

**April  
2021**

**Edition No. 69  
4.24.2021**

# POLICY UPDATE



## **9.11.2020 USDA Publishes SFSP Reimbursement Waiver and Q&A on SFSP/SSO**

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) published two new documents. First, the 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 \(SFSP\)](#)." This waiver allows SFSP operators to forgo the requirement that 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. This waiver expires on December 31, 2020. Second, [Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020](#). This memorandum includes questions and answers intended to provide clarification to State Agencies and program operators on issues related to recently published waivers for SFSP and SSO during the COVID-19 pandemic.

## **9.15.2020 Clarification on NSLP/SBP Meal Pattern Rules for SY 2020-21**

SNA continues to receive inquiries regarding meal pattern requirements for school meal programs operating the National School Lunch and Breakfast Programs (NSLP/SBP). In April 2020, [a federal district court ruling](#) struck down USDA's [2018 final rule, Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements](#). The ruling eliminated NSLP/SBP meal pattern flexibilities, reverting back to the 2012 meal patterns for grades K-12, which required flavored milk to be fat free; all grains to be whole-grain rich; and school lunches and breakfasts to meet sodium target 2.

However, USDA's [COVID-19: Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs](#) waived for all states the requirement to serve meals that meet the meal patterns during school year 2020-21. USDA is allowing school meal programs to use this meal pattern flexibility if they cannot meet the 2012 meal pattern requirements. In the August 21, 2020 FNS document, [Questions and Answers for the Child Nutrition Programs during School Year 2020-2021 – #5](#), FNS addresses the issue on pages 5 and 6. School nutrition professionals operating NSLP/SBP should contact their State Agencies for more information on the waiver process.

## **9.21.2020 SNA Joins Allied Groups on Letter to USDA**

SNA, along with almost 1,400 national, state, and local organizations signed a formal letter to the U.S. Department of Agriculture. This letter requests that USDA issue additional child nutrition waivers to support access and program operations through the 2020-2021 school year. [Read the full letter](#).

## **9.22.2020 FNS Response to SNA's Comments on School Meals Operations Study**

In July of 2020, [SNA submitted comments on the notice, "Agency Information Collection Activities: School Meals Operations Study: Evaluation of the School-Based Child Nutrition Programs"](#). This week, the Food and Nutrition Service (FNS) provided its response that acknowledges the significant impact of COVID-19 on school nutrition

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operations. FNS states that it will use a web survey to collect data at the state level this year. The survey provides data for FNS to assess how each waiver was implemented at the state and local levels. The previously planned survey with school food authority (SFA) directors has been canceled for the 2020-2021 school year. [Read the full letter.](#)

### **9.23.2020 SNA Applauds House Vote to Extend Critical Waivers**

SNA is praising the House of Representatives' recent vote to extend critical school meal program waivers through the end of the 2020-21 school year while urging for rapid Senate approval and immediate action from the U.S. Department of Agriculture (USDA) to implement the waiver extensions. Late on September 22nd, the House passed a Continuing Resolution to include language allowing USDA to extend all Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) waivers through the end of the school year. [Read the full press release.](#)

### **9.23.2020 SNA Member Addresses Congressional Committee on Education and Labor**

SNA member Angela Richey, MPH, RD, SNS, addressed members of the House Subcommittee on Civil Rights and Human Services of the Committee on Education and Labor during a briefing entitled, "America's Child Hunger Crisis: Examining the Urgent Need for Federal Action." Richey serves as the Nutrition Services Director for Roseville Area and St. Anthony/New Brighton Schools in Minnesota. During the briefing, she provided an overview of the many challenges school nutrition professionals face as they continue to serve students during the pandemic. She stressed how critical child nutrition program waivers have been to meal program operations this year and thanked the House for the [recent vote to extend the waivers](#) through the end of SY 2020-21. [Read the full story.](#)

### **9.29.2020 Federal Register: Information Collection for the Child Nutrition Database**

The USDA published the [Federal Register notice](#), "Agency Information Collection Activities: Proposed Collection; Comment Request-Child Nutrition (CN) Database." This notice is for a voluntary submission of data, including nutrient data from the food industry, to update and expand the CN Database. The CN Database is a USDA-approved software that allows schools that participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to analyze meals and measure compliance with USDA nutrition standards. Comments for this collection are due November 30, 2020.

### **9.30.2020 U.S. Senate Passes Funding and Extends USDA Authority to Grant Waivers**

The U.S. Senate passed [H.R. 8337](#), Continuing Appropriations Act of 2021, a short-term funding bill that provides \$1.4 trillion in continuing FY2021 appropriations for Federal agencies through December 11, 2020. This bill also extends the U.S. Department of Agriculture's (USDA) authority to issue and extend nationwide child nutrition waivers until September 20, 2021. USDA's authority was first granted back in March under the [Families First Coronavirus Response Act](#). President Trump has now signed the bill into law.

### **10.1.2020 U.S. House Passes Updated HEROES Act**

The U.S. House of Representatives passed an updated HEROES Act. Among other provisions, the bill provides "as much funding as necessary" for school meal programs, provides increased flexibility for the Fresh Fruit and Vegetable Program (FFVP) in low-income communities, ensures that commodity allocations and other child nutrition program calculations are held harmless during months severely impacted by COVID-19, and requires the Secretary of Agriculture to make waiver applications, approvals and denials public in a timely manner. [Read a summary of the bill.](#)

### **10.9.2020 USDA Extends SFSP/SSO Waivers through SY 2020-21**

U.S. Secretary of Agriculture Sonny Perdue announced the extension of all Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) waivers, allowing schools to offer meals to all children at no charge through the end of the 2020-21 school year. [View USDA's guidance on the waiver extensions.](#)

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[USDA's press release](#) included a quote from SNA President Reggie Ross, SNS. SNA has [consistently advocated](#) for these critical waivers to ensure school meal programs have the flexibility to adapt meal service in the event of unanticipated school closures or changes in learning models during the pandemic. This announcement comes after the passage of the [Continuing Resolution by Congress](#), granting authority and funding to extend school meal waivers. These waivers also permit schools to allow parents to collect multiple days' worth of grab-and-go meals at curbside pick-up locations, so distance learners can safely and conveniently access meals for the week. [Read SNA's press release](#).

### **10.27.2020 USDA Responds to SNA Comments on COVID-19 Information Collection**

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) responded to [SNA's comments](#) on its COVID-19 information collection. The purpose of this [Federal Register notice](#) was to gather information related to waivers and other flexibilities provided through the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Acts. In its response, USDA emphasized its efforts to limit information collection and reduce its partners' burden. USDA thanked SNA for recognizing these efforts and for the continued partnership in serving America's children.

### **11.2.2020 USDA Publishes Updated Q&A for SFSP and SSO Extended Waivers for SY 2020-21**

The Food and Nutrition Service (FNS) published "[Questions and Answers Relating to the Nationwide Waiver to Allow SFSP and Seamless Summer Option Operations through SY 2020-21 – Q&As #3](#)." This memorandum includes updated questions and answers intended to provide clarification to state agencies and program operators on issues [related to recently published waivers](#) for SFSP and SSO during the COVID-19 pandemic.

### **11.25.2020 USDA Issues Proposed Rule to Restore School Meal Flexibilities**

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) released [proposed regulations](#) to restore flexibilities for milk, whole grain, and sodium requirements in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). This [proposed rule](#) maintains Target 1 sodium limits through the 2023-24 School Year (SY), states that Target 2 limits take effect in SY 2024-25, and the final target is eliminated. It also requires half of all grains served under NSLP/SBP to be whole grain-rich and allows the service of low-fat flavored milk.

USDA issued the proposed regulations following the April 13, 2020 [federal district court ruling](#) that vacated the 2018 Final Rule Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements due to procedural issues. [SNA urged USDA to restore the flexibilities](#) to ease the burden on school meal programs.

### **12.10.2020 USDA FNS Summer Food Service Program Monitoring Waiver**

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) posted the [SFSP Monitoring Waiver](#). It waves the requirement that each state agency shall annually review sponsors whose program reimbursements, in aggregate, account for at least one-half of the total program reimbursements in the state in the previous year.

### **12.17.2020 Federal Register: School Food Purchase Study IV**

The Food and Nutrition Service (FNS) published the [notice](#), "[Submission for OMB Review; Comment Request](#)." This collection invites the public and related agencies to provide comments regarding the data surrounding national estimates of food acquisitions for food purchases and USDA Foods made by School Food Authorities (SFAs) that participate in school nutrition programs. All written comments must be received by January 19, 2021.

*Questions or comments?*

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### **12.18.2020 Federal Register: Special Nutrition Programs Survey**

FNS published the [notice](#), "Agency Information Collection Activities: Proposed Collection; Comment Request- Generic Clearance for the Special Nutrition Programs Quick Response Surveys." This comment collection is to conduct short, quick-turnaround surveys of State and local agencies that provide food, education and other services in the Child Nutrition and Supplemental Nutrition and Safety Programs administered by FNS. All written comments must be received by February 16, 2021.

### **12.22.2020 SNA Joins Allied Letter in Support of Universal School Meals**

SNA, along with 64 other organizations, including the Academy of Nutrition and Dietetics and Hunger Free America, signed on to an allied letter by the Food Research & Action Center (FRAC) addressed to President-Elect Biden. This letter urges his administration and the 117th Congress to take every administrative step possible to establish Universal School Meals. Universal Meals would ensure that every child in the U.S. has access to nutritious breakfast and lunch at school to help support their academic success. [Read the full letter.](#)

### **12.22.2020 Congress Passes School Meal Program Relief Funds**

Congress passed, and President Trump signed into law a [stimulus package](#) to provide relief to those affected by COVID-19. This stimulus bill distributes emergency relief funds to school meal programs based on a formula that takes into account the level of reimbursement a program received in 2019 and the reimbursement received during the pandemic. [Read SNA's full press release.](#)

### **12.29.2020 HHS/USDA Publish Dietary Guidelines for 2020-2025**

USDA and Health and Human Services (HHS) published the [2020-2025 Dietary Guidelines](#). These guidelines provide science-based recommendations designed to foster healthy dietary patterns for all Americans—this edition also includes infants and toddlers. The guidelines also emphasized several Federal nutrition programs like the National School Lunch Program and School Breakfast Program as examples of a healthy dietary pattern.

### **12.31.2020 Federal Register: SFSP 2021 Reimbursement Rates**

USDA's Food and Nutrition Service (FNS) published the notice, "[Summer Food Service Program; 2021 Reimbursement Rates.](#)" This notice announces the annual adjustments to School Year (SY) 2020-21 reimbursement rates for the Summer Food Service Program (SFSP). The reimbursement for breakfast has been raised to \$2.46, an increase of 8.75 cents from the previous reimbursement rate. The lunch reimbursement is now \$4.25 (16.25 cent increase), and snack has increased to 99.75 cents (4.25 cent increase). These adjusted rates will be in effect from January 1, 2021, through December 31, 2021.

### **1.6.2021 USDA Extends Nationwide Waiver on Food Service Contract Duration for SFAs**

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) extended the [nationwide waiver](#) "Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program-EXTENSION." This extension permits School Food Authorities (SFAs), and Summer Food Service Program (SFSP) sponsors to extend existing food service management company (FSMC) contracts through SY 2021-2022 or June 30, 2022.

### **1.11.2021 SNA Submits Comments on School Food Purchase Study**

SNA submitted its comments on the [Federal Register notice](#), "Comment Request related to the Food and Nutrition Service School Food Purchase Study IV." In these comments, SNA outlines the struggles that School Food Authorities (SFA's) face with the current food supply chain and food availability during the pandemic. In addition, SNA requests useful suggestions on successful purchasing techniques to assist SFAs. [Read SNA's full comments.](#)

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### **1.25.2021 President Biden Signs Buy American Executive Order**

President Biden signed an [Executive Order](#) to update and strengthen Buy American requirements across the federal government agencies. The White House released a [fact sheet](#) specifying that the order directs Federal agencies to close loopholes in existing Buy American rules, appoints a Director of Made-in-America to oversee implementation of the Executive Order, and increases oversight of waivers to domestic preference laws, among other provisions. Read the [full story](#).

### **2.2.2021 White House Publishes Fact Sheet Addressing Public Charge Rule**

The White House published a [fact sheet](#) outlining President Biden's next steps toward reforming current immigration policies. Specifically, it states that President Biden has rescinded the previous administration's memorandum requiring sponsors to repay the government if relatives receive public benefits. It also instructs federal agencies to review the [Final Public Charge Rule](#) and other related policies. In [previous comments](#), SNA has expressed concern that the change "will result in children going hungry during the school day, even though they are legally authorized and eligible to receive free or reduced priced school meals."

### **3.3.2021 DOE Secretary Publishes Letter on Reopening Schools**

The U.S. Department of Education (DOE) Secretary Miguel Cardona published a letter outlining his and the Administration's determination to reopen schools. In the letter, he outlines the essential role schools play in students' health and welfare. Also, Secretary Cardona outlines his commitment to expanding access to education and afterschool programs. [Read the full letter](#).

### **3.9.2021 USDA Announces the Extension of SFSP and SSO Waivers**

During SNA's Legislative Action Conference, the U.S. Secretary of Agriculture Tom Vilsack [announced](#) the extension of crucial COVID-19 Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) waivers through September 30, 2021. These waivers include: [Meal Pattern Flexibilities](#), [First Week Site Visits for SFSP](#), [Non-Congregate Feeding](#), [Offer Versus Serve Flexibilities](#), [Meal Service Time Restrictions](#), [Parents/Guardians Meal Pick Up](#) and [Area Eligibility for Closed Enrolled Sites](#). Sec. Vilsack indicated a decision on SY 2021/22 waivers would be made in April. SNA is urging USDA to extend waivers through the end of SY 2021/21. [Read SNA's full press release](#).

### **3.25.2021 U.S. Senate Committee on Agriculture Holds Hearing for CNR**

The U.S. Senate Committee on Agriculture, Nutrition, and Forestry held a [hearing](#) on "Child Nutrition Reauthorization: Healthy Meals and Healthy Futures." Chairwoman Stabenow (D-MI) and Ranking Member Boozman (R-AR) called upon several witnesses, including SNA Public Policy and Legislation Committee members, Jessica Gould, RD, SNS, the Director of Nutrition Services at Littleton Public Schools in Colorado, and Diane Golzynski, Ph.D., RDN, the Director for the Office of Health and Nutrition Services for Michigan's Department of Education. During their testimony, Dr. Golzynski and Jessica Gould outlined the importance of a strong safety net such as school meal programs and the critical need for meal pattern flexibility. [Read the full story and witness testimony](#).

### **3.31.2021 GAO Publishes Report Revealing Stark Impacts on School Meal Programs**

The U.S. Government Accountability Office (GAO) published the [report](#) "COVID-19: Sustained Federal Action Is Crucial as Pandemic Enters Its Second Year." This report illustrates the [overall decrease](#) in the number of meals served through child nutrition programs due to school closures, outlining operators' financial issues and increasing food insecurity among children. However, the number of children still participating in these programs during the pandemic is currently unknown as some families may be accessing nutrition assistance through other programs. This report echoes the financial strains and decline in program participation in [SNA's Report on Reimbursement and Meals Served in 2020](#).

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#### **4.1.2021 USDA Issues Waiver to Streamline SFSP Application Process**

The U.S. Department of Agriculture (USDA) issued the [waiver](#) "*Nationwide Waiver to Allow Sponsors that Successfully Participated in the SFSP in FY 2019 to Operate as Experienced Sponsors in FY 2021.*" This [waiver](#) allows state agencies to use a streamlined application process for sponsors that did not operate the Summer Food Service Program (SFSP) in Fiscal Year (FY) 2020 due to COVID-19 but did in FY 2019.

#### **4.14.2021 USDA Secretary Vilsack Testifies Before House Appropriations Subcommittee on 2022 Budget**

The U.S. Department of Agriculture (USDA) Secretary Tom Vilsack [testified before the House Appropriation's Subcommittee](#) on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. The hearing covered USDA's priorities for the Fiscal Year 2022. In his testimony, Secretary Vilsack stated that he expects to announce waivers soon and reaffirmed his commitment to "working with school nutrition professionals."

#### **4.20.2021 Extension of COVID-19 Nationwide Waivers for 2021-2022 School Year**

U.S. Agriculture Secretary Tom Vilsack [announced the extension](#) of critical COVID-19 waivers for school nutrition programs so that students can continue to safely receive free school meals for the 2021-2022 School Year. Under the waivers, school nutrition programs can maintain grab-and-go meal options, protect students' and staff health through pandemic safety measures, and continue curbside meal pick-up services for distance learners as needed. The waivers also allow schools to continue receiving the higher per-meal reimbursement rate offered under the Summer Food Service Program. Read [SNA's press release](#).

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