



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: April 1, 2021

CODE: COVID-19: Child Nutrition Response #83

SUBJECT: Nationwide Waiver to Allow Sponsors that Successfully Participated in the Summer Food Service Program in Fiscal Year 2019 to Operate as Experienced Sponsors in Fiscal Year 2021<sup>1</sup>

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 to Allow Sponsors that Successfully Participated in the Summer Food Service Program in Fiscal Year 2019 to Operate as Experienced Sponsors in Fiscal Year 2021
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	April 1, 2021
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS allows State agencies to use the streamlined experienced sponsor application and approval process for returning sponsors that successfully participated in the Summer Food Service Program in Fiscal Year 2019, but not in Fiscal Year 2020 due to COVID-19. (2) This waiver applies to State agencies administering the Summer Food Service Program and local organizations that have operated the Summer Food Service Program successfully in Fiscal Year 2019. (3) This waiver relates to 7 CFR 225.2, and 225.7(d)(1)(i).
<b>Disclaimer:</b>	<b>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), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159).</b>

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), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to support access to nutritious meals while minimizing potential exposure to the novel coronavirus

<sup>1</sup> 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).

(COVID-19).

This waiver allows State agencies the discretion to use a streamlined application process for sponsors that did not operate the Summer Food Service Program (SFSP) in Fiscal Year (FY) 2020 due to COVID-19, but operated in FY 2019 and were in good standing. FNS is also waiving the requirement for State agencies to conduct pre-approval visits of SFSP sponsors that did not participate in FY 2020 due to COVID-19, but participated in FY 2019.

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.

Program regulations at 7 CFR 225.6(c)(2) outline the requirements for new applicant sponsors, while regulations at 7 CFR 225.6(c)(3) give State agencies the option to allow sponsors that have successfully operated in the prior year to utilize the streamlined experienced sponsor application process. Program regulations also require State agencies to conduct pre-approval visits to all applicant sponsors that did not participate in the prior year, under 7 CFR 225.7(d)(1)(i). Although the experienced sponsor application process is still substantial, it recognizes that much of the information submitted in the prior year's application is still current and that an experienced sponsor is likely to operate successfully without a pre-approval site visit.

FNS is aware that, in this public health emergency, State agencies are concerned about the challenges of processing timely applications from both new and returning sponsors. Waiving these requirements for sponsors that successfully operated SFSP in FY 2019 facilitates the safe provision of meals by allowing State and local program operators to further reallocate their limited staffing resources to meal service and relevant COVID-19 response activities, rather than expending those resources on the completion of administrative reporting. Eliminating the requirement for pre-approval site visits is an appropriate safety measure with respect to COVID-19 and will allow program operators to enhance their focus on the efficient service of meals, thereby reducing contact and potential exposure to COVID-19.

In recognition of the need to balance this waiver with integrity concerns, this waiver applies only to those sponsors that operated SFSP in good standing in FY 2019. Pursuant to the FFCRA authority cited above, FNS waives the following requirements, for all States that elect to be subject to this waiver:

- 7 CFR 225.2, where it defines an experienced sponsor as one that participated in the prior year; and
- 7 CFR 225.7(d)(1)(i), where the State agency's discretion to not conduct a pre-approval visit for successful participants is limited to the previous 12 months.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. This waiver gives State agencies the discretion to allow sponsors that successfully operated SFSP in FY 2019, but did not operate in FY 2020 due to COVID-19, to use the experienced sponsor application process at 7 CFR 225.6(c)(3). This waiver also gives State agencies the discretion to approve applications from sponsors that successfully participated in FY 2019, but did not participate in FY 2020 due to COVID-19, without conducting pre-approval site visits.

State agencies electing to participate in the waiver must have an implementation plan that includes criteria for sponsor participation in the waiver. State agencies may not apply the waiver to sponsors that experienced significant operational problems in FY 2019 and should use discretion when considering applying the waiver to sponsors that anticipate making significant alterations to their program operations in FY 2021. State agencies continue to have the option to request that experienced sponsors and experienced sites provide any of the information required under 7 CFR 225.6(c)(2). State agencies must inform their Regional Office if they elect to be subject to the waiver. This waiver is effective immediately and will remain in effect through September 30, 2021.

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

- A summary of the use of this waiver by the State agency and sponsors, 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 sponsors working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

A handwritten signature in dark ink, appearing to read "Ang M Kline". The signature is fluid and cursive, with the first name "Ang" and the last name "Kline" clearly distinguishable.

Angela M. Kline  
Director  
Policy and Program Development Division  
Child Nutrition Programs