



Food and
Nutrition
Service

DATE: June 8, 2020

Braddock
Metro Center

CODE: COVID-19: Child Nutrition Response #29

1320
Braddock
Place
Alexandria
VA 22314

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements in the
School Meals Programs – Revised – EXTENSION¹

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 Onsite Monitoring Requirements in the School Meals Programs – Revised – EXTENSION
Document ID:	
Z-RIN:	
Date of Issuance:	June 8, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies and school food authorities, school meals onsite monitoring requirements included at 7 CFR 210.8, 210.18, 220.8(h), and 210.18(c). This waiver extends the Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised granted on June 5, 2020 that expires on June 30, 2020. (2) This waiver applies to State agencies administering and school food authorities operating the: National School Lunch Program and School Breakfast Program. This waiver remains in effect through August 31, 2020.
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).

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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).

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This extension of *Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs*, issued March 26, 2020, and *Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs – Revised*, issued June 5, 2020, applies to the National School Lunch Program and the School Breakfast Program (Program).

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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 statute and regulations, State agencies are required to conduct monitoring of the School Meal Programs on a 3-year cycle, unless the State agency has received a waiver allowing a longer review cycle. In addition, 7 CFR 210.18(c) requires that the onsite portion of the administrative review must be completed the same school year the review began. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. Additionally, with many schools closed or operating the Summer Food Service Program during an unanticipated school closure, onsite monitoring of school meals may not be possible in some instances. Additionally, FNS understands that some State agencies that began administrative reviews in school year 2019-2020, but were not able to conduct the onsite portion of the review due to the public health emergency, may want to complete the onsite portion of the review next school year.

Therefore, for all State agencies and school food authorities (SFAs) that elect to be subject to this waiver, FNS extends its waiver of school meals onsite monitoring requirements included at 7 CFR 210.8, 210.18 and 220.8(h) and the requirement to complete the onsite portion of the administrative review during the school year the review was begun at 7 CFR 210.18(c). Please note that to ensure Program integrity during this time, State agencies and SFAs should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). State agencies that choose to conduct the onsite portion of the administrative review at a later time should submit an amendment to any previously provided documentation when significant changes or updates occur. The onsite monitoring portion of this waiver remains in effect through August 31, 2020.

In instances where a State agency or SFA is not able to conduct any monitoring of school meals this year due to school closures, the State agency may postpone the administrative review until school year 2020-2021. State agencies may request an extension of their current administrative review cycle to accommodate these postponements. State agencies with an existing 4-year review cycle waiver may submit a new request for a 5-year cycle

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and a rescission of the previous waiver. This portion of the waiver is effective immediately and remains in effect through June 30, 2021.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States and local operators that elect to use it, without further application. If the State agency elects to waive either school meals onsite monitoring or the requirement that onsite portion of the administrative review must be completed during the school year in which the review was begun, it must notify its respective FNS Regional Office, which will acknowledge receipt. Election of these flexibilities must be tracked separately. State agencies should inform local Program operators of the extension of this waiver as quickly as possible, and work in partnership with local operators to ensure their safety. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

As required by section 2202(d), each State that elects to be subject to this waiver must, not later than 1 year after the date such State implemented the waiver, submit a report to the Secretary 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 the COVID-19, and intends to continue supporting access to Child Nutrition Programs 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,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

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