



Food and
Nutrition
Service

DATE: April 20, 2021
CODE: COVID-19: Child Nutrition Response #94

Braddock
Metro Center

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements in the
School Meal Programs – Revised – EXTENSION 3

1320
Braddock
Place
Alexandria
VA 22314

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 in the School Meal Programs – Revised – EXTENSION 3
Document ID:	
Z-RIN:	
Date of Issuance:	April 20, 2021
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies and school food authorities, school meal programs onsite monitoring requirements included at 7 CFR 210.8, 210.16(a), 210.18, 220.7, 220.8(h), and 220.11(d) . This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 2 granted on August 4, 2020 that expires on June 30, 2021. (2) This waiver and flexibilities applies to State agencies administering, and school food authorities operating, the National School Lunch Program and School Breakfast Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) unless otherwise provided.

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to help minimize potential exposure to the novel

coronavirus (COVID–19). This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION 2*, granted on August 4, 2020, that expires on June 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. This extension applies to the National School Lunch Program and the School Breakfast Program.

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 Program statute and regulations, State agencies are required to conduct monitoring of the school meal programs on a 3-year cycle, unless the State agency has received a waiver allowing a longer review cycle. In addition, 7 CFR 210.18(c) requires that the onsite portion of the administrative review must be completed the same school year the review began. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. FNS also understands that some State agencies that began administrative reviews in a school year were then not able to conduct the onsite portion of the review due to the public health emergency. FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to monitor the Programs while managing the impacts of COVID-19.

Therefore, pursuant to the FFCRA authority cited above, FNS extends its waiver of school meal programs onsite monitoring requirements included at 7 CFR 210.8, 210.16(a), 210.18, 220.7, 220.8(h), and 220.11(d) and the requirement to complete the onsite portion of the administrative review during the school year in which the review was begun at 7 CFR 210.18(c), for all State agencies and school food authorities (SFAs) that elect to be subject to this waiver. Please note that to ensure Program integrity during this time, State agencies and SFAs should continue monitoring activities of Program operations offsite (e.g., through a desk audit). State agencies that choose to conduct the onsite portion of the administrative review at a later time should submit an amendment to any previously provided documentation when significant changes or updates occur. The onsite monitoring portion of this waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.

Consistent with Section 2202(a)(2) of the FFCRA, this extension applies automatically to all States and local operators that elect to use it, without further application. If the State agency elects to waive either school meal programs onsite monitoring or the requirement that the onsite portion of the administrative review must be completed during the school year in which the review began, it must notify its respective FNS Regional Office, which will acknowledge receipt. Election of these flexibilities must be tracked separately. State

agencies should inform local Program operators of the extension of this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.¹ Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

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 extension.² The report must include:

- A summary of the use of this extension by the State agency and local Program operators, and
- A description of whether and how this extension 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.



Jessica Saracino
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¹ The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

² FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.