

The West Virginia Department of Education is seeking federal waivers for SY 2025-2026 to allow local program operators to promptly respond to situations when congregate meal service is limited or negatively impacted by unanticipated school building or facility closures caused by natural disasters, unscheduled major building repairs, court orders relating to building safety or other issues, labor-management disputes, or when approved by the State agency, for a similar unanticipated cause. The Department is seeking waivers for the following programs:

Summer Feeding Program (SFSP);

Seamless Summer Option (SSO);

National School Lunch (NSLP) and School Breakfast Programs (SBP); and

Child and Adult Care Food Program (CACFP).

The waivers in this section apply to SFSP and SSO when school is closed due to the unanticipated causes listed above. This applies when school buildings are closed, and virtual classes are not offered. If approved, these waivers are effective through June 30, 2026.

Non-Congregate Meal Service (SFSP/SSO)

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(i)(15), SFSP meals served at sites approved for congregate meal service must be served in a congregate setting and must be consumed by participants on site.

Meal Service Times (SFSP/SSO)

Under Program regulations at 7 CFR 210.10(l), 7 CFR 220.8(l), 7 CFR 225.16(c)(1), (2), and (3), meals served in the SFSP must follow meal service time requirements.

Parent and Guardian Meal Pickup (SFSP/SSO)

Under the NSLA, 42 U.S.C. 1761(f)(3), and Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7), meals must be served to eligible children.

Service of Meals at School Sites during Unanticipated School Closures (SFSP/SSO) Under the NSLA, 42 U.S.C. 1761(c)(1), and Program regulations at 7 CFR 225.6(h)(1)(iv), State

agencies may approve meal service operations only at non- school sites during unanticipated school closures.

National School Lunch Program and School Breakfast Program (School buildings are closed with virtual learning)

The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals during unanticipated school building closures due to the unanticipated causes listed above, when virtual classes are offered. If approved, these waivers are effective through June 30, 2026.

Non-Congregate Meal Service (NSLP/SBP)

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.

Meal Service Times (NSLP/SBP)

Under Program regulations at 7 CFR 210.10(l) and 7 CFR 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.

Parent and Guardian Meal Pickup (NSLP/SBP)

Under Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), and 7 CFR 220.8(a), meals must be served to eligible children.

Offer Versus Serve (NSLP only)

Under the NSLA, 42 U.S.C. 1758(a)(3), and Program regulations at 7 CFR 210.10(e), program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch.

Child and Adult Care Food Program

The waivers in this section apply to all components of the CACFP. These waivers are intended to provide needed flexibility to support program operators in continuing to offer nutritious meals during unanticipated closures due to the unanticipated causes listed above. If approved, these waivers are effective through June 30, 2026.

Non-Congregate Meal Service (CACFP)

Under the NSLA, 42 U.S.C. 1766(f)(1)(A), CACFP meals must be served in a congregate setting and must be consumed by participants on site.

Meal Service Times (CACFP)

Under Program regulations at 7 CFR 226.17a(m) and 226.20(k), meals served in the CACFP must follow meal service time requirements.

Parent and Guardian Meal Pickup (CACFP)

Under the NSLA, 42 U.S.C. 1766(f)(1)(A) and Program regulations at 7 CFR 226.2 (Meals), meals must be served to eligible participants.

Enrichment Activity (CACFP)

Under the NSLA, 42 U.S.C. 1766(r)(2)(B), afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment with an educational or enrichment activity.

For more information on these waivers please contact Keri Kennedy at keri.kennedy@k12.wv.us or 304-558-3396.