



Food and
Nutrition
Service

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DATE: March 27, 2020

CODE: COVID-19: Child Nutrition Response #11

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program¹

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 for State Agencies in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	March 26, 2020
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies, that SFSP monitoring requirements included at 7 CFR 225.7(d)(2)(ii) be conducted onsite. To ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). (2) This waiver applies to State agencies administering and local organizations operating the: Summer Food Service Program.
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).

Pursuant to section 2202(a) of the Families First Coronavirus Response Act (the Act) (P.L. 116-127), and in light of the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to monitoring of schools and institutions operating Summer Food Service Program (SFSP) during an unanticipated school closure. If needed, FNS will issue guidance on monitoring during regular SFSP (May through August) at a later date.

Section 2202(a) of the Act 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.

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).

State agencies are required to monitor SFSP operators that serve meals during unanticipated school closures consistent with the requirements found at 7 CFR 225.7(d).

Note: pre-approval visits of sponsors proposing to operate during unanticipated school closures during the period from October through April (or at any time of the year in an area with a continuous school calendar) are not required and may be conducted at the discretion of the State agency (7 CFR 225.7(d)(1)(i)). Additionally, when the same SFA personnel administer SFSP as well as the NSLP, the State agency is not required to conduct a review of the SFSP in the same year in which the NSLP operations have been reviewed and determined to be satisfactory.

Under Program regulations at 7 CFR 225.7(d)(2)(ii), State agencies that operate SFSP are required to: 1) conduct a review of every new sponsor at least once during the first year of operation; 2) annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State in the prior year; 3) annually review every sponsor which experienced significant operational problems in the prior year; and 4) review each sponsor at least once every three years. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals.

Therefore, FNS waives, for all State agencies that elect to be subject to this waiver, that SFSP monitoring requirements included at 7 CFR 225.7(d)(2)(ii) be conducted onsite. Please note that to ensure Program integrity during this time, State agencies should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). For SFSP sponsors who operate the Program during normal summer operations (May through August), State agencies may also postpone required site visits until summer 2020. This waiver is effective immediately, and remains in effect through June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. 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 ensure their safety.

As required by section 2202(d), each State that receives this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver 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 COVID-19, and intends to issue additional nationwide waivers to support access to nutritious meals 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,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division