



Public Notification

This is the public notification of USDA Child Nutrition Program (National School Lunch Program [NSLP], School Breakfast Program [SBP], Child and Adult Care Food Program [CACFP], Summer Food Service Program [SFSP], Special Milk Program [SMP], and Fresh Fruit and Vegetable Program [FFVP]) waiver requests.

The Wisconsin Department of Public Instruction (DPI) has submitted the following statewide waivers for the federal requirements due to the exceptional circumstances of the COVID-19 health emergency:

Statewide Waivers Submitted:

- To waive the SSO and SFSP requirement for serving meals in a congregate setting and the requirement to serve meals at a non-school site. Submitted March 11, 2020 and approved by USDA on March 14, 2020. Nationwide waiver extended on May 14, 2020 and expires August 31, 2020. Nationwide waiver extended on August 31, 2020 and expires December 31, 2020. Nationwide waiver extended on October 9, 2020 and expires June 30, 2021. Nationwide waiver to allow SSO and SFSP non-congregate feeding for Summer 2021 operations extended for July 1, 2021 through September 30, 2021.
- To waive the CACFP sponsoring organization monitoring requirements. Submitted March 17, 2020. Nationwide waiver released on March 28, 2020 and expires August 31, 2020. Nationwide waiver extended on August 4, 2020 and expires September 30, 2021.
- To waive the SFSP and SSO area eligibility requirements. Submitted March 28, 2020 and approved by USDA on March 30, 2020 and expires June 30, 2020. Extension submitted on May 22, 2020. Nationwide waiver released June 10, 2020 to extend SFSP and SSO area eligibility through August 31, 2020. Nationwide waiver extended on August 31, 2020 and expires December 31, 2020. Nationwide waiver extended on October 9, 2020 and expires June 30, 2021. Nationwide waiver to extend area eligibility waivers for Summer 2021 operations extended for July 1, 2021 through September 30, 2021.
- To waive the CACFP At-Risk Afterschool Meals component attendance requirement. Submitted March 28, 2020. USDA clarified that waiver is not needed. This topic is covered in [Q&A](#), question #19.
- To waive the 60-day claim deadline for all Child Nutrition Programs. Submitted March 28, 2020. Nationwide waiver released on April 1, 2020 for the months of February and March 2020.
- To waive the requirement for serving milk in the SMP in a congregate setting for school and non-school sites. Submitted April 17, 2020 and approved May 22, 2020 through June 30, 2020. Waiver extension requested to allow non-congregate SMP through June 30, 2021. Submitted on July 20, 2020, approved August 12, 2020, and valid through June 30, 2021.

- To waive the requirement in the FFVP that a student must receive the fruit/vegetable. Requesting that a parent/guardian can pick up the FFVP snack without an eligible child being present. Submitted April 17, 2020, approved May 4, 2020, and valid through June 30, 2020.
- To waive the distribution methods in the Fresh Fruit and Vegetable Program (FFVP), thereby permitting SFAs and sponsoring agencies the ability to follow the intent of the guidelines which include the ability to serve at the best time and the best location allowing the most successful distribution for the FFVP. Submitted May 26, 2020, approved June 8, 2020. Valid through June 30, 2020.
- To waive and allow non-congregate feeding in the Child Nutrition Programs July 1, 2020 through September 30, 2020. Submitted May 4, 2020. Nationwide waiver released May 15, 2020, valid through August 31, 2020. Waiver extended for the NSLP, SBP, and CACFP (SFSP excluded from this extension) and is valid through June 30, 2021. SSO/SFSP nationwide waiver released October 9, 2020 to allow non-congregate feeding through June 30, 2021. Nationwide waiver to allow SSO and SFSP non-congregate feeding for Summer 2021 operations extended for July 1, 2021 through September 30, 2021.
- To waive and allow parents and guardians to pick up meals for children in the Child Nutrition Programs July 1, 2020 through September 30, 2020. Submitted May 4, 2020. Nationwide waiver released May 15, 2020, valid through August 31, 2020. Waiver extended for the NSLP, SBP, and CACFP (SFSP excluded from this extension) and is valid through June 30, 2021. SSO/SFSP nationwide waiver released October 9, 2020 to allow parent/guardian pick up through June 30, 2021. Nationwide waiver to allow SSO and SFSP parents and guardians to pick up meals for children for Summer 2021 operations extended for July 1, 2021, through September 30, 2021.
- To extend the nationwide waiver for state agency onsite monitoring requirements for the SFSP. Submitted April 30, 2020. Nationwide waiver released June 8, 2020, valid through August 31, 2020. Nationwide waiver extension released August 4, 2020, to extend through September 30, 2021.
- To extend the nationwide waiver for monitoring requirements for sponsors in the CACFP. Submitted May 22, 2020. Nationwide waiver released August 4, 2020, which allows sponsors to complete off-site monitoring through September 30, 2021.
- To waive the distribution methods in the FFVP listed on pages 12-13 in the FFVP manual. This permits School Food Authorities (SFAs) and sponsoring agencies to follow the intent of the guidelines which include the ability to serve at the best time and location allowing for the most successful FFVP distribution. Submitted May 26, 2020. Approved by USDA August 11, 2020 through June 30, 2021.
- To waive the requirement that afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose for the NSLP and CACFP. This request is for July 1, 2020 through June 30, 2021. Waiver submitted July 1, 2020. USDA addressed this requirement in [Q&A #18](#).
- To waive the state agency SFSP monitoring threshold requirements. Submitted July 2, 2020. Approved by USDA for July 1, 2020 through September 30, 2020.

- To waive the potable water requirement in the NSLP for school year (SY) 2020-21. Submitted July 20, 2020. USDA addressed this requirement in [Q&A, #13-16](#).
- To waive meal pattern requirements per grade group, allowing all virtual meals served to follow the K-8 meal pattern for SY 2020-21. Submitted July 20, 2020. Rescinded September 11, 2020 as this is allowable under the meal pattern flexibility waiver.
- To waive the deadline for the Independent Review of Applications (IROA) and postpone it to September 1, 2020. Submitted July 20, 2020. Submission rescinded; revised waiver submitted (see below).
- To waive the requirement in the FFVP that a student must receive the fruit/vegetable. Requesting that a parent/guardian can pick up the fresh fruit or vegetable snack without an eligible child being present. Requested for SY 2020-21. Submitted on July 20, 2020, approved August 11, 2020, and valid through June 30, 2021.
- To waive the distribution methods in the FFVP listed on pages 12-13 in the FFVP manual. This permits SFAs to follow the intent of the guidelines which include the ability to serve at the best time and location allowing for the most successful FFVP distribution. Requested for SY 2020-21, submitted on July 20, 2020, approved August 18, 2020, and valid through June 30, 2021. To waive the intent (as stated in the USDA FFVP Proposed Rule dated February 24, 2012) to conform the operation of the FFVP with the Richard B. Russell National School Lunch Act, which eliminates the need to serve FFVP in a congregate setting. Requested for SY 2020-21, submitted July 20, 2020, and valid through June 30, 2021. Rescinded as USDA stated this is included in the parent pick up request above.
- To waive the requirement in the SMP that a student must receive the milk. Requesting that a parent/guardian can pick up the milk without an eligible child present. Requested for school and non-school sites. Requested for July 1, 2020 through June 30, 2021. Submitted on July 20, 2020. Approved September 17, 2020 through June 30, 2021 but only for school sites.
- To waive and allow non-congregate feeding in the SFSP and SSO September 1, 2020 through June 30, 2021. Submitted August 4, 2020. Nationwide waiver extension released August 20, 2020 valid through September 30, 2020. SSO/SFSP nationwide waiver released October 9, 2020 to allow non-congregate feeding through June 30, 2021. Nationwide waiver to allow SSO and SFSP non-congregate feeding for Summer 2021 operations extended for July 1, 2021 through September 30, 2021.
- To waive and allow parents and guardians to pick up meals for children in the SFSP and SSO September 1, 2020, through June 30, 2021. Submitted August 4, 2020. Nationwide waiver extension released August 31, 2020, valid through December 31, 2020. SSO/SFSP nationwide waiver released October 9, 2020, to allow parent and guardian pick up through June 30, 2021. Nationwide waiver to allow SSO and SFSP parents and guardians to pick up meals for children for Summer 2021 operations extended for July 1, 2021, through September 30, 2021.
- To waive the Paid Lunch Equity (PLE) requirement of raising prices for those SFAs with a negative balance as of December 31, 2019. Submitted July 31, 2020. Rescinded on February 17, 2021.
- To waive the CACFP appeal regulatory deadline dates to allow for virtual appeal hearings and/or desk reviews. Submitted August 14, 2020. **No longer active and denied by USDA 7/15/21.**

- To waive the Independent IROA for any SFA that triggered in SY 2019-20 until SY 2021-22. Submitted August 19, 2020. Rescinded October 6, 2020.
- To waive 7 CFR §210.16 Food service Management Companies: The Food Service Management Company must adhere to the cycle for the first 21 days of meal service in the first year of the awarded contract for SY 2020-21. Submitted September 11, 2020. Waiver denied by USDA; can handle as TA.
- To waive SY 2020-2021 entitlement level, based on SY 2018-2019 lunch counts, which state agencies were assigned in January 2020 for placing SY 2020-2021 orders, will be the final entitlement value assigned for SY 2020-2021 (Families First Coronavirus Response Act [FFCRA] Opt-In Waiver for SY 2020- 2021 NSLP USDA Foods Entitlement Calculations). Submitted September 1, 2020. Approved January 22, 2021.
- To waive the CACFP family day care home sponsoring organizations federal fiscal year maximum carryover amount of 10 percent administrative reimbursement earned but not used in the current fiscal year. Submitted September 10, 2020. **No longer active and denied by USDA 7/15/21.**
- To waive the state agency and sponsoring organization monitoring requirements for the NSLP, SSO, SFSP, and the CACFP through September 30, 2021. Submitted November 13, 2020. USDA approved DPI's monitoring and oversight plan on April 5, 2021.
- To waive the verification process and reporting for all SFAs participating in the SSO, SFSP, or those receiving meals from other SFAs through these programs. Submitted December 11, 2020. Rescinded on February 10, 2021.
- To waive the requirement for all SFAs participating in the SMP to switch back to non-fat flavored milk for SY 2020-21. Submitted December 17, 2020. Denied by USDA on March 12, 2021.
- To waive the requirement for all SSO and SFSP sponsors who participate with sites that provide summer school sessions, must ensure that these sites are open to all children residing in the area served by the site. Submitted May 14, 2021, approved June 22, 2021, and valid through September 30, 2021.
- To waive Section 19(b) of the NSLA, thereby allowing SFAs the ability to have parents pick up the FFVP snack without their children present, with the intent that the snack will be given to the eligible children at home. The waiver would allow for SFAs, in good standing, to allow parents/guardians to pick up fresh fruits and vegetables through the FFVP without a student being present. Requested for SY 2021-22; submitted on July 12, 2021, approved July 23, 2021. Valid through June 30, 2022.
- To waive Section 19(a) of the NSLA, thereby permitting SFAs the ability to serve at the best time and the best location, allowing the most successful distribution for the FFVP. Requested for SY 2021-22; submitted on July 12, 2021, approved July 30, 2021. Valid through June 30, 2022.
- To waive the requirement for serving milk in the SMP in a congregate setting for school and non-school sites. Submitted on July 20, 2021, for SY 2021-22.
- To waive the requirement in the SMP that a student must receive the milk. Requesting that a parent/guardian can pick up the milk without an eligible child present. Requested for school and non-school sites. Submitted on July 20, 2021, for SY 2021-22.

For questions, please contact dpifns@dpi.wi.gov.