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Department of Education

Child Nutrition

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**To: CACFP Institutions**

**From: CACFP Staff**

**Subject: Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks:  
Questions and Answers #3<sup>1</sup>**

**Date: 4/13/2020**

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Hello CACFP participants,

USDA has issued the following memo which applies to your institution. Please read the memo, make changes as needed, and keep the memo in your CACFP files. Portions of the FNS memo that do not apply to CACFP have been omitted for your convenience.

(1) This memorandum provides clarification on questions related to the operation of the Child Nutrition Programs during the novel coronavirus (COVID-19) public health emergency. (2) This memorandum applies to State agencies administering and local organizations operating the Child Nutrition Programs. (3) This document relates to Program operations under 7 CFR 210, 220, 225, and 226 and waivers pursuant to the Families First Coronavirus Response Act of 2020 (P.L. 116-127).

**The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.**

This memorandum includes questions and answers intended to provide clarification to State agencies and Program operators on the operation of the Child Nutrition Programs during the novel coronavirus (COVID-19) public health emergency.

Pursuant to the Families First Coronavirus Response Act of 2020 (P.L. 116-127), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) has issued several Nationwide Waivers and has exercised existing statutory and regulatory authorities to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. Additional information on the FNS Response to COVID—19 is available at: <https://www.fns.usda.gov/disaster/pandemic/covid-19>.

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.

## **Milk Requirements**

**If the public health emergency prevents Child Nutrition Program operators from obtaining fluid milk, can Program operators receive reimbursement for meals served without milk?**

Yes, if the State agency approves this flexibility. If emergency conditions temporarily prevent Program operators from obtaining milk, the State agency may allow Program operators to serve meals without milk, or in the National School Lunch Program (NSLP) and School Breakfast Program (SBP), with an alternate form of milk. This flexibility is permitted under existing Program regulations at 7 CFR 210.10(d)(2)(i), 220.8(d), 225.16(f)(6), and 226.20(e)(1), and does not require a waiver from the Food and Nutrition Service (FNS).

In addition, the Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs allows milk requirements to be waived when State agencies elect to participate in the waiver. Program operators need to contact their State agency for approval, which will be based on a targeted and justified need for serving meals without milk.

## **Child and Adult Care Food Program (CACFP) Meal Delivery**

**Under the Non-Congregate waiver, can CACFP operators deliver meals directly to children or adult participants' homes?**

Yes. If the CACFP operator determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with State agency approval and adherence to all Federal confidentiality requirements. If applicable, any State agency meal service times would also have to be waived, per the Meal Service Time nationwide waiver. Delivery could be completed by mail or delivery service, or hand-delivered by CACFP staff, volunteers, community organizations, or others. The State agency should consider the capacity of the CACFP operator to execute such an approach effectively, including meeting State or local food safety requirements. This option is only available to CACFP operators that provide care for enrolled children and adult participants due to confidentiality and logistical requirements. Only meals delivered to enrolled children or adult participants will be reimbursable.

**What funding is available for meal delivery?**

There is no additional reimbursement for home delivery or mobile meals delivery, but related expenses, such as postage or delivery service fees, would be considered an allowable cost under the CACFP. Delivery costs could also be paid with non-program funds such as State or local funds, or private donations.

### **What are the requirements for initiating home meal delivery for a household?**

CACFP operators must first obtain written consent from households of enrolled children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, CACFP operators should confirm the household's current contact information to ensure meals are delivered to the correct location.

It is critical that CACFP operators protect the confidentiality of children and their households throughout this process. The National School Lunch Act and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of household contact information for children without first obtaining the written consent of the child's parent or guardian. The CACFP operator must make the first contact about meal delivery with the households of enrolled children, and adult participants, and must notify them if contact information will be shared with an external organization, for example, a local non-profit that will provide meal delivery. Once the CACFP operator receives written consent from the parent or guardian to release contact information, the information may be shared with other organizations involved with meal delivery.

### **Do home-delivered meals need to be shelf stable?**

No. The type of meal offered will depend on the resources and capacity of the Program operator. Those that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so.

### **Does the child or adult participant need to be present for home meal delivery?**

No. As long as the CACFP operator has obtained the household's written consent to deliver meals and has verified the current address, the child or adult participant does not need to be present at the time of delivery. If the meals are shelf stable, no one need be present, as long as the address has been verified. Please consider State and local food safety requirements and best practices.

### **Multi-Program Sponsors**

#### **Are sponsors able to keep their CACFP at-risk afterschool care operations going, even if schools are implementing SFSP or SSO?**

Yes. A sponsor is allowed to keep its CACFP At-Risk operations going while schools are closed, even if the school is serving meals under SFSP or SSO.

**Can an SFA or other sponsor that participates in both SFSP or SSO and CACFP At-Risk provide meals and snacks through SSO or SFSP and At-Risk to each participant? Do the Programs have to be operated at the same site or different sites? Can participants pick up multiple meals at once?**

An SFA or a community organization, if approved to operate both Programs, can locate them at the same or at different sites. The SFA or community organization may allow children to pick up multiple meals from each Program at one time. However, the maximum number of meals that may be offered to each child may not exceed the number of meals allowed by each Program. Under SFSP and SSO, up to two meals or one meal and one snack, per child, per day, in any combination except lunch and supper, are allowed. Under CACFP At-Risk, up to one snack and one meal per child per day are allowed. If the SFA or community organization is operating both Programs at the same site and all the meals for both Programs are picked up at the same time, each Program must keep accurate meal counts and claim only the meals served for that specific Program.

The State agency may approve a plan that includes pick-up of meals for multiple days, up to one week at a time. The State agency should consider the expected duration of the school closure and the capacity of the sponsor to execute such an approach effectively, including meeting State or local food safety requirements.

### **Civil Rights**

**Do you need to have “And Justice for All” (AJFA) posters on mobile routes for COVID-19 meal distribution?**

The AJFA poster must be prominently displayed in all facilities and locations that distribute program benefits or administer services. Due to COVID-19, if printed AJFA posters are not available for display, paper copies may be substituted as necessary, including use of the 2015 AJFA poster, if new (2019) posters have not been received. Meals delivered from stationary vans or buses should display the AJFA poster. For vehicles making door-to-door drop deliveries at homes and businesses, the AJFA poster does not need to be displayed.

**Program operators should direct questions regarding this memorandum to a CACFP Contract Specialist.**