



Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

2 Martin Luther King Jr. Drive SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Brian P. Kemp
Governor

Amy M. Jacobs
Commissioner

MEMORANDUM

To: Institutions and Sponsors Participating in the Child and Adult Care Food Program (CACFP)

From: Tamika Boone, Nutrition Services Director (*Original Signed*)

Date: March 23, 2020

Subject: FNS Waiver Approvals Due to COVID-19

Legal Authority: FNS COVID-19: Child Nutrition Response #1, #2, and #3, March 20, 2020

On March 20, 2020 and consistent with section 2202(a)(2) of the Families First Coronavirus Response Act, the following waivers are automatically approved to all States that elect to use it, without further application.

On March 23, 2020, DECAL notified USDA Food and Nutrition Services (FNS) that it had elected to participate in all three (3) waivers listed below. Therefore, CACFP organizations may utilize these provisions as it relates to their respective Programs effective March 20, 2020 and may remain in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

- Meal Times CACFP** (*Note: Waiver on Meal Times in the SFSP was already approved*)
- Non-congregate CACFP** (*Note: Waiver on SFSP Non-congregate feeding was already approved*)
- CACFP Afterschool Activity**

The (3) FNS waivers are attached.

Note: DECAL is currently working on a process to implement the CACFP waivers listed above. Accordingly, additional guidance on specific implementation will be forthcoming (*e.g.*, Does the non-congregate waiver apply to adult meals? Can parents pick up meals without children being present? Can meals be delivered to a child's home?)

Institutions and sponsors are strongly advised to periodically visit the Nutrition Services Division's **COVID-19 Resources** section of the DECAL website for updated guidance. It may be accessed here: (<http://dec.al.ga.gov/Nutrition/Covid19Resources.aspx>)

For additional questions, please contact the Policy Administrator at (404) 651-8193.



Food and
Nutrition
Service

DATE: March 20, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #1

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver to Allow Meal Service Time Flexibility in the
Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Pursuant to the COVID–19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), 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. This waiver applies to the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

Section 2202(a) of the Act 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.

Under Program regulations at 7 CFR 210.10(l), 220.8(l), 225.16(c)(1) and (2), and 226.20(k), Child Nutrition Program meals must follow meal service time requirements. However, FNS recognizes that in this public health emergency, waiving the meal service time requirements will support streamlined access to nutritious meals. Therefore, FNS waives, for all States, the requirements at 7 CFR 210.10(l), 220.8(l), 225.16(c)(1) and (2). State agencies may also adjust the time of meal service, as addressed at 226.20(k), including suspension of meal times as needed in the Child and Adult Care Food Program during the public health emergency.

This waiver is effective immediately, and remains in effect through June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. For the Summer Food Service Program, the requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) remain in effect; please note, under this waiver, these requirements can be met through approved pick-up schedules or delivery plans with designated times for distribution.

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 receives this waiver must submit a report to the Secretary by a date to be determined that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

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 child and adult 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



Food and
Nutrition
Service

DATE: March 20, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #2

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver to Allow Non-congregate Feeding in the
Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Pursuant to the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), 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 National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program (the Child Nutrition Programs).

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 under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(e)(15) and 7 CFR 226.19(b)(6)(iii), Child Nutrition Program meals must be served in a congregate setting and must be consumed by participants on site. However, FNS recognizes that in this public health emergency, waiving the congregate meal requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States, those requirements at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15), to serve meals through the National School Lunch Program, School Breakfast Program, and Summer Food Service Program in a congregate setting. FNS also waives, for all States, requirements at 7 CFR 226.19(b)(6)(iii), to serve meals through the Child and Adult Care Food Program in a congregate setting.

This waiver is effective immediately, and remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

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 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,

Angela M. Kline
Director
Policy and Program Development Division



Food and
Nutrition
Service

DATE: March 20, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #3

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver of the Activity Requirement in
Afterschool Care Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Pursuant to the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), 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 and snacks while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to afterschool snacks in the National School Lunch Program and at-risk afterschool meals and snacks in the Child and Adult Care Food Program.

Section 2202(a) of the Act 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.

Under sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766a(a)(2)(C), respectively, afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity. However, FNS recognizes that in this public health emergency, waiving these requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States, the above referenced statutory and regulatory requirements. This waiver is effective immediately, and remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

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