



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: May 14, 2020

CODE: COVID-19: Child Nutrition Response #23

SUBJECT: Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION<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>	Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	May 14, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) Under this waiver, Program operators in a State with an approved waiver of meal service times may establish meal service times that support streamlined access to nutritious meals. This waiver extends the Nationwide Waiver to Allow Meal Service Time Flexibility in Child Nutrition Programs granted on March 20 that expires on June 30, 2020. (2) This waiver applies to State agencies administering, and local organizations operating, the: National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. (3) This document relates to 7 CFR 210.10(l), 220.8(l), and 226.20(k).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extension applies to the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. This extension does not apply to the Summer Food Service Program or the National School Lunch Program Seamless Summer Option; those programs are covered in *COVID-19: Child Nutrition Response #17, Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option*.

Section 2202(a) and (b) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(l), 220.8(l), and 226.20(k), Child Nutrition Program meals must follow meal service time requirements. However, FNS recognizes that in this public health emergency, waiving the meal service time requirements will support streamlined access to nutritious meals.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the requirements at 7 CFR 210.10(l) and 220.8(l). State agencies may also adjust the time of meal service, as addressed at 226.20(k), including suspension of meal times as needed in the Child and Adult Care Food Program during the public health emergency.

This waiver is effective immediately, and remains in effect through August 31, 2020. Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

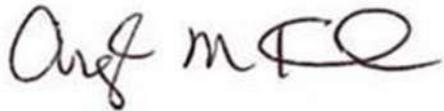
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by the coronavirus and intends to continue supporting access to nutritious meals.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: May 14, 2020

CODE: COVID-19: Child Nutrition Response #22

SUBJECT: Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – EXTENSION<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>	Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	May 14, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) Under this waiver, Program operators may provide non-congregate meals during COVID-19-related operations. This waiver extends the Nationwide Waiver to Allow Non-congregate Feeding in Child Nutrition Programs granted on March 20 that expires on June 30, 2020. (2) This waiver applies to State agencies administering, and local organizations operating, the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), 7 CFR 225.6(e)(15), and 7 CFR 226.19(b)(6)(iii).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver to Allow Non-congregate Feeding in*

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

*Child Nutrition Programs*, granted on March 20 that expires on June 30, 2020. This waiver extension applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) and (b) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(e)(15) and 226.19(b)(6)(iii), Child Nutrition Program meals must be served in a congregate setting and must be consumed by participants on site. However, FNS recognizes that in this public health emergency, waiving the congregate meal requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, those requirements at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15), to serve meals through the National School Lunch Program, School Breakfast Program, and Summer Food Service Program in a congregate setting. FNS also waives, for all States, requirements at 7 CFR 226.19(b)(6)(iii), to serve meals through the Child and Adult Care Food Program in a congregate setting.

This waiver is effective immediately, and remains in effect through August 31, 2020.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

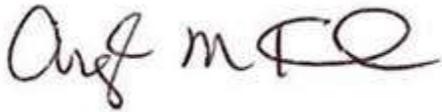
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by the coronavirus and intends to continue supporting access to nutritious meals.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: May 14, 2020

CODE: COVID-19: Child Nutrition Response #25

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION<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>	Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	May 14, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) Under this waiver, Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children. State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children granted on March 25 that expires on June 30, 2020. (2) This waiver applies to State agencies administering, and local organizations operating, the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), 225.9(d)(7), and 226.2 (Meals).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children*, granted on March 25, 2020, that expires on June 30, 2020. This waiver extension applies to the Child Nutrition Programs: National School Lunch Program, including the Seamless Summer Option; School Breakfast Program; Child and Adult Care Food Program (CACFP); and Summer Food Service Program.

Section 2202(a) and (b) of FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals and meal supplements under the Child Nutrition Programs named above with appropriate safety measures with respect to COVID-19, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act (NSLA) at 42 U.S.C. 1761(f)(3) and Program regulations at 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), 225.9(d)(7), and 226.2 (Meals), meals must be served to eligible children. The NSLA and cited regulations envision Program operators providing meals directly to children, not to parents and guardians picking up meals at non-congregate meal sites on behalf of their children. However, FNS recognizes that in this public health emergency, continuing to require children to come to the meal site to pick up meals may not be practical and in keeping with the goal of providing meals while also taking appropriate safety measures.

Therefore, pursuant to the FFCRA authority cited above, under this waiver, Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children. However, State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child. State agencies may want to consult local Program operators when developing their plans, as local Program operators are best situated to determine how to provide these assurances. This waiver is effective immediately and remains in effect until August 31, 2020.

Please note, this waiver also applies to guardians picking up meals for adult participants in CACFP Adult Day Care programs.

Consistent with section 2202(a)(2) of FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

As required by section 2202(d) of FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19 and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: May 14, 2020

CODE: COVID-19: Child Nutrition Response #24

SUBJECT: Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION<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>	Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	May 14, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during the public health emergency due to COVID-19. This waiver extends the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION granted on April 21 that expires on May 31, 2020. (2) This waiver applies to State agencies administering, and local organizations operating, the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20.
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127) and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This extension of *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*, issued March 25, 2020, and *Nationwide*

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

*Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION*, issued April 21, 2020, applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, Child Nutrition Program meals must meet meal pattern requirements. However, FNS recognizes that, in this public health emergency, appropriate safety measures are necessary. Therefore, for all States, FNS extends its waiver of the requirements at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, to serve meals that meet the meal pattern requirements during the public health emergency.

Consistent with section 2202(a)(2) of the FFCRA, this waiver is automatically available to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. However, in order to participate under this waiver, local Program operators must contact the State agency for approval to utilize this waiver. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

When reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID–19. FNS expects and strongly encourages Program operators to maintain and meet the nutrition standards for each Program to the greatest extent possible. FNS stands ready to provide technical assistance and to offer alternatives to help Program operators meet the meal patterns. As a reminder, Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency.

State agencies should inform local Program operators of the extension of this waiver as quickly as possible, and work in partnership with them to determine if this waiver is necessary to ensure access to nutritious meals. The State agency must approve use of this waiver on a case-by-case basis, and must report to the FNS Regional Office when and where this waiver is in effect and for what food components.

This waiver extension remains in effect until June 30, 2020. FNS is offering this flexibility in short-term increments and will reevaluate the continued need for the waiver as the situation continues to evolve. Please note, this extension will remain available to local Program operators that transition from unanticipated school closure operations to traditional summer operations prior to the waiver expiration date.

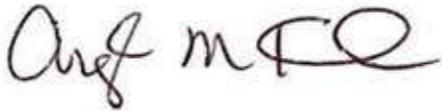
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to continue supporting access to nutritious meals.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: April 27, 2020

CODE: COVID-19: Child Nutrition Response #21

SUBJECT: Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020<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>	Transitioning from SSO and SFSP Operations during Unanticipated School Closures to Standard Summer Operations
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 27, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This waiver delays the transition from National School Lunch Seamless Summer Option (SSO) and Summer Food Service Program (SFSP) operations during unanticipated school closures associated with the Coronavirus (COVID-19) pandemic to traditional SSO and SFSP operations to June 30, 2020. (2) This waiver applies to State agencies administrating and local organizations operating the: National School Lunch Program Seamless Summer Option (SSO) and the Summer Food Service Program (SFSP). (3) This document relates to 42 U.S.C. 1761(c)(1) and 7 CFR 225.6(b)(1), 6(b)(4), 6(c)(1), 6(c)(2)(i)(G), 6(c)(3)(i)(B), 6(e)(1)(iii), 7(a), 7(d)(1)(i), 14(a), and 15(d)(1).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to the Families First Coronavirus Response Act (the Act) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. This

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

## COVID-19: Child Nutrition Response #21

waiver applies to the National School Lunch Program Seamless Summer Option (SSO) and the Summer Food Service Program (SFSP).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

The Richard B. Russell National School Lunch Act at 42 U.S.C. 1761(c)(1), and Program regulations at 7 CFR 225.6(b)(1), 7 CFR 225.6(b)(4), 225.6(c)(1), 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(e)(1)(iii), 225.7(a), 225.7(d)(1)(i), 225.14(a), and 225.15(d)(1) limit SSO and SFSP operations during unanticipated school closures to the period from October through April of each school year. Unanticipated school closure operations reduce administrative burden by exempting Program operators from certain requirements, such as pre-operational training requirements. Across the Nation, schools and community organizations have used this flexibility to provide meals to children during the public health emergency.

FNS recognizes that State agencies and local Program operators need additional support and flexibility to make a smooth transition to traditional summer operations this year. Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, the October through April time limitation for unanticipated school closures in the above referenced statutory and regulatory requirements for the remainder of school year 2019-2020, as defined at 42 U.S.C. 1760(d)(6). The intent of this waiver is to allow State agencies to permit Program operators to operate under current unanticipated school closure requirements (regardless of their current closure status) for the duration of this waiver, which is effective immediately, and remains in effect through June 30, 2020. However, this waiver does not prevent State agencies and Program operators from implementing SFSP and SSO requirements prior to June 30, 2020.

In addition, regulations at 7 CFR 225.6(b)(1) require SFSP or SSO sponsors to submit written applications for Program participations by June 15. This June 15, 2020, application date is also waived. Written applications are still required for State agency approval for participation in SFSP or SSO; however, submissions are not required by June 15. Therefore, there is no Federal application deadline for summer 2020; however, State agencies must establish a deadline based on local conditions. This is in acknowledgement of the unprecedented operating conditions of COVID-19.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

COVID-19: Child Nutrition Response #21

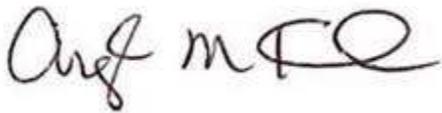
As required by section 2202(d) of the Act, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State elected to receive the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19 and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: April 24, 2020

CODE: COVID-19: Child Nutrition Response # 20

SUBJECT: Nationwide Waiver of Annual Review Requirements for State Agencies in the Child and Adult Care Food Program<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>	Nationwide Waiver of Annual Review Requirements for State Agencies in the Child and Adult Care Food Program
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 24, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS waives, for all State agencies that elect to be subject to this waiver, CACFP monitoring requirements included at Section 17(d)(2)(C) of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766] and regulations at 7 CFR 226.6(m)(6) and 226.6(m)(6)(i) through (ii). (2) This waiver applies to State agencies administering Child and Adult Care Food Program
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child and Adult Care Food Program (CACFP).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures while providing meals, as determined by the Secretary.

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

On March 27, 2020, FNS issued a nationwide waiver (COVID-19: Child Nutrition Response #8) of the requirement to complete CACFP monitoring requirements **on site**. Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. Program regulations at 7 CFR 226.6(m)(6) require State agencies to annually review at least 33.3 percent of all CACFP institutions with at least 15 percent of those total reviews being unannounced. Additionally, 7 CFR 226.6(m)(6)(i) and (ii) requires State agencies to review independent centers and sponsoring organizations of 1 to 100 facilities once every three years and sponsoring organizations with more than 100 facilities at least once every two years. However, due to COVID-19: Child Nutrition Response #8, FNS recognized that it is no longer safe to meet monitoring requirements under this public health emergency. Furthermore, many CACFP institutions are closed, making monitoring of some CACFP institutions not possible and State agencies unable to meet the requirements for frequency and number of reviews.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, CACFP monitoring requirements included at Section 17(d)(2)(C) of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766(d)(2)(C)] and regulations at 7 CFR 226.6(m)(6) and 226.6(m)(6)(i) through (ii). FNS strongly encourages State agencies that elect to not conduct scheduled reviews of CACFP institutions this year to prioritize reviews of these institutions next year.

Please note that to ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver is effective immediately, and remains in effect through September 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office who will acknowledge receipt. State responses will be relayed to the FNS State Administration Branch. State agencies should inform sponsoring organizations and local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State that receives this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to continue supporting access to nutritious meals during this public health emergency.

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 should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes  
Director  
Program Monitoring and Operational Support Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: April 21, 2020

CODE: COVID-19: Child Nutrition Response #13

SUBJECT: Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs<sup>1</sup> – EXTENSION

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>	Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 21, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	The following are extended until May 31, 2020: (1) FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during the public health emergency due to COVID-19. (2) This waiver applies to State agencies administering and local organizations operating the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20.
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127) and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This extension of *Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs*, issued March 25, 2020, applies to the

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, Child Nutrition Program meals must meet meal pattern requirements. However, FNS recognizes that, in this public health emergency, appropriate safety measures are necessary. Therefore, for all States, FNS extends its waiver of the requirements at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, to serve meals that meet the meal pattern requirements during the public health emergency.

Consistent with section 2202(a)(2) of the Act, this waiver is automatically available to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. However, in order to participate under this waiver, local Program operators must contact the State agency for approval to utilize this waiver. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

When reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19. FNS expects and strongly encourages Program operators to maintain and meet the nutrition standards for each Program to the greatest extent possible. FNS stands ready to provide technical assistance and to offer alternatives to help stakeholders meet meal patterns. As a reminder, Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency.

State agencies should inform local Program operators of the extension of this waiver as quickly as possible, and work in partnership with them to determine if this waiver is necessary to ensure access to nutritious meals. The State agency must approve use of this waiver on a case-by-case basis, and must report to the FNS Regional Office when and where this waiver is in effect and for what food components.

This waiver extension remains in effect until May 31, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. FNS is offering this flexibility in short-term increments and will reevaluate the continued need for the waiver as the situation continues to evolve. Please note, this extension will remain available to local Program operators that transition from unanticipated school closure operations to traditional summer operations prior to the waiver expiration date.

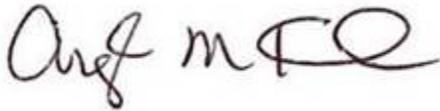
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: April 1, 2020

CODE: COVID-19: Child Nutrition Response #12

SUBJECT: Nationwide Waiver of 60 Day Reporting Requirements for January and February 2020<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>	Nationwide Waiver of 60 Day Reporting Requirement for January and February 2020
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 1, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	FNS waives, for all State agencies, school food authorities, and CACFP and SFSP sponsoring organizations, the 60 day claims for reimbursement deadlines as set forth in the National School Lunch Act, Section 12(j) and further in federal regulations at 7 CFR 210.8(b)(1), 215.10(b), 220.11(b), 225.9(d)(6), and 226.10(e). This waiver only applies for claims covering operations in the months of January and February 2020 and is effective immediately.
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to the COVID–19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus. This waiver applies to the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Special Milk Program (SMP), the Child and Adult Food Care Program (CACFP), and the Summer Food Service Program (SFSP).

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program statute and regulations, claims for reimbursement must be postmarked or submitted to the State agency no more than 60 days after the last day of the month covered by the claim. However, FNS recognizes that during this public health emergency, extensions of these deadlines will grant critical flexibility to State and local agencies as they prioritize the service of safe, accessible meals to eligible populations. Additionally, with many program operators shifting their procedures in order to ensure an effective emergency response, timely, accurate submission of these reports may not be possible in some instances.

Therefore, FNS waives, for all State agencies, school food authorities, and CACFP and SFSP sponsoring organizations, the 60 day claims for reimbursement deadlines as set forth in the National School Lunch Act, Section 12(j) and further in federal regulations at 7 CFR 210.8(b)(1), 215.10(b), 220.11(b), 225.9(d)(6), and 226.10(e). This waiver shall only apply for claims covering operations in the months of January and February 2020. Deadlines for these two claims months are extended for 30 calendar days from their original required date of submission. This waiver is effective immediately. Please note that States should encourage their program operators to continue to complete their 60 day reporting requirements in a timely fashion in cases where waiver flexibility is not needed, and to the extent practicable.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States and local operators that elect to use it, without further application. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State or sponsoring organization that implements this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by the coronavirus, and intends to issue additional nationwide waivers to support access to nutritious meals during this public health emergency.

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 should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah E. Smith-Holmes  
Director  
Program Monitoring and Operational Support Division  
Child Nutrition Programs



Food and  
Nutrition  
Service

DATE: March 20, 2020

Braddock  
Metro Center

CODE: COVID-19: Child Nutrition Response #3

1320  
Braddock  
Place  
Alexandria  
VA 22314

SUBJECT: Nationwide Waiver of the Activity Requirement in  
Afterschool Care Child Nutrition Programs

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Pursuant to the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals and snacks while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to afterschool snacks in the National School Lunch Program and at-risk afterschool meals and snacks in the Child and Adult Care Food Program.

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766a(a)(2)(C), respectively, 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 210.10(o)(1)(ii) and 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. However, FNS recognizes that in this public health emergency, waiving these requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States, the above referenced statutory and regulatory requirements. This waiver is effective immediately, and remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their

Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID–19 and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: March 25, 2020

CODE: COVID-19: Child Nutrition Response #4

SUBJECT: Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs<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>	Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	March 25, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during the public health emergency due to COVID-19. (2) This waiver applies to State agencies administering and local organizations operating the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20.
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127) and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2)."

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, Child Nutrition Program meals must meet meal pattern requirements. However, FNS recognizes that, in this public health emergency, appropriate safety measures are necessary. Therefore, FNS waives, for all States, the requirements at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, to serve meals that meet the meal pattern requirements during the public health emergency.

Consistent with section 2202(a)(2) of the Act, this waiver is automatically available to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. However, in order to participate under this waiver, local Program operators must contact the State agency for approval to utilize this waiver.

When reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based upon disruptions to the availability of food products resulting from unprecedented impacts of COVID-19. FNS expects and strongly encourages Program operators to maintain and meet the nutrition standards for each Program to the greatest extent possible. FNS stands ready to provide technical assistance and to offer alternatives to help stakeholders meet meal patterns. As a reminder, Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency.

State agencies should inform local Program operators of the availability of this waiver as quickly as possible, and work in partnership with them to determine if this waiver is necessary to ensure access to nutritious meals. The State agency must approve use of this waiver on a case-by-case basis, and must report to the FNS Regional Office when and where this waiver is in effect and for what food components.

This waiver is effective immediately and remains in effect until April 30, 2020 or until expiration of the federally declared public health emergency, whichever is earlier. FNS is offering this flexibility in short term increments and will reevaluate the continued need for the waiver as the situation continues to evolve.

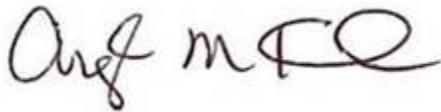
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

DATE: March 20, 2020

Braddock  
Metro Center

CODE: COVID-19: Child Nutrition Response #1

1320  
Braddock  
Place  
Alexandria  
VA 22314

SUBJECT: Nationwide Waiver to Allow Meal Service Time Flexibility in the  
Child Nutrition Programs

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Pursuant to the COVID–19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. This waiver applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(l), 220.8(l), 225.16(c)(1) and (2), and 226.20(k), Child Nutrition Program meals must follow meal service time requirements. However, FNS recognizes that in this public health emergency, waiving the meal service time requirements will support streamlined access to nutritious meals. Therefore, FNS waives, for all States, the requirements at 7 CFR 210.10(l), 220.8(l), 225.16(c)(1) and (2). State agencies may also adjust the time of meal service, as addressed at 226.20(k), including suspension of meal times as needed in the Child and Adult Care Food Program during the public health emergency.

This waiver is effective immediately, and remains in effect through June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. For the Summer Food Service Program, the requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) remain in effect; please note, under this waiver, these requirements can be met through approved pick-up schedules or delivery plans with designated times for distribution.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

As required by section 2202(d), each State that receives this waiver must submit a report to the Secretary by a date to be determined that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by the coronavirus and intends to continue supporting access to nutritious meals during this public health emergency.

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 should direct questions to the appropriate FNS Regional Office.

Sincerely,

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

DATE: March 20, 2020

Braddock  
Metro Center

CODE: COVID-19: Child Nutrition Response #2

1320  
Braddock  
Place  
Alexandria  
VA 22314

SUBJECT: Nationwide Waiver to Allow Non-congregate Feeding in the  
Child Nutrition Programs

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Pursuant to the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) and (b) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(e)(15) and 7 CFR 226.19(b)(6)(iii), Child Nutrition Program meals must be served in a congregate setting and must be consumed by participants on site. However, FNS recognizes that in this public health emergency, waiving the congregate meal requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States, those requirements at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15), to serve meals through the National School Lunch Program, School Breakfast Program, and Summer Food Service Program in a congregate setting. FNS also waives, for all States, requirements at 7 CFR 226.19(b)(6)(iii), to serve meals through the Child and Adult Care Food Program in a congregate setting.

This waiver is effective immediately, and remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by the coronavirus and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

Angela M. Kline  
Director  
Policy and Program Development Division



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: March 25, 2020

CODE: COVID-19: Child Nutrition Response #5

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children<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>	Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	March 25, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) Under this waiver, Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children. State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. (2) This waiver applies to State agencies administering and local organizations operating the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), 225.9(d)(7), and 226.2 (Meals).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to the Families First Coronavirus Response Act (the Act) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child Nutrition Programs: National School Lunch

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

Program, including the Seamless Summer Option; School Breakfast Program; Child and Adult Care Food Program; and Summer Food Service Program.

Section 2202(a) and (b) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals and meal supplements under the Child Nutrition Programs named above with appropriate safety measures with respect to COVID-19, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1761(f)(3) and Program regulations at 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), 225.9(d)(7), and 226.2 (Meals) meals must be served to eligible children. The Act and cited regulations envision Program operators providing meals directly to children, not to parents and guardians picking up meals at non-congregate meal sites on behalf of their children. However, FNS recognizes that in this public health emergency, continuing to require children to come to the meal site to pick up meals may not be practical and in keeping with the goal of providing meals while also taking appropriate safety measures.

Therefore, under this waiver, Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children. However, State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child. State agencies may want to consult local Program operators when developing their plans as local Program operators are best situated to determine how to provide these assurances. This waiver is effective immediately and remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

Please note, this waiver also applies to guardians picking up meals for adult participants in CACFP Adult Day Care programs.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

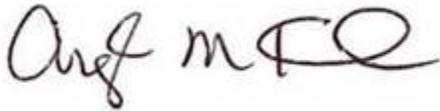
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID-19 and intends to continue supporting access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

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

Angela M. Kline  
Director  
Policy and Program Development Division



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #7

SUBJECT: Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program<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>	Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	March 26, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS waives, for all CACFP sponsoring organizations, CACFP monitoring requirements at 7 CFR 226.16(d)(4)(iii) as follows: a) CACFP sponsors may conduct two reviews of their CACFP facilities; b) only one CACFP facility review is required to be unannounced; c) FNS waives that at least one unannounced review must include observation of a meal service; d) FNS waives the requirement that not more than six months may elapse between reviews; e) allows sponsoring organizations to review new CACFP facilities as a desk audit (2) This waiver applies to State agencies administering and school food authorities operating the: Child and Adult Care Food Program
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).</b>

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child and Adult Care Food Program (CACFP).

<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 waiver as *not major*, as defined by 5 U.S.C. § 804(2).

Section 2202(a) of the Act permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 226.16(d)(4)(iii), CACFP sponsoring organizations must review each facility three times each year and: 1) at least two of the three reviews must be unannounced; 2) at least one unannounced review must include observation of meal service; 3) at least one review must be made during each new facility's first four weeks of Program operations; and 4) not more than six months may elapse between reviews. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many CACFP facilities closed, monitoring CACFP may not be possible in some instances.

Therefore, FNS waives, for all CACFP sponsoring organizations that elect to be subject to this waiver, CACFP monitoring requirements as follows:

- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii) that sponsoring organizations review each CACFP facility three times each year. **For a sponsor's current review year, CACFP sponsors may conduct two reviews of their CACFP facilities.**
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(A) that at least two of the three reviews must be unannounced. **For a sponsor's current review year, only one CACFP facility review is required to be unannounced.**
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(B) that at least one unannounced review must include observation of a meal service.
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(D) that not more than six months may elapse between reviews.
- FNS does not waive the requirement at CFR 226.16(d)(4)(iii)(C) that at least one review must be made during each new facility's first four weeks of Program operations but **allows sponsoring organizations to review new CACFP facilities as a desk audit.**

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States and sponsoring organizations that elect to use it, without further application through June 30, 2020. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. State agencies should inform sponsoring organizations and local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State or sponsoring organization that implements this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to issue additional nationwide waivers to support access to nutritious meals during this public health emergency.

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 should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes  
Director  
Program Monitoring and Operational Support Division