



Child Nutrition Flexibilities and Support for Summer '22 and SY 22-23

Presented by **USDA**

In Cooperation With:




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A Welcome from FNS Administrator Cindy Long



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Overview of the Keep Kids Fed Act and New Supply Chain Assistance Funding



USDA Food and Nutrition Service
Child Nutrition Programs
July 2022



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Presenters

- Jess Saracino, Director, Program Monitoring and Operational Support Division
- Kevin Maskornick, Director, Community Meals Policy Division
- Tina Namian, Director, School Meals Policy Division





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POLL QUESTION

Who's out there? Let us know who you are!



- School official/SFA staff
- CACFP sponsor/provider
- SFSP sponsor/site operator
- Advocacy/non-profit worker or volunteer
- State/local government official
- Elected official/staff
- Other

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Webinar Overview

- Legislative Roadmap
- Keep Kids Fed Act Overview
- Summer 2022 Updates
- School Meal and CACFP Flexibilities
- Additional Supply Chain Assistance Funds





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Legislative Roadmap

Nationwide Waiver Authority


- Available with authority given to USDA by Congress under the Families First Coronavirus Response Act (FFCRA)
 - First given March 2020
- Broad authority allowed measures that:
 - Increased overall costs to the Federal Government
 - Changed meal pattern rules, eligibility, and reimbursement rates
- Last renewed in September 2021
- Expired June 30, 2022
- June 25, 2022, President Biden signed Keep Kids Fed Act providing limited extension of authority**



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June 24, 2022
Bill presented to President



June 25, 2022
President Biden signs into law
Public Law No: 117-158.

June 30, 2022
FNS releases initial waivers




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Individual State Waivers

NSLA Section 12(I) Waivers


- This spring, with no nationwide waiver authority for **Summer 2022** and **School Year 2022-23**, USDA offered options for State-requested **waivers under NSLA Section 12(I)**
- Waiver Checklist – Available at fns.usda.gov
 - Allowed States to request multiple flexibilities in a streamlined format
- Provided flexibilities to support non-congregate meal service when congregate meal service is limited by the COVID-19 pandemic
- Provided additional administrative and operational flexibilities



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Keep Kids Fed Act

- Temporary higher per-meal reimbursement rates in NSLP, SBP, and CACFP through June 2023
- Temporary higher Tier I reimbursement rates for Tier II family day care homes through June 2023
- Extension of USDA's nationwide waiver authority for SFSP/SSO operations through September 2022
- Limited nationwide waiver authority through June 2023




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Keep Kids Fed Act

What KKFA Does Not Do


- No authority to issue nationwide waivers for SY 2022-23 that have a cost to the Federal Government
- No ability to operate Seamless Summer Option during the school year and provide all meals free
- No expansion of area eligibility during the school year
- No SFSP rates for school meals during the school year



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Keep Kids Fed Act: Temporary Reimbursements for School Programs

- Temporary Reimbursement
 - 40 cents** per NSLP lunch
 - 15 cents** per SBP breakfast
- Effective July 1, 2022, through June 30, 2023**




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Keep Kids Fed Act: Temporary Reimbursements for CACFP

Two Forms of Financial Support Available in SY 2022-2023

- Additional Reimbursement
 - **10 cents** for all CACFP meals/supplements
- Reimbursement at the **Tier I rate** for all family or group day care homes in CACFP
- **Effective July 1, 2022, through June 30, 2023**



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Summer 2022

J. Kevin Maskornick
Director, Community Meals Policy Division




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Extension of Nationwide Waiver Authority for Summer 2022

KKFA Prioritizes Access to Summer Meals

- Congress specifically structured KKFA provisions to ensure access to meals for Summer 2022
- Fully extended FFCRA nationwide waiver authority:
 - For SFSP and SSO operations; and
 - For Summer 2022 (i.e., through September 30, 2022)
- **Waivers issued for summer programs during Summer 2022 may increase costs to the Federal Government**




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Nationwide Waivers for Summer 2022

Suite of three new nationwide waivers for SFSP/SSO published June 30, 2022

- **Waiver #107:** Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations – EXTENSION 5
- **Waiver #108:** Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2022 Operations – EXTENSION 4
- **Waiver #109:** Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates for the Seamless Summer Option in Summer 2022



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Nationwide Waivers for Summer 2022

Three additional nationwide waivers for SFSP/SSO published July 06, 2022

- **Waiver # 111:** Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2022 Operations – EXTENSION 7
- **Waiver # 112:** Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2022 Operations – EXTENSION 7
- **Waiver # 113:** Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations – EXTENSION 4
- Pending Issues
 - June 15 SFSP application deadline
 - Reimbursement eligibility pre-approval




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Nationwide Waivers Summer 2022

- Summer 2022 waivers previously offered under 12(l) authority re-issued under nationwide waiver authority to:
 - best ensure broad implementation; and
 - promote consistency
- Your State agencies may elect nationwide waivers in place of previously approved Section 12(l) waivers for Summer 2022
- **Summer EBT** may be a great option to strengthen your summer safety net



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School Meal and CACFP Flexibilities July 1, 2022 – June 30, 2023



Tina Namian
Director, School Meals Policy Division

Jess Saracino
Director, Program Monitoring and Operational Support



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Actions to Support Schools and CACFP Operators

- Temporary Reimbursement Increases
- Waivers approved under Section 12(l) of the NSLA
- Flexibilities to allow non-congregate meal service for schools and CACFP operators
- Additional administrative and operational waiver flexibilities for school programs:
 - CEP deadlines, Carryover, Offer Vs. Serve, Local Wellness Policy Triennial Assessment, Paid Lunch Equity, FSMC Contract Duration, Off-site Monitoring



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Use of Approved, 12(l) Waiver Flexibilities

When can waiver flexibilities be implemented?

- We have received questions on the following language regarding several of the SY 2022-2023 Section 12(l) waivers:
 - “flexibilities under these waivers should only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic”
- Applies to noncongregate, meal service times, parent pickup, and OVS waivers
- State agency discretion



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Meal Standards

- KKFA allows for a nationwide waiver for meal patterns
- Schools and program operators are encouraged to plan and strive for the most nutritious meals possible
- To facilitate more nutritious meals, FNS does not plan to issue a nationwide waiver of the nutrition standards for any program



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Nationwide Waiver- School Meal Programs: Fiscal Action for Meal Pattern Violations due to Supply Chain

- Supply chain disruptions continue to create significant challenges for schools.
- **It's important to FNS to ensure schools are not financially penalized for circumstances outside of their control.**
- FNS issued an extension of the Nationwide Waiver that waives the requirement to apply fiscal action when there is a supply chain disruption for:
 - Missing food components and missing production records
 - Repeat Violations involving milk type and vegetable subgroups
- Effective through June 30, 2023



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Meal Pattern Fiscal Action in CACFP

- State agencies and sponsoring organizations should use discretion to provide technical assistance in lieu of fiscal action when they observe noncompliance related to meal pattern requirements due to COVID-19-related supply chain disruptions.
- If CACFP operators are making a good faith effort to comply with meal pattern requirements but cannot, due to COVID-19-related supply chain disruptions, State agencies and sponsoring organizations should prioritize training and technical assistance to identify solutions that are specific to CACFP operators' local circumstances.



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Supply Chain Assistance (SCA) Funds




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Second Round of Supply Chain Assistance (SCA) Funds



- Nine hundred and forty three million (\$943M) in funding made available through the Commodity Credit Corporation (CCC) as authorized under the CCC Charter Act [15 U.S.C. 714]
- Provides an additional round of funding to address ongoing supply chain challenges experienced by school food authorities (SFAs) participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP)
- **State agencies will distribute SCA funds to SFAs for the exclusive purchase of unprocessed and minimally processed domestic foods.**
 - Discretionary option to reserve some funds for State purchase of local foods for distribution to SFAs.

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Policy Release

- The memorandum allocating the funds to States will be released by FNS soon.
- However, the amount of funding would be similar to the amounts allocated to States in December 2021, when FNS distributed \$1 billion in funds. Please see the Food and Nutrition Service's website at: <https://www.fns.usda.gov/cn/allocation-supply-chain-assistance-funds>, for more information on the December 2021 funding announcement.






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Attestation Statements

SFAs that already signed a State-provided attestation statement to receive first round SCA funds do not need to sign another statement to receive second round funding



- All SFAs must sign an attestation for their State agency in order to receive SCA funds
 - Only SFAs that did **not** previously sign an attestation to receive SCA funding remain subject to this requirement.
- State agencies only need to provide a simple opt-in vehicle for the second round SCA funding to SFAs that have already signed an attestation.
- The required elements of the State-provided attestation statement remains the same. Refer to policy memo SP 03-2022 for detailed guidance.

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Key Dates and Deadlines

July 31, 2022	Date by which FNS will make SCA funds available to State agencies, i.e., issue amended FNS-529.
August 30, 2022	State agencies execute FNS-529 (recommended)
September 30, 2022	State agencies begin making payments to SFAs (recommended)
December 31, 2022	State agencies begin reallocation of second round funds
September 30, 2023	SCA funding Period of Performance expires (Applies only to States; funds distributed to SFAs do not expire.)

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Making the Best Use of SCA Funds

SCA funds must exclusively be used for the purchase of domestic food products (commodities) that are unprocessed or minimally processed.

However, a wide variety of food products meet this definition, and in most cases comprise the bulk of an SFA's food purchases.

These may include:

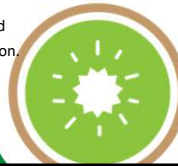
- Fluid milk, cheese, yogurt
- Fruits and vegetables (including 100% juices)
- Grain products (pastas, rice)
- Meats (whole, pieces, ground)
- Meat alternates (beans, legumes)

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Utilizing Food Service Management Companies and Supply Chain Assistance Funds

- SFAs that utilize FSMCs may use SCA funds to pay for unprocessed or minimally processed foods that are provide through FSMC contracts.
- SFA must ensure that any payments, over the period in which the SCA funds are used, include charges for unprocessed or minimally processed domestic foods at least equal to the amount of SCA funds used to pay the invoices.
- Documentation can include invoices, receipts, or statements and may take various forms and differ from traditional documentation.



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Highlighted Q&As




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      	<p>Liz Campbell, MA, RDN ecampbell@eatright.org</p> <p>Erik Peterson epeterson@afterschoolalliance.org</p> <p>Brett Haydin Bhaydin@BGCA.org</p> <p>Kelly Quintero kquintero@feedingamerica.org</p> <p>Geri Henchy ghenchy@frac.org</p> 	      	<p>Alexia Thea, MEd policy@cacfp.org</p> <p>No Kid Hungry bestpractices@strength.org</p> <p>Dan McCarthy DMcCarthy@nrpa.org</p> <p>Katie Wilson kwilson@urbanschoolfoodalliance.org</p> <p>Stacey McDaniel stacey.mcdaniel@ymca.net</p>  
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FNS External Affairs Team: Emily.Anderson3@usda.gov and Elizabeth.Hermesen@usda.gov

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Thank you for your participation!



Time for additional Q&A

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