

Child Nutrition Meal Pattern Waiver Questions and Answers (Q&A)

May 15, 2020

This document provides answers to sponsor questions regarding the child nutrition meal pattern waiver during COVID-19. The responses apply to all child nutrition programs (Child and Adult Care Food Program, School Nutrition Program, Summer Food Service Program). Please email meal pattern waiver questions to mde.fns@state.mn.us and include the subject line “Meal Pattern Waiver”.

[Additional Q&As and resources for operating child nutrition programs during COVID-19](#)

1. What is the “meal pattern waiver”?

The [COVID-19 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs](#) waives the requirement to serve meals that meet the meal pattern requirements if there is a disruption to the availability of food products resulting from unprecedented impacts of COVID-19.

2. When should I apply for this waiver?

You should only apply for this waiver if both of the following are true:

- You are CURRENTLY experiencing a shortage of an entire food component.
- You are not able to substitute other food items within the component.

3. What constitutes a food shortage?

A food shortage occurs when you are unable to purchase food items within a component because they are not available. Your waiver request will only be approved if you are currently experiencing a food shortage, not if you anticipate one in the future.

4. Who should complete the waiver request form?

The waiver request form should be completed by the sponsor contact. If there is more than one contact, please communicate with each other to ensure waiver requests are not duplicated. Sponsors are responsible for communicating information to all sites, if applicable.

5. Can I apply once to cover waivers for all food components?

You must only apply for a waiver when you are *currently* experiencing a shortage. If you experience a shortage of two (or more) food components at the same time, you can consolidate it on one waiver. If you experience intermittent shortages for a component that has already been approved, you do not need to submit a new waiver each time.

6. When will I receive approval for my waiver request?

Upon submitting your waiver request, you will receive immediate *interim* approval to serve and claim meals that do not meet meal pattern requirements. Minnesota Department of Education (MDE) staff will review the waiver request and contact you with questions and assistance. You will receive an email when final approval is granted.

7. Can I claim meals with substitutions if they were served prior to receiving the waiver?

Yes. You may claim the meals if the waiver for the specific food component is received during the same month as your claim.

8. If I am a sponsor with many sites, how should I manage the meal pattern waiver process?

Sites must notify sponsors when they experience a food shortage in order to determine a substitution plan. If possible, they should substitute other food items from the same component to meet the meal pattern requirements. Sponsors are responsible for completing the waiver request form when food components become unavailable. The waiver covers all sites under a single sponsor. MDE or USDA may request documentation of the shortage and substitution plan.

9. Which meal pattern should I follow if I am a school on the Summer Food Service Program (SFSP)?

The [Summer Food Service Program meal pattern](#) differs from the National School Lunch Program (NSLP) and School Breakfast Program (SBP) meal patterns. The following are three main differences.

- There is no whole grain rich (WGR) requirement in SFSP. Grains can be WGR or enriched.
- Fruits and vegetables are interchangeable in SFSP. Two or more kinds of vegetable or fruit or a combination of both totaling $\frac{3}{4}$ cup are required. (Note: You do not need to submit a waiver if you substitute fruit for vegetables or vegetables for fruit.)
- You are not required to provide a choice between two (or more) milk types in SFSP.

10. Do I need a waiver if I am using the Child and Adult Care Food Program (CACFP) meal pattern and can't find whole grain food to meet the whole grain-rich per day criteria?

Yes. You must submit a waiver request and indicate "grain" as the food component with a shortage. You will also need to indicate your substitution plan to continue providing nutritionally sound meals.

11. What can I substitute for food items within the same meal component?

Three examples for common substitutions are listed below. We encourage you to connect with other sponsors to share ideas. Substitute...

- a wrap or tortilla if you have no bread.
- nut butter or cheese if you have no turkey for a sandwich.
- dried fruit, juice, or self-cupped canned fruits or vegetables for fresh fruits and vegetables.
- yogurt or cheese when milk is not available.

12. Can I distribute frozen foods?

Yes. MDE is developing guidance on food safety best practices for this situation.

13. Do I need to procure goods and services competitively?

No. Federal procurement regulations at 2 CFR 200.320 allow procurement by noncompetitive proposals when there is a public emergency.

14. When does the waiver expire?

[Updated: May 15] This federal waiver is in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. You must serve meals that meet meal pattern requirements when food components become available again.

15. How do I apply for the waiver?

Complete the [Meal Pattern Waiver Request Form](#).