



Food and
Nutrition
Service

October 9, 2020

Braddock
Metro
Center

Suzanne Davidson
Director, Arkansas Department of Education,
Division of Elementary and Secondary
Education, Child Nutrition Unit
2020 West 3rd St. Suite 404
Little Rock, AR 72205

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Dear Ms. Suzanne Davidson:

This letter is in response to the Arkansas Department of Education, Division of Elementary and Secondary Education, Child Nutrition Unit (AR DOE) waiver request, received June 5, 2020. AR DOE requests to modify the administrative review selection criteria by waiving the requirement to perform a Seamless Summer Option (SSO) review on SFAs in good standing that received an Administrative Review in the 2019-2020 school year and operated meal service through the SSO Program only during the unanticipated school closure. Specifically, AR DOE requested to waive the regulatory requirement found at 7 CFR 210.18(e)(3)(ii). AR DOE plans to fulfill all monitoring responsibilities for the SSO program at SFAs continuing to serve through June, July, and August that completed an administrative review during the 2019-2020 school year. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves AR DOE's waiver request.

In its request, AR DOE indicated they have 30 required SSO reviews scheduled with school SFAs who are feeding students through June, July, and August, and without approval of this waiver, would have an additional 40 SFAs that administered SSO during the unanticipated school closure, who would be required to receive a review. According to AR DOE the 40 SFAs that operated during the unanticipated school closure discontinued their meal service on or before their planned last day of school. Due to the challenges as a result of COVID-19, including the inability to travel, AR DOE is conducting desk audits of the 30 SFAs operating SSO for June, July, and August, and are concerned about the additional burden an extra 40 reviews would place on the already limited, State agency staff. The AR DOE does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or SFA level. FNS has determined that AR DOE provided sufficient enough information to demonstrate that this waiver will facilitate AR DOE's ability to carry out the purpose of the program.

FNS recognizes that during the COVID-19 outbreak, State agencies face higher administrative burden and safety concerns while handling a dramatic increase in SFAs operating SSO. Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, effective January 27, 2020, FNS approves AR DOE's waiver request, effective through September 30, 2020. While FNS is waiving 7 CFR 210.18(e)(3)(ii) for SFAs

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who operated SSO during the unanticipated school closures, AR DOE is still expected to review all SFAs operating SSO during June, July, and August that completed an administrative review during the 2019-2020 school year.

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, AR DOE must provide to the FNS South West 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 SSO;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of SFAs operating SSO affected by this waiver;
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates AR DOE's commitment to work with sponsors to maintain program integrity during a challenging time. If you have questions, please contact the FNS South West Regional Office.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

Electronic Copy: Shannon Jones, SWRO
 Sonya Barnes, SWRO