



DEPARTMENT OF EDUCATION

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May 21, 2020

MEMORANDUM

TO: School Nutrition Supervisors
Single Unit and Special School Administrators

FROM: Aimee F. Beam, RD, LDN *AFB*
Education Associate, Nutrition Programs

SUBJECT: **SY 2020 – 2021 Operational Memo #51**
Fresh Fruit and Vegetable Program during COVID-19; Questions and Answers #2

USDA has released "SP 19-2020, Fresh Fruit and Vegetable Program during COVID-19; Questions and Answers #2". The memo is attached for your review.

If you have any questions or need assistance, please contact us at 302-857-3356.

Attachment

cc: Nutrition Team



Food and
Nutrition
Service

DATE: May 19, 2020

Braddock
Metro Center

MEMO CODE: SP 19-2020

1320
Braddock
Place
Alexandria,
VA 22314

SUBJECT: Fresh Fruit and Vegetable Program during COVID-19: Questions and Answers #2¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Fresh Fruit and Vegetable Program during COVID-19: Questions and Answers #2
Document ID:	
Z-RIN:	
Date of Issuance:	May 19, 2020
Replaces:	N/A
Summary:	(1) This memorandum provides clarification on questions related to the administration of the Fresh Fruit and Vegetable Program (FFVP) during school closures in all States and school food authorities during the novel coronavirus (COVID-19) public health emergency. (2) This memorandum applies to school food authorities operating the Fresh Fruit and Vegetable Program. (3) This document relates to section 19 of the National School Lunch Act (NSLA) [42 U.S.C. 1769a].
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memo as not major, as defined by 5 U.S.C. § 804(2).

This memorandum includes additional questions and answers intended to provide clarification on the operation of the Fresh Fruit and Vegetable Program (FFVP) during the novel coronavirus (COVID-19) public health emergency. This is intended as a supplement to Fresh Fruit and Vegetable Program during COVID-19:

<https://www.fns.usda.gov/cn/covid-19/ffvp-during-covid19>.

The Secretary has broad authority for the administration of the FFVP, as permitted under section 19 of the National School Lunch Act (NSLA) [42 U.S.C. 1769a]. FNS recognizes that local Program operators are practicing social distancing, and working to limit the amount of time children spend congregating at meal and snack service sites. Therefore, based on the exceptional circumstances relating to the U.S. Department of Health and Human Services' January 27, 2020, declaration of a public health emergency due to the novel coronavirus by the, and pursuant to existing statutory authority, FNS is exercising its enforcement discretion to allow the following flexibilities in the operation of the FFVP. Please note, these flexibilities are as of January 27, 2020, and remain in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during a challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program Operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.



Angela M. Kline
Director
Policy and Program Development Division
Child Nutrition Programs

Questions and Answers

- 1. May remaining FFVP funds be used towards purchasing fresh fruits and vegetables for Summer Food Service Program (SFSP) or National School Lunch Program Seamless Summer Option (SSO) meals?**

No, FFVP funds may not be used to purchase fruits and vegetables for the SFSP and SSO. However, FFVP elementary schools operating SFSP and SSO may provide FFVP foods as a separate benefit, along with the service of SFSP and SSO meals. (See Question 3, [SP-12, 2020](#)).

- 2. If an FFVP elementary school is not serving meals during the school closures, may the school food authority (SFA) serve the FFVP foods from a high school or alternative location where SFSP/SSO meals are being served?**

By law, FFVP foods may only be served at participating FFVP elementary schools. An SFA with FFVP elementary schools that are not operating must request a waiver in order to be able to serve FFVP foods at alternative locations, including high schools. Any waiver request would be processed according to the requirements of Section 12(l) of the National School Lunch Act.

- 3. If FFVP schools are delivering SFSP/SSO meals to households, can the FFVP foods be provided to all children in the household regardless of age?**

Yes. In prior FFVP QAs ([SP-12, 2020](#)), SFAs operating FFVP at open sites may provide FFVP foods to any child attending the site. Similarly, prior SFSP/SSO QAs have allowed delivered meals to be served to all children residing in the household.

- 4. Do schools that participated in FFVP during school year (SY) 2019-2020 and that are selected for participation in SY 2020-2021 need a new certificate of support signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school) or do the existing signatures suffice?**

If nothing has changed from the previous school year in terms of required signatories or other required information, the school/SFA representative may indicate this on the application and maintain this information for the record and for the review process. In that case, no new signatures would be required.

If any or all of the required signatories have changed, new signatures are required. However, as previous FFVP QAs ([SP-12, 2020](#)) indicated, if signatures cannot be obtained due to social distancing, signatures may be obtained when the program starts at the beginning of the new school year. Additionally, electronic signatures are also acceptable.

- 5. If an elementary school that is participating in FFVP continues to serve fruits and vegetables during the current public health emergency, can FFVP funds originally awarded to other participating schools that have ceased operations be reallocated for use at the remaining open school(s)?**

Yes. States may reallocate unobligated, unexpended FFVP funds from closed elementary schools to other participating FFVP elementary schools that are continuing operations. The required per-student funding level of \$50-\$75/year still applies, so for operational simplicity, it is recommended (though not required) that consolidations of FFVP funds also include a similar consolidation of the student populations being served.

For example, Elementary schools A, B, and C participate in FFVP. Elementary schools B and C suspend their foodservice due to the public health emergency. The State agency reallocates elementary school B and C's unexpended, unobligated FFVP funds to elementary school A, which will continue FFVP operations. Elementary school A will now offer FFVP snacks to the students from schools B and C, in addition to its regular student population.

- 6. May an eligible FFVP elementary school that is not able to participate as a meal site for SFSP/SSP during COVID-19 unanticipated school closures, purchase produce and donate the produce to an alternate meal site in the area?**

No. FFVP elementary schools that are not open during COVID19 may not purchase and then donate produce purchased with FFVP funds. However, as noted in Question 5 above, the State agency may permit a reallocation of funds of unobligated, unexpended FFVP funds from closed elementary schools to other participating FFVP elementary schools that are serving as meal sites. Additionally, as noted in Question 2 above, an SFA with FFVP elementary schools that are not operating may request a waiver in order to be able to serve FFVP foods at alternative locations. Any waiver request would be processed according to the requirements of Section 12(I) of the National School Lunch Act.

- 7. If an FFVP school participating in SY 2019-2020 is not selected to participate in FFVP for SY 2020-2021, can they expend their remaining funds through the fall and then stop participating?**

No. If a previously participating FFVP school is not selected for the new school year, they cannot expend any of their remaining FFVP funds in the new school year starting July 1, 2020. The funds will be recovered during the year-end closeout process.

8. May the period of performance to obligate funds for the FY 2020 FFVP be extended beyond September 30, 2020?

No. State agencies and SFAs are still required to obligate all allocated October FY 2020 funds by the last day of the fiscal year (September 30, 2020). Any unobligated, unexpended funds that remain after this date will be recovered and reallocated in a future year as part of the normal FFVP funding process.

9. May States provide flexibility to local program operators on established claims deadlines in the Fresh Fruit and Vegetable Program (FFVP) without first requesting a waiver?

Yes. States do not require a waiver to provide this flexibility to local Program operators, and may exercise their discretion in granting extensions they deem reasonable and appropriate. However, States are reminded that all federal financial reporting requirements (quarterly SF-425) remain in effect, and that any unused FY 2020 FFVP funds will be recovered and reallocated on the last day of the fiscal year (September 30, 2020).