United States Department of Agriculture

Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place
Alexandria VA 22314

DATE: August 31, 2020

CODE: COVID–19: Child Nutrition Response #50

SUBJECT: Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION[1]

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 of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION
Document ID:	
Z-RIN:	
Date of Issuance:	August 31, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all States that elect to be subject to this waiver, the meal service time requirements allowing meals served outside of the standard meal times. (2) This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program and National School Lunch Program Seamless Summer Option. (3) This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(l), and 220.8(l).
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 nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–

[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).

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19). This waiver extends the *Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option* – granted on April 21, 2020, that expires on September 30, 2020 – through December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020.* This waiver extension applies to the Summer Food 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.

Program regulations at 7 CFR 225.16(c)(1) and (2) require minimum elapsed times between meal services and maximum durations of individual meal services in the SFSP. In addition, under Program regulations at 7 CFR 210.10(l) and 220.8(l), SSO sponsors are required to follow parameters on the timing of lunches and breakfasts. However, FNS recognizes that, in this public health emergency, continuing the waiver of meal service times in the SFSP and SSO would reduce administrative burden on State agencies and sponsors and support streamlined access to nutritious meals.

Therefore, pursuant to the FFCRA authority cited above, FNS extends, for all States that elect to be subject to this waiver, the waiver of those requirements at 7 CFR 225.16(c)(1) and (2) that place Federal limits on the amount of time that must elapse between the beginning of one meal and the beginning of the next, and the duration of a meal service. SFSP sponsors are still required to comply with application requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site. In addition, FNS also extends, for all States that elect to be subject to this waiver, the waiver of those requirements at 7 CFR 210.10(l) and 220.8(l) that set meal time parameters for SSO. This waiver is effective immediately, supersedes the previous extension, and remains in effect until December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 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. State agencies must inform their Regional Office if they elect to be subject to the waiver. 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.

Please note, State agencies that have already received a traditional SFSP waiver of the meal service time requirements may elect to be covered by this nationwide waiver during the COVID-19 emergency, in place of their traditional waiver. As previously determined, the traditional SFSP waivers will remain in effect through April 30, 2022, or until FNS publishes a final regulation that supersedes the approval, whichever comes first. Therefore, there is no need for State agencies to withdraw or resubmit those requests.

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 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,

Angela M. Kline
Director
Policy and Program Development Division