



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: June 25, 2020

CODE: COVID-19: Child Nutrition Response #35

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

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| <b>Issuing Agency/Office:</b> | FNS/Child Nutrition Programs  |
| <b>Title of Document:</b>     | Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION #2   |
| <b>Document ID:</b>           |   |
| <b>Z-RIN:</b>                 |   |
| <b>Date of Issuance:</b>      | June 25, 2020   |
| <b>Replaces:</b>              | N/A   |
| <b>Summary:</b>               | (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 <i>Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – EXTENSION</i> granted on May 14, 2020, that expires on August 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(a), 220.2 (Breakfast), and 220.8(a), and 226.2 (Meals). |
| <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 (P.L. 116-127).</b>   |

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (PL 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

<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).

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 -- EXTENSION\*](#), granted on May 14, 2020, that expires on August 31, 2020. This waiver extension applies to the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program (CACFP). As provided for in the May 14 extension, the waiver for the Summer Food Service Program remains in effect until August 31, 2020.

Section 2202(a) 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 with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a), and 226.2 (Meals) meals must be served to eligible children. The 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 for school year (SY) 2020-2021, 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 July 1, 2020, through June 30, 2021.

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 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 for SY 2020-2021, 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.

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