



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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## MEMORANDUM

**TO:** SM 26-20, CA 09-20, FCC 04-20, MK 05-20, SFSP 09-20

**FROM:** *RZ* Robin Ziegler, Director  
Office of School and Community Nutrition Programs

**DATE:** March 24, 2020

**SUBJECT:** Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs

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This memorandum is to inform you that the U.S. Department of Agriculture (USDA) has issued a nationwide waiver to allow **non-congregate feeding** in the Child Nutrition Programs (CNP) to access nutritious meals while minimizing potential exposure to the novel coronavirus. This waiver applies to **all** Child Nutrition Programs (CNP) including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP).

Under the Richard B. Russell National School Lunch Act and Program regulations ((7 CFR 225.6(e)(15) and 7 CFR226.19(b)(6)(iii)), CNP meals must be served in a congregate setting and must be consumed by participants on site. However, USDA recognizes that in this public health emergency, waiving the congregate meal requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

The COVID–19 Child Nutrition Response Act, section 2202(a) and (b) establishes a waiver for the purposes of providing meals under the CNPs. USDA waives serving meals through the NSLP, SBP, SFSP and also waives the requirements of 7 CFR226.19(b)(6)(iii), to serve meals through the Child and Adult Care Food Program (CACFP) in a congregate setting.

Adult Care Center agencies may find this waiver helpful in reaching adult participants that do not have meal access through a traditional non congregate meal service and would like to utilize a home delivery meal model.

This waiver is effective immediately, and remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

As a reminder, documentation must be maintained that supports all meals claimed, including:

- A daily record of participants served by meal type
- Menus
- Whether meals were served daily, multiple meals were served for the day, or meals were served for multiple days

The Office of School and Community Nutrition Programs (OSCNP) is ready to provide assistance to areas impacted by the coronavirus and intends to continue supporting access to nutritious meals during this public health emergency. OSCNP appreciates the exceptional effort of agencies working to meet the nutritional needs of participants during this challenging time.

Agencies should disseminate this information to appropriate personnel. If you have questions or comments concerning the information in this memorandum, contact your Program Specialist by email.

RZ: lf