



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: Summer Food Service Program Sponsors

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

SUBJECT: **SY 2020 – 2021 Operational Memo #23**
Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children
– Extension 1

USDA has released “COVID-19: Child Nutrition Response #25, Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – 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 30th, 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 #25

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION¹

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 – EXTENSION
Document ID:	
Z-RIN:	
Date of Issuance:	May 14, 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. This waiver extends the Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children granted on March 25 that expires on June 30, 2020. (2) This waiver applies to State agencies administering, and local organizations operating, the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. (3) This document relates to 42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 220.2 (Breakfast) and 220.8(a), 225.2 (Meals), 225.9(d)(7), and 226.2 (Meals).
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 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

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).

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

Angela M. Kline
Director
Policy and Program Development Division