



Food and  
Nutrition  
Service

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DATE: April 27, 2020

CODE: COVID-19: Child Nutrition Response #21

SUBJECT: Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020<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>	Transitioning from SSO and SFSP Operations during Unanticipated School Closures to Standard Summer Operations
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 27, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This waiver delays the transition from National School Lunch Seamless Summer Option (SSO) and Summer Food Service Program (SFSP) operations during unanticipated school closures associated with the Coronavirus (COVID-19) pandemic to traditional SSO and SFSP operations to June 30, 2020. (2) This waiver applies to State agencies administrating and local organizations operating the: National School Lunch Program Seamless Summer Option (SSO) and the Summer Food Service Program (SFSP). (3) This document relates to 42 U.S.C. 1761(c)(1) and 7 CFR 225.6(b)(1), 6(b)(4), 6(c)(1), 6(c)(2)(i)(G), 6(c)(3)(i)(B), 6(e)(1)(iii), 7(a), 7(d)(1)(i), 14(a), and 15(d)(1).
<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 (the Act) (P.L. 116-127).</b>

Pursuant to the Families First Coronavirus Response Act (the Act) (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 nutritious meals while minimizing potential exposure to the novel coronavirus. This

<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).

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

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.

The Richard B. Russell National School Lunch Act at 42 U.S.C. 1761(c)(1), and Program regulations at 7 CFR 225.6(b)(1), 7 CFR 225.6(b)(4), 225.6(c)(1), 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(e)(1)(iii), 225.7(a), 225.7(d)(1)(i), 225.14(a), and 225.15(d)(1) limit SSO and SFSP operations during unanticipated school closures to the period from October through April of each school year. Unanticipated school closure operations reduce administrative burden by exempting Program operators from certain requirements, such as pre-operational training requirements. 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 need additional support and flexibility to make a smooth transition to traditional summer operations this year. Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, the October through April time limitation for unanticipated school closures in the above referenced statutory and regulatory requirements for the remainder of school year 2019-2020, as defined at 42 U.S.C. 1760(d)(6). The intent of this waiver is to allow State agencies to permit Program operators to operate under current unanticipated school closure requirements (regardless of their current closure status) for the duration of this waiver, which is effective immediately, and remains in effect through June 30, 2020. However, this waiver does not prevent State agencies and Program operators from implementing SFSP and SSO requirements prior to June 30, 2020.

In addition, regulations at 7 CFR 225.6(b)(1) require SFSP or SSO sponsors to submit written applications for Program participations by June 15. This June 15, 2020, application date is also waived. Written applications are still required for State agency approval for participation in SFSP or SSO; however, submissions are not required by June 15. Therefore, there is no Federal application deadline for summer 2020; however, State agencies must establish a deadline based on local conditions. This is in acknowledgement of the unprecedented operating conditions of COVID-19.

Consistent with section 2202(a)(2) of the Act, this waiver 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 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.

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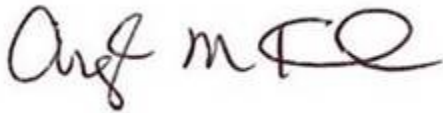
As required by section 2202(d) of the Act, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State elected to receive the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, 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,

A handwritten signature in black ink, appearing to read "Angela M. Kline". The signature is written in a cursive style with a large initial "A" and a stylized "K".

Angela M. Kline  
Director  
Policy and Program Development Division