



DEPARTMENT OF EDUCATION

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July 6, 2020

MEMORANDUM

TO: Child and Adult Care Food Program Sponsors

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

RE: **2020 Operational Memo #25**
Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Program – EXTENSION #4

On June 25, 2020, the USDA released “COVID-19: Child Nutrition Response #36 Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #4”. Under this waiver, Child Nutrition Program operators may serve reimbursable meals that do not meet the Program meal patterns on a case-by-case basis, as approved by the State Agency.

This waiver extension applies only to the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP). This extension does not apply for the Summer Food Service Program (SFSP). The original waiver to allow meal pattern flexibility for SFSP is in effect until July 31, 2020.

Program operator requests must be targeted and justified and based on plans to support access to nutritious meals. Program operators must maintain and meet the nutrition standards for each Program to the greatest extent possible. When requesting to use this waiver, Program operators must indicate the meal that is being affected, the meal component that the waiver is being requested for, and the reason for the waiver request. Requests will be approved on a case-by-case basis.

This waiver is effective July 1, 2020 through June 30, 2021. The USDA memo is attached for your review. If your organization chooses to use this waiver you must inform the State Agency by emailing Justine Flint at justine.flint@doe.k12.de.us or Heather Coverdale at heather.coverdale@doe.k12.de.us.

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

Attachment: COVID-19MealPatternNationwideWaiverSY20-21

cc: Nutrition Team



Food and
Nutrition
Service

DATE: June 25, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #36

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver to Allow Meal Pattern Flexibility in the
Child Nutrition Programs – EXTENSION #4¹

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 – EXTENSION #4
Document ID:	
Z-RIN:	
Date of Issuance:	June 25, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all States, the requirements to serve meals that meet the meal pattern requirements during school year 2020-2021. This waiver extends the <i>Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs – EXTENSION #3</i> granted on June 8, 2020, that expires on July 31, 2020, for all programs except the Summer Food Service Program. (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(b) and (c), 220.8(b) and (c), 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 (P.L. 116-127).

Pursuant to Section 2202(a) of 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) for school year (SY) 2020-2021. This waiver extends the *Nationwide Waiver to Allow Meal Pattern Flexibility in 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).

EXTENSION 3, granted on June 8, 2020, that expires July 31, 2020. This waiver extension applies to the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Child and Adult Care Food Program (CACFP). As provided for in the June 8 extension, the waiver for the Summer Food Service Program remains in effect until July 31, 2020.

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), and 226.20, NSLP, SBP, and CACFP meals must meet meal pattern requirements. However, FNS recognizes that, for school year 2020-2021, appropriate safety measures are necessary. Therefore, for all States, FNS is establishing a waiver of the requirements at 7 CFR 210.10(b) and (c), 220.8(b) and (c), and 226.20, to serve meals that meet the meal pattern requirements. This waiver is effective July 1, 2020, through June 30, 2021.

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 for SY 2020-2021, 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 for SY 2020-2021.

When reviewing requests from local Program operators, the State agency should consider requests that are targeted and justified based on plans to support access to nutritious meals while minimizing potential exposure to COVID-19 during SY 2020-2021. 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.

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 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,



for

Angela M. Kline
Director
Policy and Program Development Division