



Food and
Nutrition
Service

March 28, 2020

Braddock
Metro
Center

Thomas Sheppard
Assistant Director

1320
Braddock
Place
Alexandria
VA 22314

Health and Nutrition Unit, Division of Care and Early Childhood Education
Arkansas Department of Human Services
700 Main Street Slot S-160
Little Rock, Arkansas 72201-1473

Dear Mr. Sheppard,

This letter is in response to the Arkansas Department of Human Services waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 13, 2020. Arkansas Department of Human Services requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP). Specifically, Arkansas Department of Human Services requests to waive the requirement that open sites must be located in areas where at least 50 percent of NSLP participants are eligible for free or reduced price meals. Instead, Arkansas requests to allow non-area eligible SFAs in good standing to feed students under the emergency school closure provision of SFSP.

In its request, Arkansas Department of Human Services asserts that the waiver would reduce challenges faced by schools and communities that are experiencing unanticipated school closures because of COVID-19 in Arkansas. Arkansas Department of Human Services states that this waiver will maintain children's access to the SFSP meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, Arkansas Department of Human Services requests to waive the requirement at 7 CFR 225.14(c)(3).

Pursuant to the waiver authority granted under Section 2102(b) of the Families First Coronavirus Response Act (P.L. 116-127) (the Act) to approve waivers that may increase cost to the Federal Government and have the purpose of providing meals and meal supplements, the Food and Nutrition Service (FNS) approves this request. However, State agencies must have a plan for ensuring that new meal sites are targeting benefits to children in need, for example, children who may be newly eligible for benefits due to the economic impacts of COVID-19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances. This approval applies to sites operating during temporary school closures related to COVID-19. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

Therefore, effective as of March 18, 2020, this waiver allows SFSP sponsors in good standing to operate open sites in areas approved by Arkansas Department of Human Services and consistent with the State plan, but that are not located in areas in which poor economic conditions exist as defined by the NSLA at section 13(a)(1)(A) and regulation

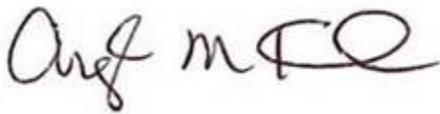
at 7 CFR 225.2, , 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). This waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. FNS recognizes that there may be a continued need for this waiver, and will carefully assess the situation on an ongoing basis.

As required by this waiver approval, Arkansas Department of Human Services 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 local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligibly 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 Arkansas Department of Human Services' commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Southwest Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Kline". The signature is written in a cursive, flowing style.

Angela Kline
Director
Policy and Program Development Division

CC: Shannon Jones, SWRO