



Food and
Nutrition
Service

Braddock
Metro Center

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DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #8

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food 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 of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite. To ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). (2) This waiver applies to State agencies administering Child and Adult Care Food Program
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 section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child and Adult Care Food Program (CACFP).

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 while providing meals, as determined by the Secretary.

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).

Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m)(6) go on to require State agencies to annually review at least 33.3 percent of all CACFP institutions. Additionally, per 7 CFR 226.6(b)(1), State agencies are required to do a pre-approval visit of all new CACFP sponsors. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. Additionally, with many CACFP institutions closed, monitoring CACFP may not be possible in some instances.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) **be conducted onsite**. Please note that to ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). 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.

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 FNS Regional Office if they elect to be subject to the waiver. State agencies should inform sponsoring organizations and local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State that receives this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver 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 COVID-19, and intends to issue additional nationwide waivers to support 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,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division