

Commissioner's Memo  
8/10/2021

## Child Nutrition Questions and Answers for SY 2021-2022

### Memo Information

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Memo Date 8/10/2021

Memo Type Regulatory

Unit Child Nutrition

Regulatory Authority USDA SP 15-2021; SP 16-2021; SP 09-2017; A.C.A. § 20-7-134

Response Required NO

Attention Superintendents; General Business Managers; Child Nutrition Directors/Managers

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### Memo Text

This memorandum provides clarification on questions related to Child Nutrition Program operations during School Year 2021- 2022. While waivers are available through June 30, 2022, the United States Department of Agriculture (USDA) expects that they will be used only for the duration and extent needed.

#### Meal Service Operation

#### 1. Can SFAs operate closed enrolled sites and limit enrollment to their own students?

Yes, SFAs operating SSO during the regular school year may decide to operate closed enrolled sites that limit participation to only students enrolled at the school site. The SFA must take a point of service meal count where every student is identified by name at the point a meal is served. This includes enrolled on-site and virtual students.

#### 2. Can SFAs operate open or restricted open sites?

Yes, SFA operating SSO during the regular school year may decide to operate as an open site in which any student 18 and under can receive a meal. The SFA must take a point of service meal count where every student is identified by name at the point a meal is served.

SFAs also have the option to operate as a restricted open site. These sites allow meal service to enrolled students and preapproved students in the district and/or community. The SFA must take a point of service meal count where every student is identified by name at the point a meal is served. Documentation with an explanation of why the SFA is restricting attendance on the basis of security, safety, or control must be kept on file.

3. May students pick up meals at any school within a SFA, or are they required to pick up meals only at the school they attend?

SFAs that implement the Nationwide Waiver to Allow Non-Congregate Meal Service for SY 2021-2022, may permit students to pick up meals at any school within the SFA. SFAs that have elected to implement the Nationwide Parent Pick-up Waiver, may permit parents and guardians to pick up meals for their children at any school within the SFA.

SFAs may also designate one school to be the pick-up site for all virtual meals.

4. Can schools operating under the Nationwide Waiver to Allow Non-Congregate Meal Service in SY 2021-2022 through SSO deliver meals directly to students' homes?

Yes. If an SFA determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with State agency approval.

5. If schools schedule a shortened school week, e.g., have classes on Monday – Thursday, may they provide meals for the students to take home for Friday through NSLP/SBP?

Schools may not provide meals on non-instructional days under the NSLP/SBP if they operate under a shortened week, for example where one day of the week is not a "day of operation" that includes school instruction. A "day of operation" that includes school instruction shall mean a day in which classes are in session for all enrolled students.

SFAs operating a 4 day week can serve meals to students on scheduled "days of operation" that include instruction. Scheduled days are considered those days that are part of the regular school year and include all students. On days that do not include all students, meals cannot be served for reimbursement under NSLP/SBP and by extension SSO.

6. May SFAs operating SSO in SY 2021-2022 serve weekend and holiday meals through the SSO?

No. 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.

As a reminder, meals may be offered through the [Arkansas DHS Special Nutrition Program](#) which offers CACFP at-risk afterschool meal programs during the school year on days when schools are not in session.

7. May schools operating SSO during the school year sell a la carte food items and beverages?

Yes, schools, may sell a la carte foods and beverages as long as they continue to meet the competitive foods (Smart Snacks) requirements and follow the [Arkansas DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, October 2020](#), sections 8.00 and 9.00.

#### Meal Service Operation – Water

8. Are schools required to provide potable water to students eating lunch at school when lunch is served in the classroom?

Yes. Schools are generally required to make potable water available to students during meal service times where meals are served, including in the classroom.

9. Are schools required to provide potable water to students eating breakfast at school when breakfast is served in the classroom?

No. Consistent with SBP regulations for potable water, while water must be made available when breakfast is served in the cafeteria, schools are not required to make water available when breakfast is served outside of the cafeteria. Schools are encouraged to make potable water available in all meal service locations as safety permits.

10. Are schools required to provide potable water to students who are learning virtually due to COVID-19 and who are not eating lunch at school?

No. The requirement that schools make potable water available to students where lunch is served during the meal service assumes that lunch will be consumed onsite.

#### Afterschool Snack

11. Can the NSLP afterschool snack service operate simultaneously with SSO?

Yes. The NSLP afterschool snack service, which operates during the regular school year, may operate simultaneously with the SSO under the Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022.

12. Who is eligible to receive an afterschool snack?

1) Students attending instruction on-site must consume afterschool snack on-site accompanied by an enrichment component. This program may only be administered after the school day has ended. If SFAs are interested in serving snacks during the school day, they must be approved to serve during an expanded learning time. 'Expanded learning time' is a common term used in the education arena to describe schools or school districts that add significantly more school time for academic and enrichment opportunities to improve student achievement.

2) Snacks may be packed with breakfast and lunch for students that are attending instruction virtually. The education enrichment component has not been waived; therefore, students must be assigned an additional enrichment activity when the snack is being provided.

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## Attachments

- [SP\\_15-2021\\_160427.pdf](#)
- [SP\\_16-2021\\_160435.pdf](#)