



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