



Food and  
Nutrition  
Service

DATE: April 20, 2021

CODE: COVID-19: Child Nutrition Response #85

Braddock  
Metro Center

SUBJECT: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022

1320  
Braddock  
Place  
Alexandria  
VA 22314

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 20, 2021
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This waiver allows the National School Lunch Program Seamless Summer Option to operate when school is open during the regular school year through June 30, 2022. (2) This waiver applies to State agencies administrating, 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(a)(8).
<b>Disclaimer:</b>	<b>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), unless otherwise provided.</b>

Pursuant to the authority in 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 based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a waiver to allow the National School Lunch Program Seamless Summer Option (SSO) to operate when school is open during the regular school year, through June 30, 2022. This waiver is expected to support access to nutritious meals while minimizing 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(a)(8), school food authorities may provide “summer or school vacation food service” through the SSO; the statute does not allow school food authorities to provide SSO meals when schools are open during the regular school year. However, FNS recognizes that State agencies and school food authorities need additional support and flexibility to continue serving meals to children while maintaining appropriate safety measures and managing the impacts of COVID-19. This will be especially important during school year 2021-2022 when communities are reopening but school children are not yet vaccinated; social distancing will be particularly important while communities balance reopening schools and safety for students.

Allowing school food authorities to participate under SSO during COVID-19 operations during the regular school year facilitates the safe provision of meals by eliminating the need to collect meal payments, including cash payments, at meal sites. This speeds up service of meals, thereby reducing contact and potential exposure to COVID-19. It also facilitates implementation of Centers for Disease Control and Prevention recommendations for safe school meal service, which include serving meals outdoors or in classrooms. Schools may not have access to electronic systems typically used to determine eligibility and collect payment when meals are served outside the cafeteria. Instead of spending time confirming each student’s enrollment and eligibility status at a central point-of-service, this waiver gives school food service professionals greater flexibility to distribute meals at a variety of safe meal sites that serve a smaller number of children.

Therefore, pursuant to the waiver authority cited above, FNS waives, for all States, the requirement at 42 U.S.C. 1761(a)(8) that limits SSO operations to “summer or school vacation” periods. FNS is allowing SSO operations to continue when school is open during the regular school year, effective July 1, 2021, through June 30, 2022. This flexibility is available to all school food authorities in States that opt to participate under this waiver, and may be used at any school, regardless of its location or the type of SSO site it is operating. This waiver is intended to benefit all school food authorities that elect to use it, so that every school has the ability to provide a safe and efficient meal service in the school year 2021-2022.

Consistent with Section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. 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,<sup>1</sup> and work in partnership with school food authorities to provide meals to all participants in a safe and accessible

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

manner. Under this waiver, school food authorities may choose to serve meals through the SSO, or may opt to participate under the school meal programs. This waiver does not require school food authorities to participate under SSO in school year 2021-2022. Because this is a new approval, rather than an extension of last school year's waiver, State agencies must elect to be subject to the school year 2021-2022 SSO operations waiver in order to use it.

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.<sup>2</sup> 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.

**Original Signed**

Angela M. Kline  
Director  
Policy and Program Development Division

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<sup>2</sup> 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.