



Food and
Nutrition
Service

Braddock
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DATE: April 21, 2020

CODE: COVID-19: Child Nutrition Response #14

SUBJECT: Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option¹

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 Area Eligibility for Closed Enrolled Sites in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option
Document ID:	
Z-RIN:	
Date of Issuance:	April 21, 2020
Replaces:	N/A
Summary:	(1) Under this waiver, for all States, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) closed enrolled sites during the COVID-19 public health emergency may determine site eligibility through area eligibility without collecting income eligibility applications. (2) This waiver applies to State agencies administering and local organizations operating the SFSP or SSO. (3) This document relates to 7 CFR 225.15(f).
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

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).

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 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.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1761(a)(1)(A)(i)(III) and Program regulations at 7 CFR 225.15(f), SFSP and SSO closed enrolled sites are required to collect income eligibility applications to determine that 50 percent of the children are eligible for free and reduced price meals. FNS accepted requests from individual States to waive these requirements in 2019. For States that were approved in 2019, those waivers allow closed enrolled sites to be determined eligible through area eligibility until April 30, 2020. However, FNS recognizes that, in light of the currently declared Public Health Emergency, extending the 2019 waiver of the collection of income applications for closed enrolled sites would reduce administrative burden on State agencies and sponsors and would ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States that elect to be subject to this waiver, those requirements at 42 U.S.C. 1761(a)(1)(A)(i)(III) and Program regulations at 7 CFR 225.15(f), that place Federal limits on (or require applications in order to) to submit an application to serve meals through SFSP and SSO at closed enrolled sites that are area eligible. This waiver is effective immediately, 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 closed enrolled site 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 closed enrolled 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 "Ang M Kline". The signature is written in a cursive, flowing style.

Angela M. Kline
Director
Policy and Program Development Division