

Comparison of Usual Summer Meal Program Provisions vs. Expired Flexibilities Permitted in Response the COVID-19 Pandemic



USDA issued a suite of nationwide waivers in response to the COVID-19 pandemic. **These waivers will not be available for summer 2023 SFSP/SSO operations.** Please follow the link to see the waiver language or review our [nationwide waiver summary chart](#) for the nationwide waivers referenced below. Contact your state agency for more information. This resource was last updated 2/2/2023 reflecting changes in the recent [SFSP final rule](#).

Program	Provision	Usual Program Provisions	Expired COVID-19 Flexibilities
USDA	Waiver Authority	<ul style="list-style-type: none"> • Cannot issue nationwide waivers • Cannot approve waiver requests that increase federal costs • Cannot approve waiver requests related to the meal pattern / nutritional quality 	<ul style="list-style-type: none"> • Allowed to issue nationwide waivers • Allowed to issue or approve waivers that increase federal costs • Allowed to issue waivers from the meal pattern requirements if related to supply chain issues caused by COVID-19
SFSP / SSO	Congregate (Group) Meal Service	<p>Congregate meal service required (children must be served & eat each meal on site in a supervised setting)</p> <p><i>Note: A rural, non-congregate option may be available in your state. Awaiting further guidance from USDA.</i></p>	<ul style="list-style-type: none"> • Non-congregate meal service allowed (waiver COVID-19 #75) • Parent meal pick-up on child's behalf was allowed with verification of eligible child (waiver COVID-19 #76)
	Meals Reimbursed	<p>Per child per day, up to:</p> <ul style="list-style-type: none"> • Breakfast + lunch/supper OR • Any one meal + snack <p>*Different for camps and migrant sites</p>	<p>SAME, except</p> <ul style="list-style-type: none"> • Sites permitted to serve meals for multiple days at the same time (within usual per child per day limits)

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	Days of Operation	<ul style="list-style-type: none"> • Allows for weekend service and service up to seven days per week • Allows for service on holidays during summer break or intersession breaks for students attending year-round schools • Service during planned school closures or non-school days during the regular school year (like spring break) is not permitted 	<ul style="list-style-type: none"> • In Spring 2020 when operators were utilizing SFSP/SSO under the unanticipated school closure provision, service during planned school closures and non-school days was permitted • In School Year 2020-2021, serving meals through SFSP/SSO was permitted on any day regardless of school operating status • In School Year 2021-2022, schools were permitted to serve meals through SSO on school days and during unanticipated closures. Use of SFSP was limited to unanticipated school closures
SFSP / SSO	Meal Times	<ul style="list-style-type: none"> • Service times must be established for each meal • Only one meal may be served during each service time** • SFSP: minimum of one hour must elapse between the end of one meal service and the start of another. State agencies may approve meals served outside of service times if unanticipated events occur outside of sponsors' control. Meals claimed as breakfast must be served at or close to the beginning of the day. • SSO: breakfast must be served in the morning; lunch must be served 10am-2pm; supper service is subject to state agency approval; snacks must be adequately spaced between meals <p>**Under the rural, non-congregate option, up to ten days worth of meals may be allowed.</p>	<ul style="list-style-type: none"> • No federal mealtime restrictions, allowing states to approve more than one meal to be served at a time (waiver COVID-19 #78) • Sites could distribute meals for multiple days at one time, generally up to one week • Meal distribution or delivery times still had to be established

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	Site Eligibility	<ul style="list-style-type: none"> • Sites (including stops on mobile routes) must be pre-approved by the state agency • Sites must meet applicable health & safety standards • Open sites: located in eligible areas with ≥50% free/reduced-price eligible based on school or census data • Closed enrolled sites: ≥50% of enrolled participants must be documented as free/reduced-price eligible through income eligibility forms or school or census data <p><i>Note: Different for camps and migrant sites</i></p>	<p>SAME, except</p> <ul style="list-style-type: none"> • In School Year 2021-2022, area eligibility was waived for all programs and sites. • Prior to this, states could request waivers that instituted different criteria for establishing area eligibility in SSO or SFSP.
	Participant Eligibility	<ul style="list-style-type: none"> • Free meals for all children & teens ages 18 and under at open or closed enrolled sites <ul style="list-style-type: none"> o Open sites operate on a drop-in basis o Closed enrolled sites require advance enrollment <p><i>Note: Different for camps</i></p>	<p>SAME</p>
SFSP / SSO	Meal Requirements	<ul style="list-style-type: none"> • SFSP: see the meal pattern • SSO: same as NSLP • Offer Versus Serve (OVS): OVS is permitted only for school food authority sponsors 	<p>SAME, except</p> <ul style="list-style-type: none"> • Meal pattern flexibility is available if operators cannot source items needed to meet meal pattern requirements (COVID-19 #4) • Operators do not need to offer multiple milk types and can serve meals without milk if emergency conditions prevent them from obtaining milk without a waiver (CN Q&A) • OVS is not recommended for non-congregate meals, but it may be used if the site can do so safely and correctly (CN Q&A) • OVS is permitted for all sponsor types (waiver COVID-19 #79) • Bulk item distribution permitted (CN Q&A)

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	<p>Daily Records <i>Does not include financial, training, monitoring, and other sponsor-level records</i></p>	<ul style="list-style-type: none"> ● Meal counts, separated by meal type and by: <ul style="list-style-type: none"> ○ First meals served to eligible children ○ Second meals served to eligible children ○ Meals served to adults performing food service labor (<i>allowable cost but not reimbursed</i>) ○ Meals served to non-program adults, if any (<i>neither allowable cost nor reimbursable</i>) ○ Excess or leftover meals ○ Non-reimbursable meals ● Count of meals prepared or delivered, by type ● Menus 	<p>SAME</p> <ul style="list-style-type: none"> ● Meal counts, separated by meal type and by: <ul style="list-style-type: none"> ○ First meals served to eligible children ○ Second meals served to eligible children ○ Meals served to adults performing food service labor (<i>allowable cost but not reimbursed</i>) ○ Meals served to non-program adults, if any (<i>neither allowable cost nor reimbursable</i>) ○ Excess or leftover meals ○ Non-reimbursable meals ● Count of meals prepared or delivered, by type ● Menus
SFSP / SSO	<p>Claim Submission Deadlines</p>	<p>Claims for reimbursement are due 60 calendar days after the end of the claim month</p>	<p>Deadlines for January and February 2020 claims were extended by 30 calendar days (waiver COVID-19 #12)</p>
	<p>Procurement</p>	<p>Operators must comply with applicable procurement standards and procedures for the size of the purchase or contract</p>	<ul style="list-style-type: none"> ● Non-competitive procurement is allowed – reiterated by COVID-19 #4 but always allowable during public emergencies ● FSMC contracts that expire on or around June 30, 2021 can be extended through SY2021-2022 (to June 30, 2022) using emergency non-competitive procurement (waiver COVID-19 #71).

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	Site Monitoring	<p>SFSP sponsors are required to conduct:</p> <ul style="list-style-type: none"> o A pre-operational site visit o An operational site visit <ul style="list-style-type: none"> o Sponsors must visit new sites, sites with operational problems in year prior, and any site where state agency deems necessary in the first two weeks of operation. o A review of the site's food service within the first four weeks of the site's operations <p><i>Note: Food service reviews for all sites and site visits can occur at the same time.</i></p>	<ul style="list-style-type: none"> ● Desk audits could replace on-site visits and reviews (waiver COVID-19 #42 and COVID-19 #94) ● First week site visits could be waived in certain circumstances (waiver COVID-19 #81)
	Unanticipated School Closures	<ul style="list-style-type: none"> ● Available with above provisions from October through April ● Sponsor must be approved within current or past two calendar years for state to waive application ● States may opt not to conduct pre-operational visits to sponsors operating during closures ● States need a waiver for schools to be sites 	<p>SAME, except</p> <ul style="list-style-type: none"> ● Unanticipated school closure operations could continue through the end of School Year 2019-2020 (waiver COVID-19 #21)