



Food and
Nutrition
Service

DATE: March 20, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #3

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver of the Activity Requirement in
Afterschool Care Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Pursuant to the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to support access to nutritious meals and snacks while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to afterschool snacks in the National School Lunch Program and at-risk afterschool meals and snacks in the Child and Adult Care Food Program.

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, as determined by the Secretary.

Under sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766a(a)(2)(C), respectively, afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity. However, FNS recognizes that in this public health emergency, waiving these requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, FNS waives, for all States, the above referenced statutory and regulatory requirements. This waiver is effective immediately, and remains in effect through June 30, 2020, or upon 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

Regional Office if they elect to be subject to the waiver. 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), 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 received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS stands ready to provide assistance to areas impacted by COVID–19 and intends to continue supporting 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 participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

Angela M. Kline
Director
Policy and Program Development Division