



Food and Nutrition Service

DATE: April 9, 2020

Braddock Metro Center

MEMO CODE: SP 12-2020

1320 Braddock Place Alexandria, VA 22314

SUBJECT: Fresh Fruit and Vegetable Program during COVID19<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Fresh Fruit and Vegetable Program during COVID19
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<b>Replaces:</b>	N/A
<b>Summary:</b>	(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].
<b>Disclaimer:</b>	<b>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.</b>

This memorandum includes 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.

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

<sup>1</sup> 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).

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.

A handwritten signature in black ink, appearing to read "Angela M. Kline". The signature is written in a cursive, flowing style.

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

## Questions and Answers

**1. May Fresh Fruit and Vegetable Program (FFVP) operators provide the fruit or vegetable service outside of a regular school day?**

Yes. Under this public health emergency and given widespread school closures, elementary schools operating FFVP may serve fresh fruits and vegetables to students at the time the operators determine to be appropriate. A waiver from FNS is not necessary to exercise this flexibility.

**2. May FFVP operators provide the fruit or vegetable service in a non-congregate setting?**

Yes. Under this public health emergency and given widespread school closures, elementary schools operating FFVP may serve fresh fruits and vegetables in a non-congregate setting, including through home delivery. A waiver from FNS is not necessary to exercise this flexibility.

**3. May the FFVP fruit or vegetable service be provided at the same time as another Child Nutrition Program meal service?**

Yes. Under this public health emergency and given widespread school closures, elementary schools operating FFVP may provide the FFVP service alongside other Child Nutrition Program meals. A waiver from FNS is not necessary to exercise this flexibility. This means that elementary schools that are operating other Child Nutrition Programs during an unanticipated school closure, such as the Summer Food Service Program or the National School Lunch Program Seamless Summer Option (SSO), may provide FFVP foods along with SFSP or SSO meals at the same time.

**4. May elementary schools operating FFVP allow parents or guardians to pick up the FFVP food from the site or does the child have to be in attendance?**

Elementary schools offering FFVP foods in a non-congregate setting may not provide those foods to parents or guardians unless they are accompanied by their child(ren). Section 19(b) of the NSLA requires schools participating in the FFVP to make fresh fruits and vegetables available “to students.” Because the Families First Coronavirus Response Act (P.L. 116-127) did not include FFVP as a “qualified program,” the nationwide waiver allowing parents to pick up meals for children at non-congregate sites does not apply to FFVP.

**5. Can elementary schools that currently participate in FFVP provide fruits and vegetables to any child attending an open site at that school?**

Yes. FFVP foods may only be provided at elementary schools currently approved to operate the program. However, if the elementary school is operating an open site, FFVP foods may be provided to any children attending the site.

**6. What quantity of FFVP fruits and vegetables may be served?**

Elementary schools operating FFVP that are providing multiple days of meals at one time also may provide multiple servings of FFVP foods at one time. For example, sites may permit children to pick up a week's supply of FFVP fruits and vegetables at a time. The FFVP serving for a week must reflect what would be served to an individual student during a school week.

**7. Are FFVP operators required to provide an educational component with the FFVP service?**

No. While elementary schools operating the FFVP are encouraged to provide a nutrition education lesson with the FFVP service, FNS recognizes that a nutrition education lesson is not practical during this public health emergency.

**8. May an FFVP operator donate its produce to another school or a food bank?**

FFVP foods may be served only at elementary school sites currently approved to operate FFVP. However, if fresh produce cannot be used and would need to otherwise be disposed of, the produce may be donated.

**9. What happens if, due to COVID-19 school closures, school year (SY) 2019-2020 FFVP funds are not spent?**

If SY 2019-2020 FFVP funds are not spent by the end of the fiscal year, the funds will be recovered for use in the next fiscal year. SFAs should, at a minimum, plan that elementary schools currently participating in the FFVP will continue to participate in SY 2020-2021, provided they remain eligible for the Program. FNS will provide additional guidance to State agencies about FFVP funding for School Year 2020-2021.

**10. Can elementary schools operating FFVP use the rest of their FFVP funds for ordering produce to use during COVID school closures and file a FFVP claim for reimbursement?**

Yes. Schools may use their remaining FFVP funds to continue purchasing fruits and vegetables, and for administrative expenses of the program as allowed. Claims for

reimbursement can be made through September 30, 2020, as with regular program operations.

**11. Can schools use FFVP produce that was already ordered and stocked for meals served during unanticipated closures?**

Yes. As discussed above, FFVP foods may be included as a separate food service along with other meal distributions. However, FFVP foods may not be served as part of the fruits and vegetables component of other meal programs.

**12. Will additional funds be made available for currently participating FFVP elementary schools?**

Funds for school year 2019-2020 have already been distributed and no additional funds for this school year are available. Therefore, schools must stay within their current allocation amount. FFVP operators with specific questions on this topic should contact their State agency.

**13. For the FY 2021 FFVP application, if the sites cannot get actual signatures from the principal and superintendent on the Certification of Support document, may State agencies approve grant applications?**

The National School Lunch Act requires that applications to participate in FFVP include a signed certification of support by the principal and superintendent. Therefore, these signatures must be included on the application. Please note, however, that electronic signatures are acceptable.