USDA
United States Department of Agriculture

Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place
Alexandria VA 22314

DATE: March 25, 2020

CODE: COVID–19: Child Nutrition Response #5

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children[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 to Allow Parents and Guardians to Pick Up Meals for Children
Document ID:	
Z-RIN:	
Date of Issuance:	March 25, 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. (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 Act) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–19). This waiver applies to the Child Nutrition Programs: National School Lunch

[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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Program, including the Seamless Summer Option; School Breakfast Program; Child and Adult Care Food Program; and Summer Food Service Program.

Section 2202(a) and (b) of the Act 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 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 Act 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, 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 June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

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 Act, 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.

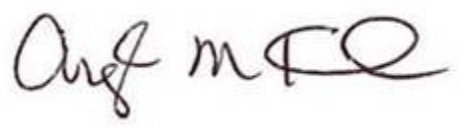
As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- 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 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,



Angela M. Kline
Director
Policy and Program Development Division