



Food and
Nutrition
Service

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DATE: February 19, 2021

MEMO CODE: SP 07-2021

SUBJECT: Department of Education Guidance on Implementation of Child Nutrition Program Waivers¹

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:	Department of Education Guidance on Implementation of Child Nutrition Program Waivers
Document ID:	
Z-RIN:	
Date of Issuance:	
Replaces:	N/A
Summary:	(1) This memorandum provides guidance developed by the Department of Education that explains requirements and options for data collection for certain Elementary and Secondary Education Act (ESEA) Programs such as Title I, Part A, that may ordinarily rely on data from NSLP applications that were not collected during the 2020-2021 school year as part of implementing a Nationwide Waiver from USDA. (2) This memorandum applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, National School Lunch Program Seamless Summer Option, Summer Food Service Program, and Child and Adult Care Food Program in SY 2020-2021. (3) This document relates to 7 CFR Parts 210, 220, 225, and 226.
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

On January 4, 2021, the U.S. Department of Education (ED) released the attached fact sheet that outlines options and clarification for State educational agencies (SEAs) and

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memo as not major, as defined by 5 U.S.C. § 804(2).

Regional Directors

States Directors

Page 2

local educational agencies (LEAs) to successfully implement programs authorized under the Elementary and Secondary Education Act of 1965 (ESEA) while operating under Child Nutrition Programs (CNP) waiver flexibilities during the COVID-19 pandemic. The fact sheet outlines ESEA requirements and highlights options for collecting data for the various ESEA programs, when National School Lunch Program (NSLP) data for school year (SY) 2020-2021 is not readily available. SEAs and LEAs often choose to use NSLP data to carry out activities under the following ESEA programs:

- Title I, Part A – Improving Basic Programs Operated by LEAs
- Title II, Part A – Supporting Effective Instruction
- Title V, Part B – Rural and Low-Income School Program

The fact sheet also highlights CNP waivers related to the at-risk afterschool meals component of the Child and Adult Care Food Program (CACFP). Many participants in the Nita M. Lowey 21st Century Community Learning Centers, which are administered by ED, also participate in CACFP.

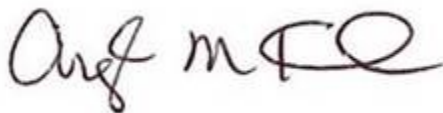
This fact sheet provides important information to assist program operators as they work to provide equitable access to school meals and other vital services for our most vulnerable student populations. The ED fact sheet can be found at the following website link:

<https://oese.ed.gov/files/2021/01/Fact-sheet-on-USDA-meals-waivers-Jan-2021.pdf>

Resources and flexibilities that FNS has provided to State agencies and program operators in response to COVID-19 can be found at the following website link:

<https://www.fns.usda.gov/disaster/pandemic/covid-19>.

FNS appreciates the exceptional effort of State agencies and local program operators working to meet the nutritional needs of child and adult participants during a challenging time. State agencies are reminded to distribute this memorandum and attachment to program operators immediately. Program operators should direct any questions concerning this guidance to their state agency. State agencies with questions should contact the appropriate FNS Regional office.



Angela M. Kline

Director

Policy & Program Development Division

Attachment