

# **Summer 2022 and SY 2022-23 Child Nutrition Programs 12(l) Waiver:**

## **USDA Approved Waivers:**

**The waivers in this section apply to SFSP and SSO for summer 2022.** However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- ◆ Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (May 1, 2022-September 30, 2022)
- ◆ Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)] (May 1, 2022-September 30, 2022)

**National School Lunch Program (NSLP) and School Breakfast Program (SBP):** The following waivers are intended to provide needed flexibility to support school food authorities (SFAs). FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- ◆ Waiver 3: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 5: Meal Service Times [7 CFR 210.10(l) and 220.8(l)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 6: Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)] (July 1, 2022 – June 30, 2023)

**School Year Administration (NSLP/SBP/SFSP):** The following waivers allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

- ◆ Waiver 7: Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 8: Food Service Management Company (FSMC) contract duration [7 CFR 210.16(d), 7 CFR 225.16(h)(7)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 9: Administrative Review Onsite Requirements [7 CFR 210.18] (End of PHE\*\* – June 30, 2023)

- 1 • Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)] (End of PHE\*\* – June 30, 2023)

- Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)] (End of PHE\*\* – June 30, 2023)
- Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)] (End of PHE\*\* – June 30, 2023)

**Reporting Requirements (NSLP):** The following waivers allow State and local Program operators to appropriately allocate their limited staffing resources to meal service to best ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.

- ◆ Waiver 10: FNS-874 Second (Independent) Review of Applications [42 U.S.C. 1796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 11: FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)] (July 1, 2022 – June 30, 2023)

**Child and Adult Care Food Program (CACFP):** The waivers in this section apply to CACFP. FNS expects that operational flexibilities under these waivers will only be implemented by Program operators when congregation is limited by the COVID-19 pandemic. FNS expects that monitoring flexibilities will only be implemented when pandemic conditions interfere with the ability of State agencies and sponsoring organizations to conduct reviews onsite.

- ◆ Waiver 20: Non-Congregate Meal Service [42 U.S.C 1753(b)(1)(A) and 7 CFR 226.19(b)(6)(iii)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 21: Parent/Guardian Meal Pick-Up [7 CFR 226.2] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 22: Meal Service Times [7 CFR 226.20(k)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 23: State Agency Onsite Monitoring Visits [7 CFR 226.6(b)(1) and 226.6(m)(6)] (End of PHE\*\* – June 30, 2023)
- ◆ Waiver 24: Sponsoring Organization Onsite Monitoring Visits [7 CFR 226.16(d)(4)(iii)] (End of PHE\*\* – June 30, 2023)

**Additional Flexibilities (NSLP/SBP):** The following waivers provide needed flexibility and allow State and local Program operators to overcome challenges resulting from COVID-19. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

- ◆ Waiver 25: Paid Lunch Equity [42 U.S.C. 1760(p)(2) and 7 CFR 210.14(e)] (July 1, 2022 – June 30, 2023)
- ◆ Waiver 26: Use of Prior Year Eligibility Determinations for School Year 2022-2023 Carryover [42 U.S.C. 1758(b)(C) and 7 CFR 245.6(c)(2)] (July 1, 2022- June 30, 2023)

\*\* Current nationwide waivers of onsite monitoring for NSLP, SBP, and CACFP remain in effect until 30 days after the end of the Public Health Emergency (PHE). The end of the PHE will be declared by the U.S. Department of Health and Human Services.