



Food and Nutrition Service

DATE: September 29, 2021

MEMO CODE: SP 22-2021, CACFP 17-2021, SFSP 10-2021

Braddock Metro Center
1320 Braddock Place
Alexandria VA 22314

SUBJECT: Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022, Q&A #2

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:	Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022, Q&A #2
Document ID:	
Z-RIN:	
Date of Issuance:	September 29, 2021
Replaces:	N/A
Summary:	(1) This memorandum provides clarification on questions related to Child Nutrition Program operations during school year 2021-2022. (2) This memorandum applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and the National School Lunch Program Seamless Summer Option. (3) This document relates to 7 CFR Parts 210, 220, and 226.

This memorandum includes questions and answers intended to provide clarification to State agencies and Program operators as they operate the Child Nutrition Programs, including the National School Lunch Program (NSLP), School Breakfast Program, NSLP Seamless Summer Option, and Child and Adult Care Food Program, during school year (SY) 2021-2022.

Pursuant to 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) has issued several nationwide waivers and flexibilities to support a successful reopening of schools and childcare in SY 2021-2022. The waivers include:

- Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022
- Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022
- Nationwide Waiver to Allow Non-Congregate Meal Service for School Year 2021-2022
- Nationwide Waiver of Meal Time Requirements for School Year 2021-2022
- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022
- Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022
- Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022
- Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in School Year 2021-2022
- Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022
- Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 3
- Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3
- Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION
- Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the National School Lunch and School Breakfast Programs
- Nationwide Waiver to Provide Flexibility for School Meal Programs Administrative Reviews of School Food Authorities Operating Only the Seamless Summer Option in School Year (SY) 2021-2022

Child Nutrition Program Nationwide Waivers for SY 2021-2022 may be found at:
<https://www.fns.usda.gov/disaster/pandemic/cn-2021-22-waivers-and-flexibilities>.

FNS appreciates the exceptional efforts of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during this challenging time. State agencies are reminded to distribute this memorandum 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.

Original Signed

Angela M. Kline
Director
Policy and Program Development Division

GENERAL

- 1. What is the process for State agency reporting of the required information for each nationwide waiver that is due to the Secretary not later than 1 year after the date the State received the waiver?**

FNS is using the School Meals Operations (SMO) Study (OMB control number 0584-0607) to collect information needed to meet the Families First Coronavirus Response Act's (FFCRA) waiver reporting requirements. The study, which collected the required reporting on the first set of nationwide waivers in spring 2021, will collect survey data on the remaining school year (SY) 2020-2021 nationwide waivers in fall 2021 and survey data on the new SY 2021-2022 nationwide waivers in summer 2022. Each SMO collection includes a survey component and a disaggregated administrative data pull (at the site or sponsor level) from the FNS-10, FNS-418, and FNS-44 forms. The administrative data pulls will take place in March 2022 and 2023 covering fiscal years 2021 and 2022, respectively. Participation in each SMO study is required to meet States' reporting requirements associated with the nationwide waivers approved under FFCRA. The SMO surveys may ask State agencies to report data for each waiver, such as the number of local program operators that used the waiver, program changes resulting from waiver use, and how the waiver improved services to children. FNS encourages State agencies to provide accurate responses to the survey questions to the best of their ability.

SCHOOL MEAL PROGRAMS

- 2. Can a State agency mandate that a school food authority (SFA) operate the National School Lunch Program (NSLP) Seamless Summer Option (SSO) in SY 2021-2022?**

No. State agencies cannot mandate that an SFA operate SSO. [Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#) gives SFAs the discretion to *elect* the waiver to operate SSO. The waiver states: "... This waiver is intended to benefit all school food authorities that *elect* to use it ..." Therefore, a State agency may not require the SFA to elect the waiver.

- 3. Does the State agency have to revise the agreement for an SFA that is operating the SSO for the first time for SY 2021-2022?**

No. SFAs participating in SSO for the first time that are currently in good standing in the NSLP, School Breakfast Program (SBP), or Child and Adult Care Food Program (CACFP) [7 CFR 210.9(b), 220.7(e), 226.6(b)(4)] are not required to revise the permanent agreement.¹

¹ The burden associated with SFA agreements and applications with the State agency for Program operations is included in 7 CFR Part 210 National School Lunch Program, OMB Control #0584-0006, expiration date 07/31/2023 for the NSLP and the NSLP's SSO; 7 CFR Part 220 School Breakfast Program, OMB Control #0584-0012,

However, FNS would encourage a State agency to provide guidance on the State's requirement to account for sponsors who are operating SSO and the information contained within their application [7 CFR 225.6(c)(3)(i)(A) – (D)].

4. Do SY 2020-2021 and SY 2021-2022 count as years in the Provision 2 cycle for schools and LEAs that operated the SFSP and/or the SSO during those school years?

Yes. The timeframe of the Provision 2 cycle remains unaffected by participation in SFSP and/or SSO during SY 2020-2021 or SY 2021-2022, as Provision 2 cycles are comprised of 4 *consecutive* school years. Any school in the final year of their Provision 2 cycle may request a 4-year extension of Provision 2 using the claiming percentages calculated during the most recent base year (7 CFR 245.9(c)). To extend Provision 2, schools must establish, through available and approved socioeconomic data from the last year of their Provision 2 cycle, that the income level of the school's population has remained stable, declined, or has had only negligible improvement since the base year. Please visit FNS' Provision 2 Guidance for information regarding what socioeconomic data may be used to request extensions: <https://www.fns.usda.gov/cn/provision-2-guidance-national-school-lunch-and-school-breakfast-programs>.

5. Will the “pause” in eligibility carryover that was put in place in SY 2020-2021 resume whenever a school begins operating the traditional NSLP again and claiming meals based on individual eligibility?

No. The “pause” in eligibility carryover that was referenced in Question #4 in [SP 01-2021, CACFP 01-2021, SFSP 01-2021: Questions and Answers Relating to the Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through School Year 2020-2021 – EXTENSION – Q&As #2, October 14, 2020](#) applied to SY 2020-2021 only. At the time the Q&A was published, it was not clear that the waiver allowing operation of SSO or the Summer Food Service Program (SFSP) would be extended through the end of SY 2020-2021. If schools had been required to return to normal NSLP operation during that school year, schools would have resumed the remainder of the eligibility carryover period. However, the waiver allowing operation of SSO and SFSP was later extended for the full school year and no resumption of the eligibility carryover period was required. FNS plans to address carryover for SY 2022-2023 in future guidance.

6. If schools elect the waiver allowing them to operate SSO during the school year, do the Professional Standards requirements still apply?

Professional Standards training required under 7 CFR 210.30(b)(3), (c), and (d) are not applicable to SFAs that operate SSO during SY 2021-2022 pursuant to [Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#). Although training is not required, school nutrition professionals are

encouraged to complete in-person or online training. Online trainings can be found on the USDA Professional Standards for School Nutrition Professionals website: <https://professionalstandards.fns.usda.gov/>. The Institute of Child Nutrition also offers online trainings for school nutrition professionals through its iLearn Portal at <https://theicn.org/>. FNS encourages State agencies to also provide a minimum of 18 hours of continuing education/training to SFAs that operate SSO, under the regulations at 7 CFR 235.11(g)(4)(i). Additionally, as codified in regulations at 7 CFR 210.30(e)(2), at the discretion of the State agency, training hours may be applied to the school year directly preceding or directly following the date of the training. This is intended to help provide flexibility while ensuring that SFA employees receive a reasonable amount of training each school year. Therefore, any training completed during SY 2021-2022 may be applied to the requirements for SY 2022-2023. Additionally, Professional Standards training required under 7 CFR 235.11(g)(3) and (4) for State agencies is not applicable for SY 2021-2022 for State agencies that have opted into [Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#). Please note that Professional Standards hiring requirements are still applicable. Additional information on Professional Standards can be found on the FNS website at: <https://www.fns.usda.gov/cn/professional-standards>.

7. Do the food safety inspection requirements apply to schools operating SSO in SY 2021-2022?

Yes. The standard food safety inspection requirements apply in SY 2021-2022. The requirement under 7 CFR 210.13(b) is for schools to obtain two food safety inspections each school year, regardless of the meal program provided. Schools are required to obtain two food safety inspections annually from State or local authorities, regardless of the Child Nutrition Program they are operating in SY 2021-2022 [7 CFR 210.13(b) and 7 CFR 220.7(a)(2)].²

8. Will the Site Finder mapping service be updated to show where SSO sites are operating during COVID-19?

Yes. FNS accepted SSO site data submissions throughout SY 2020-2021 and will continue accepting data for SY 2021-2022. The map will be refreshed and published weekly.

9. Can schools participate in SSO in SY 2021-2022 if they have never operated the NSLP or SBP?

Schools that have not previously participated in the NSLP/SBP will need to contact their administering State agency to apply to participate in the NSLP/SBP prior to participating in the SSO for SY 2021-2022.

² The burden associated with local school wellness policy requirements is captured under 7 CFR Part 210 National School Lunch Program, OMB control number 0584-0006, expiration date July 31, 2023, and will be reviewed and revised as necessary in the next revision submitted to OMB for approval.

10. May SFAs operating SSO in SY 2021-2022 serve meals on weekends if they continue to provide educational instruction during the weekend?

Although schools operating SSO during SY 2021-2022 generally may not serve meals on weekends when schools are closed, consistent with supporting a transition back to more traditional school year operations, [FNS Instruction 786-7, Rev 2: Reimbursement for Meals and Milk Served on Weekends](#) allows reimbursement for weekend meals if the weekend instruction is considered an integral part of the required curriculum. The State agency makes this determination in conjunction with a review of the actual situation with the local SFA.

11. Can residential child care institutions (RCCIs) operating under SSO claim weekend and holiday meals?

Yes. Because RCCIs are reimbursed on a “per day of operation” basis and have traditionally been reimbursed for meals served on weekends and holidays, RCCIs that operate SSO during SY 2021-2022 may serve SSO meals on weekends and holidays. These meals will be reimbursed at the SFSP rate. However, as noted in [SP 15-2021: Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022, June 11, 2021](#), consistent with supporting a transition back to more traditional school year operations, other schools may not provide weekend or holiday meals through the SSO during the regular school year in SY 2021-2022.

12. Can an SFA serve breakfast and lunch at an SSO school and then sponsor a site through SSO at a library or youth center in the evening to offer snack and supper to the same students?

No. A sponsor may offer only two SSO meals in the same area per day. See questions 1 and 45 from [SP 16-2021, CACFP 14-2021: Previously Issued Questions and Answers Relating to Operation of the Child Nutrition Programs: Updated for School Year 2021-2022](#). During the regular school year, a snack and supper can be offered through the CACFP at-risk afterschool meals program. Therefore, the SFA could offer breakfast and lunch through SSO, and serve snack and supper to the same students at a library or youth center through the CACFP at-risk afterschool meals program. (As a reminder, SFAs also may operate NSLP afterschool snack service simultaneously with SSO see question 20 from Previously Issued Questions and Answers Relating to Operation of the Child Nutrition Programs: Updated for School Year 2021-2022 (<https://www.fns.usda.gov/cn/operation-child-nutrition-programs-2021-2022>).)

13. How should schools operating SSO in SY 2021-2022 price their non-program adult meals?

During SY 2021-2022, there is no change to requirements for calculating the price of non-program adult meals. Overall, SFAs must ensure that the Federal reimbursements, children’s payments, and other non-designated nonprofit food service revenues do not subsidize program meals served to non-program adults. SFAs should continue to refer to existing

guidance at [SP09-2017: 2017 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option](#), [FNS Instruction, 782-5, Rev. 1: Pricing of Adult Meals in the National School Lunch and School Breakfast Program](#), and [SP 10-2017, SFSP 06-2017: Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised](#) for complete information.

14. If an SFA is operating SSO at an open site, may any child who comes to the site receive a meal or should the meals be limited to children enrolled in the school?

SFAs may operate open sites or may choose to operate closed enrolled sites only for enrolled students. If an SFA is operating an open site, the site must serve all children who request a meal. We encourage States and SFAs to tailor their operations to the needs of the community, and State agencies should review sponsor plans with this in mind.

15. Does the 1% flavored milk flexibility provided by Section 789 of the Consolidated Appropriations Act, 2021 (P.L. 116-260) also apply to competitive foods, those foods sold in competition to reimbursable meals and often referred to as *Smart Snacks in School*?

No. Section 789 of the Consolidated Appropriations Act and [COVID-19: Child Nutrition Response #90: Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022](#) do not apply to non-program food/competitive food service and standards. Program operators must comply with the current competitive food service and standards regulations at 7 CFR § 210.11, which do not permit the sale of flavored, 1-percent milk to students on campus throughout the school day.

16. If a school cannot get fat-free or low-fat fluid milk due to supply chain disruptions related to COVID-19, may the State agency allow flexibility for the milk type requirement?

Under 7 CFR 210.10(d)(2), if emergency conditions temporarily prevent a school that normally has a supply of fluid milk from obtaining delivery of such milk, the State agency may allow the school to serve meals during the emergency period with an alternate form of fluid milk or without fluid milk. Supply chain disruptions caused by COVID-19 would be considered a temporary emergency conditions for purposes of this flexibility.

17. Does the *Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022* give States authority to implement the waiver based on supply chain disruptions?

Under [COVID-19: Child Nutrition Response #90: Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022](#), State agencies may approve the use of this waiver for situations that are related to supply chain disruptions due to COVID-19 of the meal pattern flexibilities provided for by the waiver. As noted in the waiver, with the exception of requests related to sodium, requests should be targeted and justified with a

demonstrated need, based on plans to support access to nutritious meals while minimizing potential exposure to COVID-19.

18. Under the non-congregate, meal times, and parent/guardian pick-up waivers, may Child Nutrition Program operators provide food items in bulk, either through pick up or home delivery?

Yes. However, FNS expects program operators to use the non-congregate, meal times, and parent/guardian pick up waivers only for the duration and extent they are needed. These waivers are intended to provide temporary flexibility to schools and child care providers as they work to offer nutritious meals while safely and successfully reopening. In cases where these waivers are needed to provide nutritious meals, Program operators may provide bulk items (up to 5 days) as long as individual meals are easily identifiable as a reimbursable meal. When implementing such a distribution mechanism, Program operators:

- Must include the required food components in the proper minimum amounts for each reimbursable meal being claimed;
- Must ensure that food items are clearly identifiable as making up reimbursable meals;
- Are strongly encouraged to provide menus with directions indicating which items are to be used for each meal and the portion sizes;
- Should consider whether households have access to refrigeration, stoves, microwaves, etc., when providing food that requires refrigeration or further preparation, such as reheating; and
- Should ensure that only minimal preparation is required and that food is not provided as ingredients for recipes that require chopping, mixing, baking, etc.

Additionally, pursuant to 7 CFR 226.6(i)(11), State agencies may approve requested flexibilities for unitized meals prepared by food service management companies or delivered to CACFP outside-school-hours care centers.³ Program operators should note that consistent with supporting a transition back to more traditional school year operations, SFAs may not provide weekend or holiday meals through the SSO when school is in session during the regular school year in SY 2021-2022. Once it is safe to resume a congregate meal service, program operators should end bulk or bundled meal distribution. For more information on weekend and holiday meals, see question #8 in SP 15, CACFP 13, SFSP 08-2021: *Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022, June 11, 2021*.

³ The burden associated with these State agency agreements will be included in an upcoming reinstatement request to 7 CFR part 226, Child and Adult Care Food Program (CACFP), OMB control number 0584-0055, expiration date February 29, 2020.

19. Are virtual academies that are set up in response to the COVID-19 pandemic to teach students who are normally enrolled in a brick and mortar school eligible to participate in NSLP/SSO?

No. [Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#) was made available to SFAs that are responsible for the administration of meal service at NSLP-participating schools. Virtual academies do not offer meal service operated by an SFA and are not authorized to provide SSO pursuant to the waiver. However, students who attend a virtual academy may pick up meals at an open site operated by an SFA.

20. Can brick and mortar schools that offer a hybrid educational model with virtual instruction and in-person instruction provide meals to the students learning virtually?

Yes. Schools eligible to participate in the school meal programs and operating open sites under the COVID-19 waivers may provide meals to students choosing to receive virtual instruction. The school must opt into the [Nationwide Waiver to Allow Non-Congregate Meal Service, #87](#), and other waivers as applicable, such as the [Nationwide Waiver of Meal Time Requirements, #88](#). FNS expects that the non-congregate, meal times, and parent/guardian pick-up flexibilities provided for this school year will only be utilized as needed.

CHILD AND ADULT CARE FOOD PROGRAM

21. Can SSO and CACFP at-risk meal service sites be co-located if the at-risk meals are provided by a non-SFA? If so, can the meals for both Programs be bundled together and distributed at the same time?

Yes. Even if a non-SFA provides the at-risk meals or snacks, SSO and CACFP at-risk meal services may be located at the same site, bundled together, and distributed at the same time. However, the maximum number of meals that may be offered to each child may not exceed the number of meals allowed by each Program. Under SSO, up to two meals or one meal and one snack, per child, per day, in any combination except lunch and supper, are allowed at open and closed-enrolled sites. Camps and migrant sites may claim up to three meals per day; breakfast, lunch, and supper may be offered to the same child each day. Under CACFP at-risk, up to one snack and one meal per child per day are allowed. If both Programs are operated at the same site and all the meals for both Programs are picked up at the same time, each Program must keep accurate meal counts and claim only the meals served for that specific Program.⁴

Once it is safe to resume a congregate meal service, program operators should end bulk or bundled meal distribution. For more information, please see Question #4 of [SP 15-2021](#),

⁴ The burden associated with submitting claims for reimbursement under the Child Nutrition Programs is included in Food Programs Reporting System (FPRS), OMB Control #0584-0594, expiration date 07/31/2023.

[CACFP 13-2021, SFSP 08-2021: Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022.](#)

22. Do traditional CACFP operators (institutions, sponsoring organizations, and centers) operating under the COVID-19 waivers need to maintain daily attendance records?

Yes. CACFP operators approved to participate under the COVID-19 waivers⁵ must continue to maintain Program documentation as required under 7 CFR 226.10(d), 226.15(e), 226.16(e), and 226.17(b).⁶ This includes daily records indicating the number of participants in attendance and the daily meal counts, by type (breakfast, lunch, supper, and snacks), served to family day care home participants, or the time of service meal counts, by type, served to center participants. Except at family day care homes, daily records should also include the number of meals, by type, served to adults performing labor necessary to the food service.

23. With the exception of the [Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022](#), do all other CACFP waivers apply to adult care operators and emergency shelters?

Yes. The CACFP waivers that apply to adult day care operators and emergency shelters include:

- [Child Nutrition Response #87: Nationwide Waiver to Allow Non-Congregate Meal Service for School Year 2021-2022](#)
- [Child Nutrition Response #88: Nationwide Waiver of Meal Times Requirements for School Year 2021-2022](#)
- [Child Nutrition Response #89: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022](#)
- [Child Nutrition Response #90: Nationwide Waiver to Allow Specific Meal Pattern Flexibility for School Year 2021-2022](#)
- [Child Nutrition Response #95: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the CACFP - EXTENSION 3](#)
- [Child Nutrition Response #96: Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION](#)

⁵ Except for the burden associated with States' reporting requirements under the waivers, which will be included in an upcoming revision to OMB control # 0584-0607 School Meals Operations Study: State Agency COVID-19 Child Nutrition Waivers Evaluation, expiration date 08/31/2022, all burden associated with the nationwide waivers discussed in this memorandum, including the election to participate, will be included in an upcoming change request to FNS Information Collection Needs due to COVID-19, OMB Control #0584-0654, expiration date 01/31/2022.

⁶ The burden associated with documentation requirements for the CACFP will be included in an upcoming reinstatement request to 7 CFR part 226, Child and Adult Care Food Program (CACFP), OMB control number 0584-0055, expiration date February 29, 2020.

24. Can Head Start programs deliver meals to children enrolled in the home-based program option?

Head Start programs may only distribute meals to children who are enrolled to participate in the CACFP or the NSLP. Under the non-congregate waiver, these meals can be provided through a State-approved meal distribution method. Head Start children who do not normally receive meals under CACFP or NSLP, such as children in the Head Start/Early Head Start home-based program option, can utilize open SSO sites in their community to get meals. The USDA Summer Meals Site Finder at <https://www.fns.usda.gov/meals4kids> can help Head Start families locate open meal sites.

25. [Child Nutrition Response #91: Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the Child and Adult Care Food Program for School Year 2021-2022](#) waives three requirements. Can a State agency opt into just one of the waivers (e.g., ounce equivalents implementation date) or must they opt into all three:

- a. That at least one serving per day, across all eating occasions, must be whole grain-rich, at 7 CFR 226.20(a)(4)(i)(A) and 226.20(c);
- b. That the crediting of grains by ounce equivalents must be fully implemented by Oct. 1, 2021, at 7 CFR 226.20(c); and
- c. That low-fat milk (1 percent) must be unflavored at 7 CFR 226.20(a)(1)(iii) and 226.20(c).

[Child Nutrition Response #91: Nationwide Waiver to Allow Specific Meal Pattern Flexibility in the CACFP](#) is an optional waiver. Because it is not mandatory, the State agency can opt into the waiver, and determine which of the three meal pattern flexibilities they will allow in their State. The State agency must notify the FNS Regional Office of the flexibilities it elects to implement. As mentioned in the waiver, FNS expects that these flexibilities will be granted to operators only as needed, on a case-by-case basis. When reviewing requests, the State agency should consider requests that are targeted and justified with a demonstrated need, based on plans to support access to nutritious meals while minimizing potential exposure to COVID-19.

26. In States that elect to use [Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in SY 2021-2022](#), is the State agency expected to automatically pay day care home providers the tier I rate or is it the responsibility of the sponsor to request this waiver for the day care home providers not currently receiving tier I rates?

[Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022](#) is intended to ease administrative burden for day care homes and allows all day care homes, regardless of their location, to receive the tier I reimbursement rate. State agencies that elect to participate in the waiver must offer to provide tier I reimbursement for all meals and snacks

served by all day care home providers.⁷ Day care home providers are not required to take any action in order to receive tier I reimbursement during the waiver period.

27. Can day care homes decline to receive tier I meal reimbursement ?

Yes. Although State agencies that elect to participate in [Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022](#) must offer tier I reimbursement to all day care home providers, day care home providers are not required to accept it. Day care home providers may decline to accept tier I reimbursement for any reason. If a day care home provider declines to receive tier I reimbursement, the sponsor should document the request in the provider's file and contact the State agency to ensure that the provider is paid at the tier II reimbursement rate.

28. Will States and sponsors operating under [Child Nutrition Response #93: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in SY 2021-2022](#) need to collect parent income eligibility forms to prepare for waiver reporting?

FNS does not expect State agencies or sponsors operating under the area eligibility waiver to collect parent income eligibility forms to determine providers' tiering status for the purpose of reporting while the waiver is in effect. FNS will provide more guidance on preparing for waiver reporting once available.

⁷ The burden associated with State agency processing of reimbursement claims for the CACFP will be included in an upcoming reinstatement request to 7 CFR part 226, Child and Adult Care Food Program (CACFP), OMB control number 0584-0055, expiration date February 29, 2020.