



Food and
Nutrition
Service

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DATE: April 20, 2021

CODE: COVID-19: Child Nutrition Response #88

SUBJECT: Nationwide Waiver of Meal Times Requirements for School Year 2021-2022

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

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| Issuing Agency/Office: | FNS/Child Nutrition Programs |
| Title of Document: | Nationwide Waiver of Meal Time Requirements School Year 2021-2022 |
| Document ID: | |
| Z-RIN: | |
| Date of Issuance: | April 20, 2021 |
| Replaces: | N/A |
| Summary: | (1) Under this waiver, National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times. (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(l), 220.8(l), and 226.20(k). |
| Disclaimer: | The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), unless otherwise provided. |

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 establishing 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 the 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 under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under program regulations at 7 CFR 210.10(l), 7 CFR 220.8(l), and 7 CFR 226.20(k), Child Nutrition Program meals must follow meal service time requirements. However, FNS recognizes that meal time flexibility is necessary to ensure the provision of meals in a safe manner. This waiver is for the purpose of implementing appropriate safety measures by supporting alternative meal service models and social distancing in Child Nutrition Programs. FNS recognizes that meeting the meal time requirements can be challenging during COVID–19. This waiver would also support a successful school reopening by facilitating a safe, efficient, and socially distant meal service in school year 2021-2022.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the requirements at 7 CFR 210.10(l) and 7 CFR 220.8(l) that set meal time parameters for school lunch and breakfast. This waiver is effective July 1, 2021, and remains in effect through June 30, 2022. FNS also extends the meal time flexibilities to the Seamless Summer Option for the duration of this waiver. State agencies may also adjust the time of meal service, as addressed at 7 CFR 226.20(k), including suspension of meal times as needed in the Child and Adult Care Food Program.

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 the 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,¹ and work in partnership with them to provide meals to all participants in a safe and accessible manner.

Please note, State agencies that have already elected meal time flexibilities through September 30, 2021 under *Nationwide Waiver of Meal Service Time Restrictions for Summer 2021 Operations– EXTENSION 3*, issued March 9, 2021, may continue to allow local operators to participate under that approval for the duration of Summer 2021. This

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

new approval is applicable to school year operations. State agencies must elect to be subject to the school year 2021-2022 meal time flexibilities in order to use them.

As required by Section 2202(d) of the FFCRA, each State that elects to be subject to the meal time flexibilities must submit a report to the Secretary not later than 1 year after the date such State elected to receive the flexibilities.² 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 meal time flexibilities by the State agency and local program operators, and
- A description of whether and how the meal times 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.



Angela M. Kline
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² 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.