



Food and
Nutrition
Service

DATE: August 31, 2020

CODE: COVID-19: Child Nutrition Response #52

SUBJECT: Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 2¹

TO: Regional Directors
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State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 2
Document ID:	
Z-RIN:	
Date of Issuance:	August 31, 2020
Replaces:	N/A
Summary:	(1) This waiver extends until December 31, 2020, the Nationwide Waiver to Extend Area Eligibility Waivers - Extension. (2) This waiver applies to State agencies administrating and local organizations operating the Summer Food Service Program and the National School Lunch Program Seamless Summer Option. (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4).
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 extending a nationwide waiver for area eligibility to continue supporting access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver to Extend Area Eligibility Waivers - EXTENSION* - granted on August 20, 2020, that expires on September 30, 2020 - until December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020*. This waiver

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).

extension applies to the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO).

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.

Area eligibility waivers already in place for SFSP and SSO facilitate the provision of meals to children in need during the challenges faced by Americans as a result of hardships due to COVID-19. Across the Nation, schools and community organizations have used this flexibility to provide meals to children during the public health emergency. 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. In addition, as schools prepare for 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. Continued use of SFSP and SSO would allow a smooth transition to these models, ease administrative burdens associated with traditional school meal operations, and ensure student safety.

Therefore, pursuant to the FFCRA authority cited above, FNS extends the ability for States to continue operating open sites in areas that are not located in “*Areas in which poor economic conditions exist,*” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced at 42 U.S.C. 1761(a)(1)(A)(i) and in regulation at 7 CFR 225.2, 7 CFR 225.6(c)(2)(i)(G), 7 CFR 225.6(c)(3)(i)(B), 7 CFR 225.6(d)(1)(i), 225.14(c)(3), and 7 CFR 225.16(b)(4). This waiver is effective immediately, supersedes the previous extension, and remains in effect through December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020*. 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. This waiver may apply to any site that operated under the previous State area eligibility plan. 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. State agencies must continue their plan for ensuring that meal sites are targeting benefits to children in need, for example, children who may be eligible for benefits due to the economic 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.

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,

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