DATE: October 9, 2020

CODE: COVID–19: Child Nutrition Response #68

SUBJECT: Nationwide Waiver of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component-
EXTENSION

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

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<th>Issuing Agency/Office:</th>
<th>FNS/Child Nutrition Programs</th>
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<td>Title of Document:</td>
<td>Nationwide Waiver of Area Eligibility in the Child and Adult Care Food Program At-Risk Afterschool Care Component - EXTENSION</td>
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<td>Summary:</td>
<td>(1) This waiver allows schools and afterschool care centers, regardless of their location, to serve at-risk afterschool meals and snacks to students after the regular school day, through June 30, 2021. (2) This waiver applies to State agencies administering and local organizations operating the Child and Adult Care Food Program At-Risk Afterschool Care Component. (3) This document relates to 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17a(i).</td>
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<td>Disclaimer:</td>
<td>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).</td>
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Pursuant to the authority in Section 2202(a) of 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 issuing a nationwide waiver of area eligibility requirements to support access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the Nationwide Waiver of Area Eligibility in the Child and Adult Care Program At-Risk Afterschool Care Component – granted on September 18, 2020, that

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).
expires on December 31, 2020 – through June 30, 2021. This waiver extension applies to
the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Care Component.

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 the Richard B. Russell National School Lunch Act at 42 U.S.C. 1766(r)(1)(B) and
CACFP regulations at 7 CFR 226.17a(i), at-risk afterschool care centers must be located
in the attendance area of a school in which at least 50 percent of the enrolled children are
certified eligible for free or reduced-price school meals. However, FNS recognizes that
waiving these requirements will facilitate the provision of meals to children in need
during the challenges faced by Americans as a result of hardships due to COVID-19 and
will complement the waivers in place for the Summer Food Service Program (SFSP) and
Seamless Summer Option (SSO). Allowing CACFP at-risk afterschool care programs to
provide a meal and snack, regardless of their location, similarly addresses the continued
need to serve communities impacted by COVID-19.

Further, FNS recognizes that State agencies and local Program operators continue to need
additional support and flexibility to serve meals to children in need while managing the
impacts of COVID-19. As schools continue the 2020-2021 school year with varied
instructional models, they are faced with the continued need for social distancing. Many
are employing education models utilizing some form of virtual instruction; and those
planning in-person instruction have recognized the need to modify meal service models
to ensure student safety. Waiving area eligibility for CACFP at risk afterschool care
programs is consistent with SFSP and SSO and allows a smooth transition to these
models, eases administrative burdens associated with traditional school meal operations,
and ensures student safety. It also ensures that schools and afterschool care centers are
able to meet the nutrition needs of students by providing each child with the maximum
meal benefits available through the Child Nutrition Programs.

Therefore, pursuant to the FFCRA authority cited above, FNS waives for all States the
area eligibility requirements under 42 U.S.C. 1766(r)(1)(B) and 7 CFR 226.17a(i) to
allow schools and afterschool care centers, regardless of their location, to operate the
CACFP at-risk afterschool care component. This waiver is effective immediately,
supersedes the previous waiver, and remains in effect until June 30, 2021.

To implement this waiver, State agencies must have a plan for ensuring that new meal
sites are targeting benefits to children in need, for example, children who may be newly
eligible for benefits due to the impacts of COVID-19. State agencies should work with
local Program operators in developing their plans as local Program operators are best
situated to determine how to provide these assurances.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all
States that elect to use it, without further application. If the State agency elects to
implement this extension, it must notify its respective FNS Regional Office, which will acknowledge receipt. 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.

As required by Section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State elected to receive the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligible for program benefits due to the economic impacts of COVID-19, and
- A description of whether and how this waiver 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,

[Signature]

Angela M. Kline  
Director  
Policy and Program Development Division