

USDA Waivers #1-3

RELEASED MARCH 20, 2020

What You Need to Know:

USDA issued 3 new waivers on Friday, March 20, 2020, in response to the COVID-19 outbreak. The 3 waivers apply to all states, and address three issues related to meal service.

Note: This resource has been curated for child nutrition programs in the state of California. For all other states, contact your State Agency for approval to use these waivers.



Waiver #1: Meal Times

Meals and snacks can be provided at times that best meet the needs of the communities, even if the times are outside of federal guidelines. For example, all meals for the day could be provided at 10 AM.

TO DO:

California: For CACFP, complete the [CDE Mealtime Flexibility Waiver Request Survey](#) and update meal service times in CNIPS. For all other programs, email snpinfo@cde.ca.gov and then update details in CNIPS.

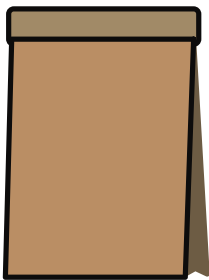


Waiver #2: Non-congregate Feeding

For the safety of the community, all meals and snacks may be taken and consumed off-site.

TO DO:

California: For CACFP, complete the [CDE Non-congregate Feeding Waiver Request Survey](#) and update feeding locations in CNIPS. For all other programs, email snpinfo@cde.ca.gov and update CNIPS details.



Waiver #3: Afterschool Activities

CACFP At-risk Afterschool and NSLP snack programs may serve suppers and snacks without educational or enrichment activities.

TO DO:

California: Complete the [CDE At-Risk Afterschool Enrichment Waiver Request Survey](#) and update CNIPS as needed.



USDA Waivers #4-6

RELEASED MARCH 25, 2020

What You Need to Know:

USDA issued 3 new waivers on Wednesday, March 25, 2020, in response to the COVID-19 outbreak. The 3 waivers apply to all states, and address three issues.

Note: This resource has been curated for child nutrition programs in the state of California. For all other states, contact your State Agency for approval to use these waivers.



Waiver #4: Meal Pattern

Meal pattern flexibility is granted across all nutrition programs allowing meals to be served based on foods available. Each program must contact the State Agency to utilize this waiver.

TO DO:

California: Complete the CDE Meal Pattern Flexibility Waiver Request Survey.

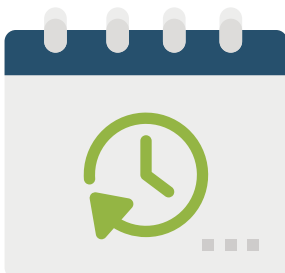


Waiver #5: Parent Meal Pick Up

Parents/Guardians are allowed to pick up meals for children.

TO DO:

California: Make a plan to ensure meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed.



Waiver #6: CEP Application Deadlines

The deadlines for the SY 20-21 Community Eligibility Provision applications have been pushed back.

Dates to Remember:

- ISP may be calculated any time between April 1 - June 30
- Submit CEP application to State Agency by August 31

TO DO:

California: Run CAL PADS DC extract monthly between now and June and work with your team to determine if you will be eligible for CEP.



USDA Waivers #7-11

RELEASED MARCH 27, 2020

What You Need to Know:

USDA issued 5 new waivers on Friday, March 27, 2020, in response to the COVID-19 outbreak. The 5 waivers apply to all states, and address monitoring requirements for each program.

Note: This resource has been curated for child nutrition programs in the state of California. For all other states, contact your State Agency for approval to use these waivers.

Waiver #7: CACFP Monitoring



All CACFP facility reviews may be completed off-site (from your desk).

Existing CACFP Facilities:

- Only 2 facility reviews need to be completed for SY 19-20.
- Only 1 facility review needs to be unannounced.

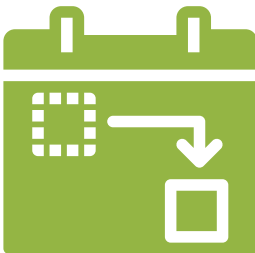
New CACFP Facilities:

- One review must be made during the first 4 weeks of operations

TO DO:

California: Complete facility reviews from your desk and keep on file.

Waivers #8-9: SNP & CACFP Audits



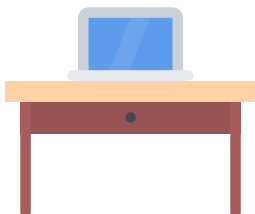
All SY 19-20 Administrative Reviews may be completed by the State Agency through an off-site desk audit.

The State Agency may postpone the AR until SY 20-21.

TO DO:

California: Connect with your Reviewer to postpone your audit or prepare for a desk review.

Waivers #10-11: SFSP Monitoring & Audits



All SY 19-20 SFSP monitoring and audits may be completed off-site.

TO DO:

California: Complete SFSP site reviews from your desk and keep on file. Connect with your SFSP analyst to prepare for a desk review.



USDA Waiver #12

RELEASED APRIL 1, 2020

What You Need to Know:

USDA issued a new waiver on Wednesday, April 1, 2020, in response to the COVID-19 outbreak.

Note: This resource has been curated for child nutrition programs in the state of California. For all other states, contact your State Agency for approval to use these waivers.



Waiver #12: Claims Submissions

The deadlines for submitting January and February 2020 claims have been extended 30 days.

TO DO:

California: Submit January claims by April 30.

Submit February claims by May 29.



USDA COVID-19 Child Nutrition Program Waivers #1-12

#	Subject of Waiver	Applies to These Programs:				Details	What to Do Now --- **Specific for California	Effective Through
		NSLP	SBP	CACFP	SFSP			
1	Meal Service Time Flexibility	x	x	x	x	Meals and snacks can be provided at times that best meet the needs of the communities, even if the times are outside of federal guidelines. For example, all meals for the day could be provided at 10 AM.	For CACFP, complete the CDE Mealtime Flexibility Waiver Request Survey . For all other programs, email snpinfo@cde.ca.gov and then update details in CNIPS.	June 30*
2	Non-congregate Feeding	x	x	x	x	All meals and snacks may be taken to consume off site.	For CACFP, complete the CDE Non-congregate Feeding Waiver Request Survey . For all other programs, email snpinfo@cde.ca.gov and then update details in CNIPS.	June 30*
3	Afterschool Activities	x		x		CACFP At-risk and NSLP snack programs may serve suppers and snacks without educational or enrichment activities.	Complete the CDE At-risk Afterschool Enrichment Waiver Request Survey	June 30*
4	Meal Pattern Flexibility	x	x	x	x	Meal pattern flexibility is granted across all child nutrition programs allowing programs to serve meals based on foods available.	Complete CDE Meal Pattern Flexibility Waiver Request Survey The survey must be submitted prior to using the meal pattern flexibility.	April 30*
5	Parent/Guardian Meal Pick Up	x	x	x	x	Parents/guardians are allowed to pick up meals for children without them being present. Programs must have a written plan to ensure accountability and program integrity. A process must be in place to ensure that meals are distributed only to parents/guardians of eligible children and that duplicate meals are not distributed.	This flexibility is optional but highly encouraged by public health experts. Programs may implement immediately and do not have to inform the CDE. Programs must have a written plan in place to ensure accountability, program integrity, and prevent duplicate meal distribution.	June 30*



Updated April 3, 2020

*Or until expiration of the federally declared public health emergency, whichever is earlier. (If needed, this date could also be extended by USDA)

**All waivers apply automatically to all states that elect to use them. However, each waiver is subject to each state agency electing to use the waiver. Contact your state agency for more state specific information.

6	CEP Deadline Extension	x	x			<p>The deadlines for data collection that schools use to determine if they are eligible for the Community Eligibility Provision have been pushed back.</p> <p>CEP data that determines the ISP may be drawn any time between April 1 and June 30, 2020.</p> <p>Applications for CEP are now due to State Agencies by August 31, 2020.</p>	<p>Download CALPADS DC extract, migrant and other lists between now and the end of June.</p> <p>Determine if you are eligible for CEP prior to June 30.</p> <p>If you are eligible, and intend to elect CEP for SY 20-21, apply to CDE no later than August 31.</p>	Aug 31
7	Monitoring Requirements for CACFP Sponsors			x		<p>Only 2 facility reviews need to be completed for SY 19-20.</p> <p>Only 1 facility review needs to be unannounced and it does not need to include a meal service observation.</p> <p>Reviews may take place more than 6 months apart.</p> <p>For any new facilities, at least 1 review must still be made during each new facility's first 4 weeks of program operations, however the review may be completed as an off-site desk audit.</p>	Complete facility review forms from your desk and then file away for your records.	SY 19-20
8	Monitoring Requirements for CACFP State Agencies				x	CACFP Administrative Reviews for SY 19-20 and pre-approval visits for new CACFP sponsors may be completed as off-site desk audits.	If you have a CACFP AR scheduled for SY 19-20, email your reviewer to inquire about completing the review remotely.	June 30*
9	Monitoring Requirements for SNP Sponsors	x	x			<p>SNP Administrative Reviews for SY 19-20 may be completed as off-site desk audits.</p> <p>If an SFA is closed for the rest of the year, the State agency may postpone the AR until SY 20-21.</p>	It looks like California schools will be closed for the remainder of the year. If you have an SNP AR scheduled for SY 19-20, email your reviewer to postpone your until next year.	June 30*
10	Monitoring Requirements for SFSP Sponsors				x	<p>SFSP sponsors may complete monitoring requirements through an off-site desk audit.</p> <p>SFSP sites who operate during normal summer operations (May - Aug) may postpone required site visits until summer 2020.</p>	Complete SFSP monitoring forms from your desk and then file away for your records.	June 30*
11	Monitoring Requirements for SFSP State Agencies				x	<p>SFSP Reviews by the State agencies may be completed via off-site desk audits for SY 19-20.</p> <p>State agencies may postpone required site visits for SFSP</p>	If you operate SFSP, email your analyst to inquire about completing the review remotely.	June 30*



Updated April 3, 2020

*Or until expiration of the federally declared public health emergency, whichever is earlier. (If needed, this date could also be extended by USDA)

**All waivers apply automatically to all states that elect to use them. However, each waiver is subject to each state agency electing to use the waiver. Contact your state agency for more state specific information.

						sponsors who operate during normal summer operations (May - Aug) until summer 2020.		
12	60 Day Reporting Requirements for Jan and Feb 2020	x	x	x	x	The deadlines for January and February claims for reimbursement have been extended 30 days.	Submit January claims by April 30. Submit February claims by May 29.	May 29



Updated April 3, 2020

*Or until expiration of the federally declared public health emergency, whichever is earlier. (If needed, this date could also be extended by USDA)

**All waivers apply automatically to all states that elect to use them. However, each waiver is subject to each state agency electing to use the waiver. Contact your state agency for more state specific information.



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

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 Programs¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs
Document ID:	
Z-RIN:	
Date of Issuance:	March 25, 2020
Replaces:	N/A
Summary:	(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.
Disclaimer:	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).

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).

¹ "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.

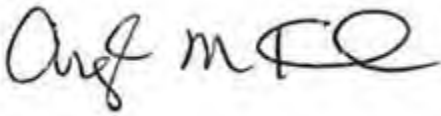
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- 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

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 Children¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children
Document ID:	
Z-RIN:	
Date of Issuance:	March 25, 2020
Replaces:	N/A
Summary:	(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).
Disclaimer:	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).

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

¹ 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.

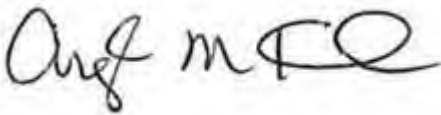
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- 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 25, 2020

CODE: COVID-19: Child Nutrition Response #6

SUBJECT: Nationwide Waiver of Community Eligibility Provision Deadlines in the National School Lunch and School Breakfast Programs¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Community Eligibility Provision Deadlines in the National School Lunch and School Breakfast Programs
Document ID:	
Z-RIN:	
Date of Issuance:	March 25, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all States and LEAs, statutory and regulatory deadlines relating to Community Eligibility Provision reporting and election 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 and the School Breakfast Program. (3) This document relates to: 42 U.S.C. 1759a(a)(1)(F)(iii)(I); 42 U.S.C. 1759a(a)(1)(F)(v)(I); 42 U.S.C. 1759a(a)(1)(F)(x)(I), (II) and (IV); 7 CFR 245.9(f)(3)(i); 7 CFR 245.9(f)(4)(i) and (iv); 7 CFR 245.9(f)(5) and (6); 245.9(f)(4)(i).
Disclaimer:	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).

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 the Community Eligibility Provision (CEP) while schools are responding to the novel coronavirus (COVID-19). This waiver applies to State and local educational agencies (LEAs)

¹ 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).

administering the National School Lunch Program (NSLP), School Breakfast Program (SBP), and CEP.

Section 2202(a) 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 National School Lunch Program or School Breakfast Program, with appropriate safety measures with respect to COVID-19. This waiver shall remain in place until August 31, 2020.

Calculating Identified Student Percentages Using Data as of April 1

Under Sections 11(a)(1)(F)(iii)(I) and 11(a)(1)(F)(v)(I) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1759a, LEAs must calculate the CEP identified student percentage (ISP) using data as of April 1. FNS regulations further require at 7 CFR 245.9(f)(3)(i) and 7 CFR 245.9(f)(4)(i) that LEAs intending to elect CEP or conduct a grace year in the following year must submit to the State agency counts of identified and enrolled students as of April 1 of the prior school year (SY). However, FNS recognizes that in this public health emergency, alternative feeding operations are demanding State and local Program operators' resources, and additional time is necessary to meet upcoming CEP deadlines.

Therefore, FNS waives, for all States and LEAs, the above referenced statutory and regulatory requirements. Instead, for LEAs electing CEP or conducting a grace year in SY 2020-21, the ISP may be calculated using data drawn any time between April 1, 2020, and June 30, 2020.

Local Educational Agency Notification Requirements

Under Section 11(a)(1)(F)(x)(IV) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1759a, LEAs must submit to the State agency lists of schools that:

- Have an ISP of at least 40 percent (eligible for CEP);
- Have an ISP greater than or equal to 30 percent but less than 40 percent (near-eligible for CEP); and
- Are currently in the fourth year of CEP participation with an ISP greater than or equal to 30 percent but less than 40 percent (eligible for grace year).

Regulations at 7 CFR 245.9(f)(5) also require that LEAs submit the required lists to the State agency annually by April 15.

Based on this public health emergency, FNS waives, for all States and LEAs, the above referenced statutory and regulatory requirements. Instead, LEAs must submit the required lists to State agencies by June 15, 2020. As always, State agencies that already have access to school-level information may exempt LEAs from this requirement.

State Agency Notification Requirements

Under Section 11(a)(1)(F)(x)(II) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1759a, State agencies must notify each LEA of district-wide eligibility for CEP in the following categories:

- LEAs with a district-wide ISP of at least 40 percent (eligible for CEP);
- LEAs with a district-wide ISP greater than or equal to 30 percent but less than 40 percent (near-eligible for CEP);
- LEAs currently participating in CEP; and
- LEAs in the fourth year of CEP participation with a district-wide ISP greater than or equal to 30 percent but less than 40 percent (eligible for grace year).

Regulations at 7 CFR 245.9(f)(6) also require that State agencies annually notify LEAs of the above-referenced eligibility categories by April 15.

In this public health emergency, FNS waives, for all States and LEAs, the above referenced statutory and regulatory requirements. Instead, State agencies must notify LEAs of CEP eligibility by June 15, 2020.

State Agency Publication Requirement

Section 11(a)(1)(F)(x)(III) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1759a, requires that, no later than May 1, State agencies submit to the Secretary lists of LEAs and schools identified above in State agency and LEA notification requirements. Regulations at 7 CFR 245.9(f)(7) also require that State agencies make the lists of LEAs and schools readily accessible on a State agency website.

In this public health emergency, FNS waives, for all States and LEAs, the above referenced statutory and regulatory requirements. Instead, State agencies must make the above-referenced lists publicly available on State agency websites by June 30, 2020. By June 30, 2020, State agencies must also submit the lists of CEP-eligible LEAs and schools to USDA by emailing a link to the lists posted on the State agency website; the email must be sent to sm.fn.cepnotification@usda.gov.

June 30 Election Deadline

Section 11(a)(1)(F)(x)(I) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1759a, requires that LEAs that intend to elect CEP in the following school year notify the State agency and submit ISP documentation by June 30. This requirement is codified in FNS regulations at 7 CFR 245.9(f)(4)(i).

In this public health emergency, FNS waives, for all States and LEAs, the above referenced statutory and regulatory requirements. Instead, LEAs that intend to elect CEP for SY 2020-2021 must notify the State agency by August 31, 2020.

Summary

In summary, this waiver makes the following adjustments to annual CEP deadlines.

CEP Requirement	Annual Deadline	Waiver Deadline
Data Used to Calculate ISP	April 1	Anytime between April 1-June 30, 2020
LEA Notification	April 15	June 15, 2020
State Agency Notification	April 15	June 15, 2020
State Agency Publication	May 1	June 30, 2020
Elect CEP for Following SY	June 30	August 31, 2020

Please note, FNS will continue to monitor the needs of State agencies and LEAs during this challenging time and consider additional extensions of the deadlines if necessary.

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.

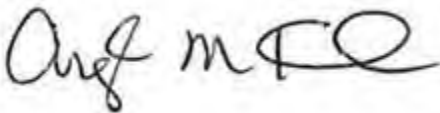
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- 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 27, 2020

CODE: COVID-19: Child Nutrition Response #7

SUBJECT: Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(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
Disclaimer:	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).

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).

¹ 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



Food and
Nutrition
Service

Braddock
Metro Center

1320
Braddock
Place
Alexandria
VA 22314

DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #8

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite. 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). (2) This waiver applies to State agencies administering Child and Adult Care Food Program
Disclaimer:	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).

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.

¹ 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).

Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m)(6) go on to require State agencies to annually review at least 33.3 percent of all CACFP institutions. Additionally, per 7 CFR 226.6(b)(1), State agencies are required to do a pre-approval visit of all new CACFP sponsors. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. Additionally, with many CACFP institutions closed, monitoring CACFP may not be possible in some instances.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) **be conducted onsite**. 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 June 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. 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 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 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



Food and
Nutrition
Service

Braddock
Metro Center

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Place
Alexandria
VA 22314

DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #9

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies and school food authorities, school meals onsite monitoring requirements included at 7 CFR 210.8, 210.18 and 220.8(h). To ensure Program integrity during this time, State agencies and SFAs should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). (2) This waiver applies to State agencies administering and school food authorities operating the: National School Lunch Program and School Breakfast Program.
Disclaimer:	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).

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 National School Lunch Program and the School Breakfast 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.

¹ 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).

Under Program statute and regulations, State agencies are required to conduct monitoring of the School Meal Programs on a 3-year cycle, unless the State agency has received a waiver allowing a longer review cycle. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many schools closed and operating the Seamless Summer Option or Summer Food Service Program during an unanticipated school closure, monitoring school meals may not be possible in some instances.

Therefore, FNS waives, for all State agencies and school food authorities (SFAs) that elect to be subject to this waiver, school meals onsite monitoring requirements included at 7 CFR 210.8, 210.18 and 220.8(h). Please note that to ensure Program integrity during this time, State agencies and SFAs 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 June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

In instances where an SFA is closed, the State agency may postpone the administrative review until school year 2020-2021. State agencies may request an extension of their current administrative review cycle to accommodate these postponements.

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 local operator 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 the 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

DATE: March 27, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #10

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Onsite Monitoring Requirements for Sponsoring Organizations in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all SFSP sponsoring organizations, that SFSP monitoring requirements included at 7 CFR 225.15(d) be conducted onsite. To ensure Program integrity during this time, SFSP sponsoring organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). (2) This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program.
Disclaimer:	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).

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 monitoring of schools and institutions operating Summer Food Service Program (SFSP) during an unanticipated school closure.

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.

¹ 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).

Under Program regulations at 225.15(d), SFSP sponsors must visit each of their sites at least once during the first week of operation and sponsors must review food service operations at each site at least once during the first four weeks of operation. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals.

Therefore, FNS waives, for all SFSP sponsoring organizations that elect to be subject to this waiver, that SFSP monitoring requirements included at 7 CFR 225.15(d) be conducted onsite. Please note that to ensure Program integrity during this time, SFSP sponsoring organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). For SFSP sites who operate the Program during normal summer operations (May through August), SFSP sponsors may also postpone required site visits until summer 2020. 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.

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 local operator 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,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #11

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies, that SFSP monitoring requirements included at 7 CFR 225.7(d)(2)(ii) be conducted onsite. 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). (2) This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program.
Disclaimer:	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).

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 monitoring of schools and institutions operating Summer Food Service Program (SFSP) during an unanticipated school closure. If needed, FNS will issue guidance on monitoring during regular SFSP (May through August) at a later date.

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.

¹ 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).

State agencies are required to monitor SFSP operators that serve meals during unanticipated school closures consistent with the requirements found at 7 CFR 225.7(d).

Note: pre-approval visits of sponsors proposing to operate during unanticipated school closures during the period from October through April (or at any time of the year in an area with a continuous school calendar) are not required and may be conducted at the discretion of the State agency (7 CFR 225.7(d)(1)(i)). Additionally, when the same SFA personnel administer SFSP as well as the NSLP, the State agency is not required to conduct a review of the SFSP in the same year in which the NSLP operations have been reviewed and determined to be satisfactory.

Under Program regulations at 7 CFR 225.7(d)(2)(ii), State agencies that operate SFSP are required to: 1) conduct a review of every new sponsor at least once during the first year of operation; 2) annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State in the prior year; 3) annually review every sponsor which experienced significant operational problems in the prior year; and 4) review each sponsor at least once every three years. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, that SFSP monitoring requirements included at 7 CFR 225.7(d)(2)(ii) be conducted onsite. 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). For SFSP sponsors who operate the Program during normal summer operations (May through August), State agencies may also postpone required site visits until summer 2020. 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.

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 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 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 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, reading "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 1, 2020

CODE: COVID-19: Child Nutrition Response #12

SUBJECT: Nationwide Waiver of 60 Day Reporting Requirements for January and February 2020¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of 60 Day Reporting Requirement for January and February 2020
Document ID:	
Z-RIN:	
Date of Issuance:	April 1, 2020
Replaces:	N/A
Summary:	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.
Disclaimer:	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).

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).

¹ 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