



Food and
Nutrition
Service

Braddock
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DATE: April 21, 2020

CODE: COVID-19: Child Nutrition Response #15

SUBJECT: Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program¹

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 Waive First Week Site Visits in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	April 21, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all States, the requirement that Summer Food Service Program (SFSP) sponsors are required to visit each of their sites at least once during the first week of operation. (2) This waiver applies to State agencies administering and local organizations that have operated the SFSP successfully in the previous year, and SFSP sponsors in good standing that have successfully participated in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP). (3) This document relates to 7 CFR 225.15(d)(2).
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

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).

nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Summer Food Service Program (SFSP).

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 Program regulations at 7 CFR 225.15(d)(2), SFSP sponsors are required to visit each of their sites at least once during the first week of operation under the program. FNS accepted requests from individual States to waive these requirements in 2019. For States that were approved in 2019, the first week site visit requirement was waived for sites in good standing that had operated successfully in the previous year. This requirement was also waived for sponsors in good standing that had successfully participated in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP). These waivers are in effect until April 30, 2020. However, FNS recognizes that in this public health emergency, continuing these waivers of first week site visits would reduce administrative burden on State agencies and sponsors and would ensure appropriate social distancing 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 7 CFR 225.15(d)(2), which require sponsors to visit each of their sites at least once during the first week of operation under the program, for sites that have operated successfully in the previous year and sponsors that successfully participate in the CACFP or the NSLP. 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 first week site visit 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 first week site visit 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 those requests or resubmit a request.

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