



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: April 20, 2021

CODE: COVID-19: Child Nutrition Response #93

SUBJECT: Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Nationwide Waiver of Area Eligibility in the Afterschool Programs and for Family Day Care Home Providers in School Year 2021-2022
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 20, 2021
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This waiver allows schools and at-risk afterschool care centers, regardless of their location, to claim all National School Lunch Program Afterschool Snack Service and Child and Adult Care Food Program At-risk Afterschool Program meals and snacks at the free rate. This waiver also allows day care homes participating in the Child and Adult Care Food Program to claim all meals served to enrolled children at the Tier 1 rate, regardless of their location. (2) This waiver applies to State agencies administrating, and local organizations operating, the National School Lunch Program and the Child and Adult Care Food Program (3) This document relates to: 42 U.S.C. 1766(f)(3)(A)(ii); 42 U.S.C. 1766a(c)(1); 42 U.S.C. 1766(r)(1)(B); 7 CFR 226.2; 226.6(b)(1)(viii); 226.6(f)(1)(ix)(B) and (C); 226.15(f); 226.15(g); 226.17a(b)(1)(iv); 226.17a(e)(2)(iv); 226.17a(f)(1); and 226.17a(i)(1) and (2).
<b>Disclaimer:</b>	<b>The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159).</b>

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (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

and snacks while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver applies to afterschool snacks served to children through the National School Lunch Program (NSLP) Afterschool Snack Service and to meals and snacks served to children through the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Care Component. This waiver also applies to meals and snacks served to children enrolled in day care homes participating in the CACFP.

Section 2202(a) of 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. 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. This nationwide waiver of area eligibility requirements provides improved access to nutritious meals and snacks for children by allowing State agencies to provide benefits to children who may be newly eligible due to the economic impacts of COVID-19. It also eases administrative burden for schools, community organizations, and family day care homes to allow operators to implement safety measures such as social distancing so that all students may receive meals and safely reopen.

Therefore, pursuant to FFCRA authority cited above, FNS waives for all States the area eligibility requirements at: 42 U.S.C. 1766(f)(3)(A)(ii); 42 U.S.C. 1766a(c)(1); and 42 U.S.C. 1766(r)(1)(B). FNS waives the definitions of “Eligible area,” “Low-income area,” and “Tier I day care home,” with regard to area eligibility determination in regulation at 7 CFR 226.2 and area eligibility requirements codified at 226.6(b)(1)(viii); 226.6(f)(1)(ix)(B) and (C); 226.15(f); 226.15(g); 226.17a(b)(1)(iv); 226.17a(e)(2)(iv); 226.17a(f)(1); and 226.17a(i)(1) and (2). The purpose of this waiver is to assist schools, community organizations, and day care homes with reopening and to ensure that children are able to receive benefits with appropriate safety measures.

This waiver allows schools, regardless of their location, to claim all afterschool snacks at the free rate. It allows at-risk afterschool care centers, regardless of their location, to apply to participate in the CACFP and claim all meals and snacks at the free rate. It also allows all day care homes, regardless of their location, to receive the Tier I reimbursement rate for all meals and snacks. This waiver is effective July 1, 2021, and remains in effect through June 30, 2022.

Consistent with Section 2202(a)(2) of FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of these flexibilities as quickly as possible,<sup>1</sup> and work in partnership with local operators to provide meals and snacks to all participants in a safe and accessible manner. State agencies must elect to be subject to the school year 2021-2022 area eligibility waiver in order to use it. FNS continues to focus on operational flexibilities for supporting schools,

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<sup>1</sup> The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

community organizations, and day care homes in their efforts towards reopening safely, while ensuring children continue to receive nutritious, high-quality meals.

As required by Section 2202(d) of 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.<sup>2</sup> 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 targeted benefits to 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,

A handwritten signature in dark ink, appearing to read "Angela M. Kline". The signature is fluid and cursive, with the first name being the most prominent.

Angela M. Kline  
Director  
Policy and Program Development Division

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<sup>2</sup> The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.