



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: April 20, 2021

CODE: COVID-19: Child Nutrition Response #89

SUBJECT: Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

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| <b>Issuing Agency/Office:</b> | FNS/Child Nutrition Programs   |
| <b>Title of Document:</b>     | Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022   |
| <b>Document ID:</b>           |  |
| <b>Z-RIN:</b>                 |  |
| <b>Date of Issuance:</b>      | April 20, 2021   |
| <b>Replaces:</b>              | N/A  |
| <b>Summary:</b>               | (1) Under this waiver, National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID-19-related operations may distribute meals to a parent or guardian to take home to their children. (2) This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. These flexibilities also apply to the National School Lunch Program Seamless Summer Option. (3) This document relates to 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), and 7 CFR 226.2 (Meals). |
| <b>Disclaimer:</b>            | <b>The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), unless otherwise provided.</b>  |

Pursuant to 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 providing a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19) in school year 2021-2022. This waiver applies to the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program,

and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option.

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals and meal supplements under the Child Nutrition Programs with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

Under program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), and 7 CFR 226.2 (Meals), meals must be served to eligible children. The cited regulations ensure that local operators provide meals directly to children and do not allow parents or guardians to pick up meals at non-congregate meal sites on behalf of their children. However, FNS recognizes that in this public health emergency, requiring children to come to the meal site to pick up meals may not be practical. Providing flexibility will help local operators safely distribute meals to all children, including children who may be learning virtually in the upcoming school year.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the requirements at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), and 7 CFR 226.2 (Meals), that meals may only be served directly to children. Program operators in a State with an approved waiver allowing non-congregate meal distribution during COVID–19 operations may distribute meals to a parent or guardian to take home to their children. Any other requirements referenced in these provisions remain in effect. This waiver is effective July 1, 2021, and remains in effect through June 30, 2022. FNS also extends the parent or guardian pick up flexibility to the Seamless Summer Option for the duration of this waiver.

State agencies opting to use these flexibilities must have a plan for ensuring that local operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child. State agencies may want to consult local operators when developing their plans, as local operators are best situated to determine how to provide these assurances.

Please note, this waiver is intended to provide needed flexibility to support schools and child care providers in continuing to offer nutritious meals while safely and successfully reopening. While this waiver is available through June 30, 2022, flexibilities under the waiver should be implemented by program operators until such a time when greater levels of congregation in in-school settings is safe and healthy to pursue.

Consistent with Section 2202(a)(2) of FFCRA, this approval applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local operators of these

flexibilities as quickly as possible,<sup>1</sup> 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 elected parent or guardian pick-up flexibilities through September 30, 2021 under *Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for Summer 2021 Operations – EXTENSION 6*, issued March 9, 2021, may continue to allow local operators to participate under that approval for the duration of Summer 2021. This new approval is applicable to school year operations. State agencies must elect to be subject to the school year 2021-2022 parent or guardian pick-up flexibilities in order to use them.

As required by Section 2202(d) of FFCRA, each State that elects the parent or guardian pick up flexibilities must submit a report to the Secretary not later than 1 year after the date such State elected to receive the flexibilities.<sup>2</sup> In order to use these flexibilities, local operators must be prepared to provide the State agency with any necessary information to complete the reporting requirements. The report must include:

- A summary of the use of the parent or guardian pick up flexibilities by the State agency and local program operators, and
- A description of whether and how the parent or guardian pick up flexibilities 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.



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

<sup>2</sup> 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.