, 2021

CODE: COVID-19: Child Nutrition Response #86

SUBJECT: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022
Document ID:	
Z-RIN:	
Date of Issuance:	April 20, 2021
Replaces:	N/A
Summary:	(1) This waiver allows school food authorities to claim National School Lunch Program Seamless Summer Option meals and snacks at the Summer Food Service Program reimbursement rates. (2) This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option in school year 2021-2022. (3) This document relates to 42 U.S.C. 1761(b)(1)(C).
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159).

Pursuant to Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to allow school food authorities to claim National School Lunch Program Seamless Summer Option (SSO) meals and snacks at the applicable Summer Food Service Program (SFSP) reimbursement rates in school year 2021-2022. This waiver recognizes the increased cost of providing Child Nutrition Programs meals in the public health emergency, and supports efforts to serve meals in a safe and accessible manner that minimizes potential exposure to the novel coronavirus (COVID-19).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under the National School Lunch Act, 42 U.S.C.1761(b)(1)(C), school food authorities operating SSO are reimbursed for meals and snacks at rates in accordance with those of the National School Lunch Program and School Breakfast Program. SSO meals and snacks are excluded from using the SFSP reimbursement rates. However, FNS recognizes that school food authorities have incurred significant costs during COVID-19 operations, and need additional support and flexibility to continue serving meals to children while maintaining appropriate safety measures in school year 2021-2022.

Allowing school food authorities to claim SSO meals and snacks at the SFSP reimbursement rates will provide additional funding to offset the costs associated with providing a safe meal service. School food authorities have reported increased operational costs during the pandemic, including hazard pay, personal protective equipment, meal delivery costs, and packaging costs for individually wrapped, grab-and-go meals. These costs have been necessary to protect the health and safety of students, families, and school food service professionals. Many of these costs will remain in place as students return to the classroom, and school food service professionals work to provide nutritious meals in a safe and accessible manner in the new school year.

Therefore, pursuant to the waiver authority cited above, FNS waives, for all States, the requirement at 42 U.S.C. 1761(b)(1)(C) that reimbursements for SSO meals and snacks shall not be paid at the SFSP reimbursement rates. For school year 2021-2022, FNS establishes the payment rates for SSO meals and snacks at the level of reimbursement paid for SFSP meals and snacks, in accordance with the provisions of 42 U.S.C. 1761(b)(1)(A) and (B) of the National School Lunch Act. This waiver is effective July 1, 2021, and remains in effect through June 30, 2022.

Consistent with Section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. State agencies must elect to be subject to this waiver in order to use it. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform school food authorities of the flexibilities provided by this waiver as quickly as possible,¹ and work in partnership with school food authorities to provide meals to all participants in a safe and accessible manner.

¹ The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

As required by Section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State elected to receive the waiver.² The report must include:

- A summary of the use of this waiver by the State agency and school food authorities, and
- A description of whether and how this waiver resulted in improved services to program participants.

FNS appreciates the exceptional effort of State agencies and local program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.



Jessica Saracino
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² FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.