



---

## DEPARTMENT OF EDUCATION

The Townsend Building  
401 Federal Street Suite 2  
Dover, Delaware 19901-3639  
DOE WEBSITE: <http://www.doe.k12.de.us>

Susan S. Bunting, Ed.D.  
Secretary of Education  
Voice: (302) 735-4000  
FAX: (302) 739-4654

---

May 15, 2020

### MEMORANDUM

**TO:** Child and Adult Care Food Program Sponsors

**FROM:** Aimee F. Beam, RD, LDN *AFB*  
Education Associate, Nutrition Programs

**SUBJECT:** **SY 2020 – 2021 Operational Memo #15**  
**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 1**

---

---

USDA has released “COVID-19: Child Nutrition Response #23, 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 1”. The memo is attached for your review.

The waiver has been extended to August 31, 2020. If you choose to elect to use this waiver past June 30<sup>th</sup> you must inform DDOE.

If you have any questions or need assistance, please contact us at 302-857-3356.

Attachment

cc: Nutrition Team



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 "Angela M. Kline". The signature is written in a cursive style with a large initial 'A' and a distinct 'K'.

Angela M. Kline  
Director  
Policy and Program Development Division