



Food and
Nutrition
Service

June 9, 2020

Braddock
Metro
Center

Mary Anne Burghardt
Nutrition Services Branch Program Director
North Carolina Department of Health and Human Services
1914 Mail Service Center
Raleigh, North Carolina 29699-1914

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Burghardt,

This letter is in response to the North Carolina Department of Health and Human Services' (NCDHHS) March 23, 2020, request to waive the requirement to update annual free and reduced price meal eligibility for Child and Adult Care Food Program (CACFP) centers. Specifically, NCDHHS requested a statewide waiver of CACFP regulations under 7 CFR 226.23(e)(1), which require that applications for free and reduced price meals be distributed to families of enrolled participants. Instead, NCDHHS requested to allow participating centers to receive reimbursement at the free rate for all meals served to participants in care without free and reduced price meal applications. After careful consideration, the Food and Nutrition Services (FNS) partially approves this request.

In its request, NCDHHS asserts that due to the COVID-19 pandemic, many child care centers are experiencing economic hardship and fear that the continuity of child care services will be threatened. NCDHHS is seeking to provide continuity of meal service to low income children and older adults during this time by allowing all meals and snacks to be reimbursed at the free rate, without required free and reduced price applications. NCDHHS states that eligibility and paperwork requirements have become an administrative burden since staffing has been greatly reduced. NCDHHS anticipates that this waiver will maintain children's access to meal service during the COVID-19 emergency.

Based on the exceptional circumstances relating to the declaration of a public health emergency due to the novel coronavirus (COVID-19) by the U.S. Department of Health and Human Services, effective January 27, 2020, and pursuant to the waiver authority granted at section 12(l) of the National School Lunch Act (NSLA), FNS approves NCDHHS's request to waive the requirements at 7 CFR 226.23(e)(1)(i) that CACFP institutions distribute and update free and reduced price meal applications to the families of enrolled participants, through June 30, 2020. In addition, through June 30, 2020, this approval waives the requirement at 226.23(f) that eligibility information shall be no more than 12 months old.

Effective as of June 9, 2020, this waiver allows NCDHHS to grant CACFP centers, in good standing, an extension for the collection of free and reduced price applications. Under the waiver, centers may continue to use their existing free and reduced price meal applications through June 30, 2020. Although NCDHHS also requested to allow participating centers to classify all participants served to be claimed as free, FNS is not

approving that part of NCDHHS's request. Centers must still comply with requirements at 7 CFR 226.23(e)(4), to determine eligibility using the income information provided by the household on the applications, even if in this case the income information is more than 12 months old.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2020, NCDHHS must provide to the FNS Southeast Regional Office a written report quantifying the impact of the waiver, as described below.

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in CACFP;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the program;
- The total number of sponsoring organizations that used the waiver;
- The total number of centers that used the waiver;
- The total number of meals that were served at centers that utilized the waiver of annual collection of eligibility information; and
- A summary of benefits and challenges associated with the waiver of annual collection of eligibility information.

FNS appreciates NCDHHS's commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Southeast Regional Office.

Sincerely,

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

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copies: Rosie Daugherty, SERO
Courtney Jones, NCDHHS