

U.S. Department of Education

ESEA Programs and USDA Nationwide Waivers

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1

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Presenters

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2

Introduction

Abbreviations and definitions:

- ESEA: Elementary and Secondary Education Act of 1965
- LEA: Local educational agency
- SEA: State educational agency
- Small LEA: LEA under 20,000 total population based on Census estimates
- Special LEA: LEA for which Census poverty estimates are not available



3

Introduction

Abbreviations and definitions (continued):

- SY: School Year
- NSLP: National School Lunch Program
 - NSLP Afterschool Snacks
 - SSO: Seamless Summer Option
- SBP: School Breakfast Program
- FFVP: Fresh Fruit and Vegetable Program (FFVP)
- CEP: Community Eligibility Provision



4

Introduction

Organization of presentation:

- USDA nationwide waivers
- Connection between USDA nationwide waivers and ESEA programs; options for SEAs and LEAs
- Example: Kansas approach



5

USDA Nationwide Waivers



6

USDA Waivers Overview

- Overview of the Child Nutrition Programs
- COVID-19 Challenges
- USDA Waiver Response
- Pandemic EBT
- Direct Certification and Applications



7

School Meal Programs

- National School Lunch Program (NSLP)
 - NSLP Afterschool Snacks
 - Seamless Summer Option (SSO)
- School Breakfast Program (SBP)
- Fresh Fruit and Vegetable Program (FFVP)
- **COVID-19 Challenges:**
 - Rapid school closures in Spring 2020
 - Altered schedules heading into the fall
 - Virtual learning (full-time or part-time)
 - Supply chain disruptions



8

8

Child and Adult Care Food Program

- Provides reimbursement for meals and snacks served in:
 - Child care centers
 - Day care homes
 - Adult day care centers
 - Afterschool care programs
 - Emergency shelters
- **COVID-19 Challenges:**
 - Facilities closed; participants stayed home
 - Restricted capacity
 - Reduced afterschool program availability
 - Supply chain disruptions



9

Nationwide Waivers: Meal Service

For Spring 2020 and SY 2020-2021, USDA allowed:

- Meal service time flexibility
- Non-congregate feeding
- Meal pattern flexibility
- Parent or guardian pick-up



10

10

Nationwide Waiver: SFSP/SSO in SY 2020-2021

- Schools may serve meals through the Summer Food Service Program (SFSP) or the NSLP Seamless Summer Option (SSO)
- Streamlines access to meals and minimizes potential exposure to COVID-19
- No need to determine individual eligibility
- Effective through June 30, 2021



11

11

Nationwide Waivers: SFSP/SSO

- Meal Service Time Restrictions – SFSP and SSO
- Closed Enrolled Site Eligibility – SFSP and SSO
- First Week Site Visits – SFSP
- Offer Versus Serve – SFSP
- Effective through June 30, 2021



12

12

Nationwide Waivers: Area Eligibility

- With State approval:
 - SFSP/SSO: Sites may operate in non-area eligible locations
 - CACFP At-Risk: Schools and afterschool care centers may operate in non-area eligible locations
- States must target benefits to children in need
- Effective through June 30, 2021



13

13

Nationwide Waiver: CACFP At-Risk Afterschool

- May operate simultaneously with SFSP/SSO
- Required enrichment activity may be virtual or occur off-site



14

14

Pandemic EBT Operations

- Basic conditions of P-EBT eligibility:
 - School closure after the start of the school year lasting at least five consecutive days
 - A current public health emergency designation
 - Attendance of eligible children who, if not for the school closure, would receive free or reduced price meals
- Additional flexibilities available for this school year
- For more information, see: <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>



15

15

Direct Certification in SY 2020-2021

- LEAs must conduct direct certification with SNAP at least 3 times per school year
 - In most cases, this is a highly automated process
- This requirement remains in place for SY 2020-2021



16

16

Applications in SY 2020-2021

- Schools operating SFSP/SSO may continue to collect household applications
- Applications may be used to establish eligibility for other benefits, such as P-EBT
 - States must provide new students the opportunity to establish eligibility for P-EBT and other benefits



17

17

USDA Nationwide Waivers

Looking Ahead...

A decorative banner with red and green pennants hanging from a string with bows at the ends.

18

18

Connections Between USDA Nationwide Waivers and ESEA Programs; Options for SEAs and LEAs



19

19

Connections

- Title I, Part A (Title I):
 - Within-State allocations for special LEAs (deriving a Census poverty count)
 - Within-State allocations for small LEAs (applies in 10 States only)
 - Within-LEA allocations
 - Reporting and accountability
 - Equitable services
- Title II, Part A (Title II): Within-State allocations for special LEAs (deriving a Census poverty count)
- Rural and Low-Income School Program (RLIS): Within-State allocations for special LEAs (deriving a Census poverty count)



20

20

Options for SEAs: SY 2021-2022

Deriving a Census poverty count for special LEAs (Title I, Title II, RLIS) and reporting and accountability (Title I):

- Poverty data other than NSLP data
- Best available NSLP data (might be from SY 2019-2020 or a combination of SY 2019-2020 and SY 2020-2021 data)
- NSLP data from SY 2020-2021 (e.g. from direct certification)
- Survey that replicates NSLP data



21

21

Options for SEAs: SY 2021-2022

Redistribution by SEA of ED-determined *Title I* allocations among *small LEAs (only applies in 10 States with ED's approval to use NSLP data)*:

- Best available NSLP data (might be from SY 2019-2020 or a combination of SY 2019-2020 and SY 2020-2021 data)
- NSLP data from SY 2020-2021 (e.g. from direct certification)
- Survey that replicates NSLP data



22

22

Options for LEAs: SY 2021-2022

Within-LEA allocations (Title I):

- Medicaid data, Temporary Assistance for Needy Families (TANF) data, or a composite of data of these two sources from SY 2020-2021
- Best available NSLP data (might be from SY 2019-2020 or a combination of SY 2019-2020 and SY 2020-2021 data)
- NSLP data from SY 2020-2021 (e.g. from direct certification)



23

23

Options for LEAs: SY 2021-2022

Within-LEA allocations (Title I) (continued):

- A composite of NSLP, Medicaid, and TANF data, which might include Medicaid or TANF counts from SY 2020-2021 and the best available FRPL data, which may be from SY 2019-2020
- Survey that replicates NSLP data



24

24

Options for LEAs: SY 2021-2022

Title I equitable services:

- The ESEA requires an LEA, in consultation with private school officials, to determine the number of children from low-income families who attend a private school and reside in a participating Title I public school attendance area in order to calculate the amount of its Title I allocation that it must use to provide equitable services to eligible children in participating private schools
- LEA may make determination of the number of children every year or every other year



25

25

Options for LEAs: SY 2021-2022

Title I equitable services, choice of poverty measures:

- Same measure of poverty used to count public school children
- Comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable
- Comparable poverty data from a different source
- The application of the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area
- An equated measure



26

26

Options for LEAs: SY 2021-2022

Title I equitable services, choice of poverty measures:

- Possible that under any of the measures on previous slide an LEA will determine private school low-income counts by reference to NSLP data from public school students and, in some cases, using NSLP data from private school students themselves
- To the extent that NSLP data from SY 2020-2021 are not available, in consultation with appropriate private school officials, the LEA may decide instead to use data from SY 2019-2020 (including NSLP data) to determine the proportional share for SY 2021-2022



27

27

Example: Kansas Approach



28

28

Kansas

Kansas approach:

- Look to experience for new guidance
 - KSDE used lessons learned from CEP
- When presented with a wealth of options, consider choosing the most pragmatic solution
 - ED provided multiple alternatives to collect poverty data
 - Some options may be better long-term solutions, but are not feasible due to lack of staff or time necessary to implement
- Be consistent
 - LEAs may each select different permissible methodologies, but an LEA under ESEA section 1113 uses the same method for each school, ensuring an “apples to apples” comparison



29

29

Kansas

Questions:

- What has been the effect of participation in NSLP waivers on the reported rate of poverty based on NSLP data among Kansas LEAs



30

30

Kansas

Questions (continued):

- To what extent might participation in NSLP waivers have an impact on the amount of Title I funds LEAs receive for SY 2021-2022
 - No effect on the total amount of Title I funds KSDE will receive from ED
 - No effect on the total amount of Title I funds available to LEAs, including small LEAs in Kansas
 - May affect KSDE's redistribution of Title I funds among small LEAs.



31

31

Kansas

Questions (continued):

- To what extent might participation in NSLP waivers have an impact on the amount of Title I funds schools within an LEA receive for SY 2021-2022



32

32

Resources

- [ED Fact Sheet: State-Administered Programs under the ESEA and the Nationwide Waiver from the U.S. Department of Agriculture to Allow Meal Pattern Flexibility in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option through June 2021 \(January 4, 2021\)](#)
- [USDA/FNS Responds to COVID-19](#)



33

33

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34

34