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State Superintendent of Schools

MEMORANDUM

TO: SM 25-20, SFSP 08-20

FROM: *RZ* Robin Ziegler, Director
Office of School and Community Nutrition

DATE: March 20, 2020

SUBJECT: Child Nutrition Program Meal Service during COVID-19 Outbreaks:
Summer Food Service (SFSP) Meal Delivery Guidance with
Questions and Answers

This memorandum provides information on delivering reimbursable meals to children during school closures related to the novel coronavirus disease (COVID-19). The Richard B. Russell National School Lunch Act (NSLA) authorizes the provision of Summer Food Service Program (SFSP) meal service to children during unanticipated school closures.

Based on the circumstances of the COVID-19 public health emergency, United States Department of Agriculture (USDA) has provided additional flexibilities to address the loss of meals served to children participating in National School Lunch Program (NSLP) and School Breakfast Program (SBP) while local education agencies (LEAs) are closed.

LEA's that have submitted 2020 SFSP applications and have been approved to serve meals through the SFSP meal service during this time, and have specific questions regarding meal service delivery, should refer to the attached document: *USDA's COVID-19 Summer Food Service (SFSP) and Seamless Summer Option (SSO) Meal Delivery Using Existing Authority*.

LEA's serving or planning meals through the SFSP during this unanticipated school closure should update and submit all applicable 2020 SFSP applications in MARS as soon as possible.

Agencies should disseminate this information to appropriate personnel. If you have questions or comments concerning the information in this memorandum, contact your Program Specialist by email.

RZ/lf
Attachment

Attachment

COVID-19 Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Meal Delivery Using Existing Authority

Question and Answer

1. Can schools that have been approved for non-congregate feeding through SFSP or SSO deliver meals directly to students' homes?

Yes. If the School Food Authority (SFA) determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with State agency approval, adherence to all federal confidentiality requirements, and with all necessary Federal waiver approvals (including an approval for non-congregate feeding). Delivery could be completed by mail or delivery service, or hand-delivered by school staff, volunteers, community organizations, or others. This option is only available to SFA sponsors of school sites due to student confidentiality and logistical requirements. Schools electing to deliver meals may serve only children who are in area eligible locations or who are eligible for free or reduced price meals, as discussed in question 3. Depending on the distribution approach, the State agency may need to request and be approved for a waiver from USDA for time restrictions for meal service under regulations at 7 CFR 225.16(c)(1) and (2), as discussed in question 5. In addition, requirements to establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA's delivery plan with designated times for distribution, when approved by the State agency, would fulfill the requirements to establish meal service times.

2. What funding is available for meal delivery?

There is no additional reimbursement for home delivery or mobile meals delivery, but related expenses, such as postage or delivery service fees, would be considered an allowable cost under the SFSP or SSO. Delivery costs could also be paid with non-program funds such as State or local funds, or private donations.

3. Who is eligible to receive home-delivered meals under SFSP and SSO?

Schools operating an open SFSP or SSO site in an area eligible location may deliver meals to all children in their eligible area. Schools operating a closed-enrolled site may enroll children who are certified as eligible for free or reduced price meals, and deliver meals only to the enrolled, eligible children. It is the responsibility of the school to confirm the eligibility of each participating child. All children attending Provision 2, Provision 3, or Community Eligibility Provision (CEP) schools are considered eligible for delivered meals.

4. What are the requirements for initiating home meal delivery for a household?

Schools must first obtain written consent from households of eligible children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, schools should

confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

It is critical that schools protect the confidentiality of students and their households throughout this process. The National School Lunch Act (NSLA) and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of household contact information for children without first obtaining the written consent of the child's parent or guardian. The school must be the entity that makes the first contact about meal delivery with the households of eligible children, and must notify the household if contact information will be shared with an external organization, for example, a local non-profit that will provide meal delivery. Once the school receives written consent from the parent or guardian to release contact information, the schools may share the information with other organizations involved with meal delivery. If the school is using a private vendor, then under the regulations implementing the NSLA, they must have a memorandum of understanding (MOU) with the vendor concerning the confidentiality requirements. The MOU should include information such as what will be disclosed, how the information will be used, how the information will be protected from unauthorized uses and disclosures, and penalties for unauthorized disclosure. For further requirements, see 7 CFR 225.15(k)(1)-(2). The school must ensure data is handled appropriately at all times and by all organizations involved with meal delivery to safeguard household confidentiality.

5. How many home-delivered meals per child may be delivered at once?

The maximum number of meals that may be offered each child remains the same as under SFSP or SSO: up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper. The State agency may approve a distribution approach that includes meals for multiple days, up to one week at a time. The State agency should consider the expected duration of the school closure and the capacity of the SFA to execute such an approach effectively, including meeting State or local food safety requirements. In order to approve an alternative distribution approach, the State agency must request and be approved for a waiver from USDA for time restrictions for meal service, under regulations at 7 CFR 225.16(c)(1) and (2). In addition, requirements to establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA's delivery plan with designated times for distribution, when approved by the State agency, would fulfill the requirements to establish meal service times.

6. Do home-delivered meals need to be shelf-stable?

No. The type of meal offered will depend on the resources and capacity of the site. Those that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so. Home-delivered meals still have to meet all meal pattern requirements of the SFSP or SSO.

7. Does the child need to be present for home meal delivery?

No. As long as the school has obtained the household's written consent to deliver meals and has verified the current address, the student does not need to be present at the time of delivery. If the meals are shelf-stable, no one need be present, as long as the address has been verified. Please consider state and local food safety requirements and best practices.

8. If a household has children in multiple schools, can the schools coordinate to provide one home delivery for all children in the household?

Yes. To the extent feasible, SFAs or schools are encouraged to coordinate their deliveries to make best use of their resources.

Meals Offered during Distance Learning

9. What options do schools have if the school facilities are closed but they continue to offer online learning?

If school buildings are closed unexpectedly during the school year due to reasons provided in 42 U.S.C. 1761(c)(1), USDA considers this an unanticipated school closure. Even if virtual learning is provided, if the building is closed and students cannot attend their physical school location for classes, SFAs and community organizations (COs) may operate SFSP and SSO programs as permitted under program requirements. SFSP and SSO open sites must meet area eligibility criteria, i.e., be located in an area where at least 50 percent of the children are low income. For sites that are not area eligible, the SFA or CO may operate a closed-enrolled site, basing the site eligibility on the percentage of enrolled children being eligible for free and reduced price meals.

If an SFA is considering school to be in session and wishes to continue offering National School Lunch Program (NSLP) and School Breakfast Program (SBP) during such building closures, the SFA may request an NSLP and SBP waiver of section 4(b) of the NSLA, which would allow schools to offer non-congregate meals when school buildings are closed, but children continue to attend classes online. In this situation, schools would continue to claim and be reimbursed for meals based on the eligibility status of the individual student. All other NSLP and SBP requirements would apply; waiver and exception requests would be considered.

For example, depending on the distribution approach, the State agency may need to request and be approved for a waiver from USDA for time restrictions for meal service under regulations at 7 CFR 225.16(c)(1) and (2), as discussed in question 5. In addition, requirements to establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA's delivery plan with designated times for distribution, when approved by the State agency, would fulfill the requirements to establish meal service times.

Meals Served During Scheduled School Breaks

10. If a scheduled spring break was postponed or cancelled due to COVID-19, may meals served while schools were closed be claimed under SFSP/SSO, provided the school had an approved unanticipated school closure waiver?

Yes, in the case of school closures due to COVID-19, FNS can allow SFSP/SSO sponsors to claim Federal reimbursement for meals served during scheduled spring breaks that were cancelled or postponed due to the unforeseen public health emergency.