



Food and  
Nutrition  
Service

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DATE: April 21, 2020

CODE: COVID-19: Child Nutrition Response #17

SUBJECT: Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 21, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(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).
<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 (the Act) (P.L. 116-127).</b>

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-

<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).

19). This waiver applies to the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO).

Section 2202(a) and (b) of the Act permit 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. FNS accepted requests from individual States to waive these requirements in 2019. For States that were approved in 2019, those waivers removed all meal service time restrictions and are in effect until April 30, 2020. 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.

The nationwide waiver, *COVID-19: Child Nutrition Response #1: Nationwide Waiver to Allow Meal Service Time Flexibility in the Child Nutrition Programs*, released on March 20, 2020, waived meal service requirements for multiple Child Nutrition Programs and extended the waiver of meal service time restrictions in SFSP until June 30, 2020. However, FNS recognizes that, in this public health emergency, continuing the waiver of meal service times in the SFSP would reduce administrative burden on State agencies and sponsors and support streamlined access to nutritious meals.

Therefore, FNS waives, for all States that elect to be subject to this waiver, 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 waives, for all States that elect to be subject to this waiver, those requirements at 7 CFR 210.10(l) and 220.8(l) that set meal time parameters for SSO. This waiver is effective on July 1, 2020, and remains in effect through September 30, 2020.

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.

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. FNS will continue to process requests that have been submitted for the traditional SFSP meal service time waivers for summer 2020. Approvals of the traditional waivers will be effective

beginning October 1, 2020. 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.

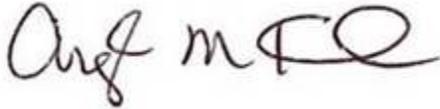
As required by section 2202(d) of the Act, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- 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 the coronavirus 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