

Distribution and Availability of Meals

March 23, 2020 – NYSED Essential Personnel Memo

Executive Order 202.4 required “local governments and political subdivisions” to reduce their “non-essential” workforce. NYSED has issued a memo that provides that this workforce restriction does not apply in order to ensure the distribution and availability of meals.

March 18, 2020 - Families First Coronavirus Response Act (H.R. 6201)

The U.S. Department of Agriculture (“USDA”) and Food Nutrition Service (“FNS”) has issued [guidance](#) that provides flexibility to states in operating meal programs in their locality. The Families First Coronavirus Response Act provides additional flexibility to the states in order to respond to this crisis. Under the Act, the Secretary of Agriculture may grant the following waivers to the states:

- To increase the federal costs that are requested by the states in providing meals under the Federal school breakfast and lunch program.
- To adjust the nutrition requirements if there is a disruption in the food supply chain due to COVID-19.
- To allow for non-congregate feeding outside of a school/care setting.
- To eliminate the filing of certain paperwork so that schools may have more flexibility in providing meals under their program.

March 16, 2020 – Executive Order No. 202.4 and NYSED Guidance

Governor Cuomo's Executive Order No. 202.4 required school districts to submit plans, which addressed, in part, the distribution and availability of meals. On March 17, 2020, the State Education Department promulgated guidance in response to Executive Order No. 202.4. The guidance provides that county-wide plans were submitted for school districts located within NYC, Nassau County, Suffolk County, and Westchester County and, thus, only school districts outside of such counties must submit the requisite plans. NYSED has created online templates for these plans, which may be accessed on the SED Monitoring and Vendor Performance system through the Business Portal website.

The guidance also addresses the SFSP application discussed in the aforementioned Q&A, and reiterates that schools must plan with community partners to ensure that students can still receive two meals a day. Additionally, SFAs should be able to provide food accessibility information to families in their identified preferred language. School districts must also work with the feeding organizations in their communities or counties to facilitate meal distribution through grab-and-go pick-up and delivery options, while also making efforts to minimize travel distances. Where distance presents an obstacle for accessing distribution sites, SFAs should consider utilizing school transportation options to deliver meals to individuals.

March 12, 2020 – Operating Child Nutrition Programs – NYSED Q&A

Summer Food Service Program (“SFSP”) and Seamless Summer Option (“SSO”)

Districts can opt to offer meals through the SFSP or SSO (SSO) by submitting a waiver application to the Child Nutrition Office via email, and subsequently receiving approval. Districts may choose options outside of SFSP and SSO, but participants who opt-in would need to email the dates in which meals will be served to the Child Nutrition Office. Additionally, districts would need to communicate to families as to when meals will be distributed and how they may be obtained. This may be done by posting on the school district's website, sending robo-calls, or hosting a 211 Hotline.

Meal Contents

Meals must meet the regular menu planning requirements of the SFSP or SSO. When utilizing an SSO, the SFA must follow the meal pattern of the National School Lunch Program (NLSP) and/or the School Breakfast Program (SBP). Offer versus serve (OVS) will not apply, which means that all meals must be unitized. Thus, a complete reimbursable meal must be distributed, including milk. Shelf-stable milk and USDA commodity foods may be used to accomplish this. Participating sponsors are also required to accommodate documented special dietary needs, which should be outlined in their waiver application.

Distribution of Meals

Meals *may* be provided to all students who attend school within the districts. Districts may also choose to provide meals to children (18 and under) who reside with a student that attends the school.

In establishing a meal program, districts must be mindful that they are not identifying students who are eligible for free or reduced-price meals. Thus, schools with 50% or more eligible students, *may* develop a grab-and-go program in which meals are available to all students. If less than 50% of the students are eligible for free or reduced-price lunch, meal distribution must directly target the student's household.

Reimbursement

To receive reimbursement, participating sponsors must maintain separate meal counts and records for any meals served, and report the total meals to the Child Nutrition Office. Notably, meals served on weekends and scheduled days off, such as spring break, holidays, or a superintendent conference, may be claimed during a COVID-19 closure. During these closures, all meals will be claimed under the free meal category at the free rate, regardless of provision status.

March 9, 2020 – NYSED and NYSDOH Joint Guidance

This guidance initially advised school districts that in the event of a school closure, they should “ensure the continuity of meal programs.” The guidance suggested that schools could work with

community feeding organizations, such as food banks, food pantries, or the Red Cross, to provide meal pick-up or delivery options to students.