



Food and
Nutrition
Service

DATE: September 22, 2021

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #103

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals Served by Service Institutions through the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022

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 Served by Service Institutions through the Summer Food Service Program during Unanticipated School Closures in School Year 2021-2022
Document ID:	
Z-RIN:	
Date of Issuance:	September 22, 2021
Replaces:	N/A
Summary:	(1) Under this waiver, Summer Food Service Program operators in States that elect to be subject to this waiver, and that elected to allow non-congregate meal distribution during COVID-19-related operations via <i>COVID-19: Child Nutrition Response #101</i> , may distribute meals to a parent or guardian to take home to their children during an unanticipated school closure in School Year 2021-2022. (2) This waiver applies to State agencies administering, and service institutions operating, the Summer Food Service Program. (3) This document relates to 7 CFR 225.2 and 225.9(d)(7).

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is providing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19) in school year 2021-2022. This waiver applies to service institutions operating the Summer Food Service Program (SFSP) during unanticipated school closures.

Under 42 USC 1761(c)(1), unanticipated school closures only occur when instruction is not provided to children. If a school plans to offer virtual learning or a mix of in-person classes and virtual learning, the school is considered open and any meals provided to children must be offered through the Seamless Summer Option (SSO) under [COVID-19: Child Nutrition Response #85, Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#) (or through the National School Lunch Program or School Breakfast Program for schools that have not elected Child Nutrition Response #85).

Section 2202(a) of the FFCRA 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 with appropriate safety measures with respect to COVID-19, as determined by the Secretary.

Program regulations at 7 CFR 225.2 and 7 CFR 225.9(d)(7) require SFSP meals to be served to eligible children. The cited regulations ensure that local operators provide meals directly to children and do not allow parents or guardians to pick up meals at non-congregate meal sites on behalf of their children. However, FNS recognizes that in this public health emergency, requiring children to come to the meal site to pick up meals may not be practical or safe. This waiver will allow service institutions to implement appropriate safety measures during unanticipated school closures, and will support safe, efficient, and socially distant meal service models in school year 2021-2022.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States that elect to be subject to this waiver, the requirements at 7 CFR 225.2 and 7 CFR 225.9(d)(7) that SFSP meals may only be served directly to children. Any other requirements referenced in these provisions remain in effect. This waiver applies only to service institutions operating SFSP during unanticipated school closures. To use this waiver, the service institution must also be in a State with an approved waiver allowing non-congregate meal distribution during unanticipated school closures. This waiver is effective for service institutions on October 1, 2021 and remains in effect through June 30, 2022.

State agencies opting to use these flexibilities must have a plan for ensuring that local 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 operators when developing their plans, as local operators are best situated to determine how to provide these assurances.

Consistent with Section 2202(a)(2) of FFCRA, this approval applies automatically to all States that elect to use it, without further application. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local operators of these flexibilities as

quickly as possible,¹ 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 opted into COVID-19: Child Nutrition Response #89, *Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for School Year 2021-2022*, issued April 20, 2021 may allow school food authorities operating SSO to use parent and guardian pick-up flexibilities. This new approval is applicable only to service institutions operating SFSP during unanticipated school closures as defined above.

As required by Section 2202(d) of FFCRA, each State that elects the parent or guardian pick up flexibilities must submit a report to the Secretary not later than 1 year after the date such State elected to receive the flexibilities.² In order to use these flexibilities, local operators must be prepared to provide the State agency with any necessary information to complete the reporting requirements. The report must include:

- A summary of the use of the parent or guardian pick up flexibilities by the State agency and local program operators, and
- A description of whether and how the parent or guardian pick up flexibilities 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.

For
Angela M. Kline
Director
Policy and Program Development Division

¹ The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

² FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.