



Food and
Nutrition
Service

DATE: April 24, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response # 20

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver of Annual Review Requirements for State Agencies in the Child and Adult Care Food Program¹

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 Annual Review Requirements for State Agencies in the Child and Adult Care Food Program
Document ID:	
Z-RIN:	
Date of Issuance:	April 24, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies that elect to be subject to this waiver, CACFP monitoring requirements included at Section 17(d)(2)(C) of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766] and regulations at 7 CFR 226.6(m)(6) and 226.6(m)(6)(i) through (ii). (2) This waiver applies to State agencies administering Child and Adult Care Food Program
Disclaimer:	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).

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the Child and Adult Care Food Program (CACFP).

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 while providing meals, as determined by the Secretary.

¹ 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).

On March 27, 2020, FNS issued a nationwide waiver (COVID-19: Child Nutrition Response #8) of the requirement to complete CACFP monitoring requirements **on site**. Under Program statute, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. Program regulations at 7 CFR 226.6(m)(6) require State agencies to annually review at least 33.3 percent of all CACFP institutions with at least 15 percent of those total reviews being unannounced. Additionally, 7 CFR 226.6(m)(6)(i) and (ii) requires State agencies to review independent centers and sponsoring organizations of 1 to 100 facilities once every three years and sponsoring organizations with more than 100 facilities at least once every two years. However, due to COVID-19: Child Nutrition Response #8, FNS recognized that it is no longer safe to meet monitoring requirements under this public health emergency. Furthermore, many CACFP institutions are closed, making monitoring of some CACFP institutions not possible and State agencies unable to meet the requirements for frequency and number of reviews.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, CACFP monitoring requirements included at Section 17(d)(2)(C) of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766(d)(2)(C)] and regulations at 7 CFR 226.6(m)(6) and 226.6(m)(6)(i) through (ii). FNS strongly encourages State agencies that elect to not conduct scheduled reviews of CACFP institutions this year to prioritize reviews of these institutions next year.

Please note that to ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver is effective immediately, and remains in effect through September 30, 2020, or until 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. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office who will acknowledge receipt. State responses will be relayed to the FNS State Administration Branch. State agencies should inform sponsoring organizations and local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.

As required by section 2202(d), each State that receives this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

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

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 child and adult participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division