



Food and
Nutrition
Service

DATE: August 20, 2020
CODE: COVID-19: Child Nutrition Response #46

Braddock
Metro Center

SUBJECT: Nationwide Waiver to Extend Area Eligibility Waivers –
EXTENSION¹

1320
Braddock
Place
Alexandria
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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 Extend Area Eligibility Waivers – EXTENSION
Document ID:	
Z-RIN:	
Date of Issuance:	August 20, 2020
Replaces:	N/A
Summary:	(1) This waiver extends until September 30, 2020, or for the duration of summer operations, whichever is earlier, the Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020. (2) This waiver applies to State agencies administrating and local organizations operating the Summer Food Service Program and the National School Lunch Program Seamless Summer Option. (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4).
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 authority in 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 for area eligibility to continue supporting access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020*, granted on June 10, 2020, until September 30, 2020, or for the duration of summer operations, whichever is earlier. This waiver extension applies to the Summer Food

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).

Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO).

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.

Pursuant to the waiver authority granted under Section 2102(b) of the FFCRA to approve waivers that may increase cost to the Federal Government and have the purpose of providing meals and meal supplements, FNS previously provided 52 individual statewide waivers for States to allow SFSP and SSO sponsors in good standing to operate open sites in areas consistent with the State plan, but not located in “*Areas in which poor economic conditions exist*,” through June 30, 2020. On June 10, 2020, FNS issued a nationwide waiver to extend these area eligibility waivers through August 31, 2020. The area eligibility waivers facilitate the provision of meals to children in need during the challenges faced by Americans as a result of economic hardships due to COVID-19. Across the Nation, schools and community organizations have used this flexibility to provide meals to children during the public health emergency. FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to continue serving meals to children in need while managing the economic impacts of COVID-19.

Through this nationwide waiver, FNS extends the ability for States to continue operating open sites in areas that are not located in “*Areas in which poor economic conditions exist*,” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4), through September 30, 2020, or for the duration of summer operations, whichever is earlier. As a reminder, SFSP and SSO may no longer be operated once schools are open for student instruction, which includes both in-person and virtual learning. Planned full or partial building closures are not considered unanticipated school closures for SY 2020-2021. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. This waiver may apply to any site that operated under the previous State area eligibility plan. If the State agency elects to implement this extension, 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. FNS recognizes the need for continuity of operations in the summer months. These operations ensure that low-income children continue to receive nutritious meals when school is not in session. State agencies must continue their plan for ensuring that meal sites are targeting benefits to children in need, for example, children who may be eligible for

benefits due to the economic impacts of COVID-19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances.

As required by Section 2202(d) of the 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 elected to receive the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligible for program benefits due to the economic impacts of COVID-19, 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 dark ink, appearing to read "Ang M Kline". The signature is fluid and cursive, with the first name "Ang" being the most prominent.

Angela M. Kline
Director
Policy and Program Development Division