



Food and
Nutrition
Service

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Braddock
Metro Center

SUBJECT: Nationwide Waiver of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component¹

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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 of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component
Document ID:	
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Date of Issuance:	September 18, 2020
Replaces:	N/A
Summary:	(1) This waiver allows schools and afterschool care centers, regardless of their location, to serve at-risk afterschool meals and snacks to students after the regular school day, through December 31, 2020. (2) This waiver applies to State agencies administrating and local organizations operating the Child and Adult Care Food Program At-Risk Afterschool Care Component. (3) This document relates to 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17a(i).
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 authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is issuing a nationwide waiver of area eligibility requirements to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver is in effect through December 31, 2020, and applies to the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Care Component.

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).

Section 2202(a) of the FFCRA 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. 1766(r)(1)(B) and CACFP regulations at 7 CFR 226.17a(i), at-risk afterschool care centers must be located in the attendance area of a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price school meals. However, FNS recognizes that waiving these requirements will facilitate the provision of meals to children in need during the challenges faced by Americans as a result of hardships due to COVID-19 and will complement the waivers already in place for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO). Allowing CACFP at-risk afterschool care programs to provide a meal and snack, regardless of their location, similarly addresses the continued need to serve communities impacted by COVID-19.

Further, FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to serve meals to children in need while managing the impacts of COVID-19. As schools begin the 2020-2021 school year, they are faced with the continued need for social distancing. Many are employing education models utilizing some form of virtual instruction; and those planning in-person instruction have recognized the need to modify meal service models to ensure student safety. Waiving area eligibility for CACFP at risk afterschool care programs is consistent with SFSP and SSO and allows a smooth transition to these models, eases administrative burdens associated with traditional school meal operations, and ensures student safety. It also ensures that schools and afterschool care centers are able to meet the nutrition needs of students by providing each child with the maximum meal benefits available through the Child Nutrition Programs.

Therefore, pursuant to the FFCRA authority cited above, FNS waives for all States the area eligibility requirements under 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17a(i) to allow schools and afterschool care centers, regardless of their location, to operate the CACFP at-risk afterschool care component. This waiver is effective immediately and remains in effect until December 31, 2020.

To implement this waiver, State agencies must have a plan for ensuring that new meal sites are targeting benefits to children in need, for example, children who may be newly eligible for benefits due to the impacts of COVID-19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement this extension, it must notify its respective FNS Regional Office, which will acknowledge receipt. 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) of the FFCRA, 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 elected to receive the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligible for program benefits due to the economic impacts of COVID-19, and
- A description of whether and how this waiver 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.

Sincerely,



for

Angela M. Kline
Director
Policy and Program Development Division