

Use of the Fiscal Action Flexibility for Meal Pattern Violations Waiver

A research brief about school year 2022–2023

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) administers the National School Lunch Program and the School Breakfast Program to provide nutritious school meals to children. State agencies administer the school meal programs in each State and Territory through agreements with local school food authorities (SFAs).

State agencies conduct administrative reviews to ensure the SFAs in their State or Territory follow all program rules. For example, meal pattern rules ([7 CFR § 220.8](#); [7 CFR § 210.10](#))^{1,2} require SFAs to:

- Offer meals with age-specific quantities of fluid milk, meat or meat alternates (protein-rich foods like eggs, cheese, yogurt, beans, tofu, and nuts), grains, vegetables, and fruits (called *meal components*)
- Meet specific requirements for milk type, vegetable subgroups, whole grain–rich foods, and dietary specifications such as calories and saturated fat
- Keep production records that show how meals contribute to the required meal components and food quantities for each age group

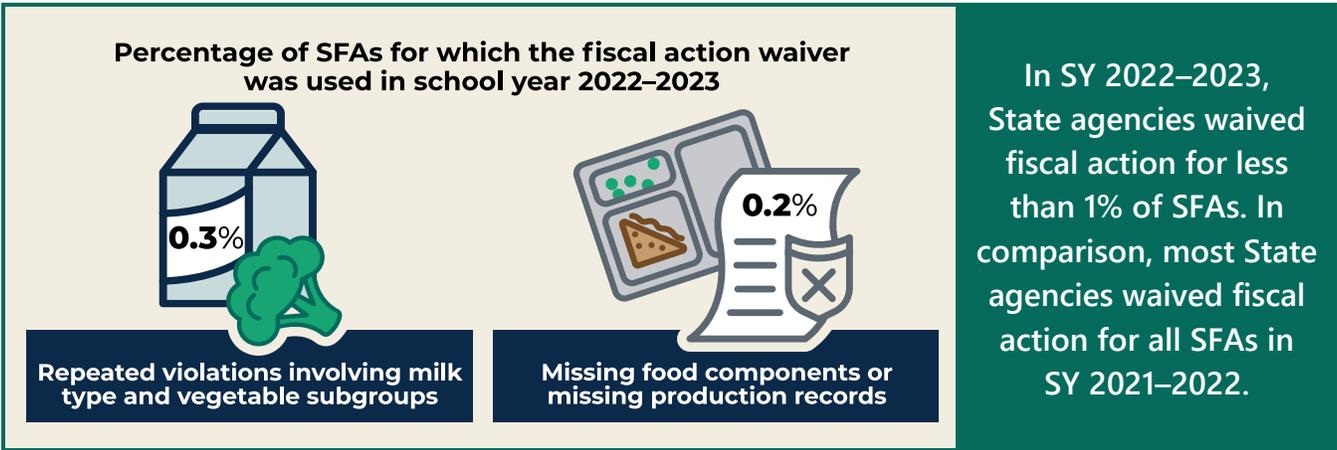
Before the COVID-19 pandemic, when an administrative review found that an SFA was not meeting certain meal pattern rules, the State agency was required to take fiscal action against the SFA by recovering funds for unallowable meals ([7 CFR § 210.18](#)).³ During the pandemic, SFAs faced supply chain issues that made it difficult to follow meal pattern rules consistently. FNS issued the **Fiscal Action Flexibility for Meal Pattern Violations waiver** so State agencies were not required to take fiscal action against SFAs for missing food components or production records or for repeat violations involving milk type or vegetable subgroups (FNS 2022).⁴ The waiver was available in school years (SYs) 2021–2022 and 2022–2023. After SY 2022–2023, FNS updated program regulations so State agencies could use discretion for all repeat violations involving food quantities, whole grain–rich foods, milk types, vegetable subgroups, and dietary specifications ([FNS 2023](#)).⁵

We asked State agencies if they used the Fiscal Action Flexibility for Meal Pattern Violations waiver in SY 2022–2023, and how many SFAs they used it for. **Only 16 State agencies used the waiver in SY 2022–2023, and they used it for less than 1 percent of SFAs nationwide.** These figures are much lower than they were in SY 2021–2022 ([Washburn et al. 2025](#)).⁶



Key Takeaway

In school year 2022–2023, 16 State agencies used the Fiscal Action Flexibility for Meal Pattern Violations waiver to waive fiscal action for less than 1 percent of school food authorities nationwide.



About the data reported here

This study was sponsored by USDA FNS. The information reported in this brief was collected from an online survey of all 56 State agencies that oversaw the National School Lunch Program, School Breakfast Program, or Seamless Summer Option during SY 2022–2023. The data tables are available in Supplement B.1.

Suggested citation

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References

- 1 Meal Requirements for Breakfasts. 7 CFR § 220.8. Updated 2025. <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-220/section-220.8>.
- 2 Meal Requirements for Lunches and Requirements for Afterschool Snacks. 7 CFR § 210.10. Updated 2025. <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-210#210.10>.
- 3 National School Lunch Program, Administrative Reviews. 7 CFR § 210.18. Updated 2025. [https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-210/subpart-D/section-210.18#p-210.18\(l\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-210/subpart-D/section-210.18#p-210.18(l)).
- 4 FNS. "Waiver to Allow Fiscal Action Flexibility for Meal-Pattern Violations Related to COVID-19 Supply-Chain Disruptions Impacting School Meals in School Year 2022–2023—EXTENSION." Memorandum to regional directors of special nutrition programs, all regions, and to State directors of child nutrition programs, all States, June 30, 2022. Accessed July 25, 2025 at <https://fns.usda.gov/cn/covid-19-child-nutrition-response-110>.
- 5 FNS. "Child Nutrition Program Integrity Final Rule: State Agency Discretion for Repeat Meal Pattern Violations Fiscal Action." Memorandum to regional directors of child nutrition programs, all regions, and to State directors of child nutrition programs, all States, December 1, 2023. <https://www.fns.usda.gov/cn/integrity-rule-repeat-meal-pattern-violations-fiscal-action>.
- 6 Washburn, Liana, Veronica Severn, Brett Eiffes, Myah Scott, Sophia Navarro, and Kevin Conway. "Child Nutrition Program Operations During the COVID-19 Pandemic: July 2021 through September 2022." Prepared by Mathematica, Contract No. AG-3198-B-16-0004/12319819F0021. USDA, FNS, Office of Policy Support, 2025. <https://www.fns.usda.gov/research/cn/pandemic-operations-july2021-sept2022>.