



Food and  
Nutrition  
Service

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DATE: June 25, 2020

CODE: COVID-19: Child Nutrition Response #34

SUBJECT: Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION #2<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION #2
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	June 25, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) Under this waiver, Program operators in a State with an approved waiver of meal service times may establish meal service times that support streamlined access to nutritious meals. This waiver extends the <i>Nationwide Waiver to Allow Meal Service Time Flexibility in National School Lunch Program, School Breakfast Program, and Child and Adult Food Program – EXTENSION</i> granted on May 14 that expires on August 31, 2020. (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. (3) This document relates to 7 CFR 210.10(l), 220.8(l) and 226.20(k).
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (P.L. 116-127).</b>

Pursuant to 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 establishing a nationwide waiver to support access to

<sup>1</sup> 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).

nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the [Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program – EXTENSION](#) granted on May 14 that expires on August 31, 2020. This waiver extension applies to the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program. This extension does not apply to the Summer Food Service Program or the National School Lunch Program Seamless Summer Option; those programs are covered in [Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and 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 under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under Program regulations at 7 CFR 210.10(l), 220.8(l), and 226.20(k), Child Nutrition Program meals must follow meal service time requirements. However, FNS recognizes that for school year 2020-2021, waiving the meal service time requirements will support safer access to nutritious meals.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the requirements at 7 CFR 210.10(l) and 220.8(l). State agencies may also adjust the time of meal service, as addressed at 226.20(k), including suspension of meal times as needed in the Child and Adult Care Food Program.

This waiver is effective July 1, 2020, through June 30, 2021.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities for school year 2020-2021, 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.

As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary no 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 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,



for

Angela M. Kline  
Director  
Policy and Program Development Division