



Food and
Nutrition
Service

Braddock
Metro Center

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DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #7

SUBJECT: Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program¹

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 Monitoring Requirements for Sponsors in the Child and Adult Care Food Program |
| Document ID: | |
| Z-RIN: | |
| Date of Issuance: | March 26, 2020 |
| Replaces: | N/A |
| Summary: | (1) FNS waives, for all CACFP sponsoring organizations, CACFP monitoring requirements at 7 CFR 226.16(d)(4)(iii) as follows: a) CACFP sponsors may conduct two reviews of their CACFP facilities; b) only one CACFP facility review is required to be unannounced; c) FNS waives that at least one unannounced review must include observation of a meal service; d) FNS waives the requirement that not more than six months may elapse between reviews; e) allows sponsoring organizations to review new CACFP facilities as a desk audit (2) This waiver applies to State agencies administering and school food authorities operating the: 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).

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).

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 Program regulations at 226.16(d)(4)(iii), CACFP sponsoring organizations must review each facility three times each year and: 1) at least two of the three reviews must be unannounced; 2) at least one unannounced review must include observation of meal service; 3) at least one review must be made during each new facility's first four weeks of Program operations; and 4) not more than six months may elapse between reviews. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals. Additionally, with many CACFP facilities closed, monitoring CACFP may not be possible in some instances.

Therefore, FNS waives, for all CACFP sponsoring organizations that elect to be subject to this waiver, CACFP monitoring requirements as follows:

- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii) that sponsoring organizations review each CACFP facility three times each year. **For a sponsor's current review year, CACFP sponsors may conduct two reviews of their CACFP facilities.**
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(A) that at least two of the three reviews must be unannounced. **For a sponsor's current review year, only one CACFP facility review is required to be unannounced.**
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(B) that at least one unannounced review must include observation of a meal service.
- FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(D) that not more than six months may elapse between reviews.
- FNS does not waive the requirement at CFR 226.16(d)(4)(iii)(C) that at least one review must be made during each new facility's first four weeks of Program operations but **allows sponsoring organizations to review new CACFP facilities as a desk audit.**

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States and sponsoring organizations that elect to use it, without further application through June 30, 2020. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. 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 or sponsoring organization that implements 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 issue additional nationwide waivers to support 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