



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: March 9, 2021

CODE: COVID-19: Child Nutrition Response #78

SUBJECT: Nationwide Waiver of Meal Service Time Restrictions for Summer 2021 Operations- EXTENSION 3¹

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 Meal Service Time Restrictions for Summer 2021 Operations- EXTENSION 3
Document ID:	
Z-RIN:	
Date of Issuance:	March 9, 2021
Replaces:	N/A
Summary:	(1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times. This waiver extends the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option granted on October 9, 2020, that expires on June 30, 2021. (2) This waiver and flexibilities applies to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option during Summer 2021. (3) This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(l), and 220.8(l).
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) 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

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).

emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19) this summer. This waiver extends the *Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION 2*– granted on October 9, 2020, that expires on June 30, 2021 – through September 30, 2021. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO).

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.

Program regulations at 7 CFR 225.16(c)(1) and (2) require minimum elapsed times between meal services and maximum durations of individual meal services in the SFSP. In addition, Program regulations at 7 CFR 210.10(l) and 220.8(l), establish requirements on the timing of lunches and breakfasts. However, FNS recognizes that, in this public health emergency, continuing the waiver of meal service times would reduce administrative burden on State agencies and sponsors and support streamlined access to nutritious meals during the upcoming summer months.

Therefore, pursuant to the FFCRA authority cited above, FNS extends, for all States, the waiver of those requirements at 7 CFR 225.16(c)(1) and (2) that place Federal limits on the amount of time that must elapse between the beginning of one meal and the beginning of the next, and the duration of a meal service. SFSP sponsors are still required to comply with application requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site. In addition, FNS also extends the waiver of those requirements at 7 CFR 210.10(l) and 220.8(l) that set meal time parameters for schools. This extension is effective July 1, 2021 and remains in effect through September 30, 2021. FNS also extends these meal service time flexibilities to SSO operations for the duration of this waiver.

Consistent with section 2202(a)(2) of the FFCRA, this extension 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. However, to use these flexibilities, SFSP and SSO operators must contact the State agency for approval and provide the State agency any necessary information to complete the report requirements discussed below. 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 this summer. Prior elections and approvals will continue under this extension; no further action is needed.

Please note, State agencies that have already received a traditional SFSP waiver of the meal service time requirements may elect to be covered by this nationwide waiver during the COVID-19 emergency, in place of their traditional waiver. As previously determined, the traditional SFSP waivers will remain in effect through April 30, 2022, or until FNS publishes a final regulation that supersedes the approval, whichever comes first. Therefore, there is no need for State agencies to withdraw or resubmit those requests.

As required by section 2202(d) of the FFCRA, each State that elects the meal service time flexibilities must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this extension by the State agency and local Program operators, and
- A description of whether and how this extension 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,

Original Signed

Angela M. Kline
Director
Policy and Program Development Division