



Food and
Nutrition
Service

March 30, 2020

Braddock
Metro
Center

Kim Frinzell
Director
Nutrition Services Division
California Department of Education
1430 N Street, Suite 4503
Sacramento, California 95814-5901

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Braddock
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Alexandria
VA 22314

Dear Ms. Frinzell,

This letter is in response to the California Department of Education's (CDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 27, 2020. CDE requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, CDE 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, CDE requests to allow SFSP and SSO operators who are affected by COVID-19 to serve meals at sites that are not area eligible.

In its request, CDE asserts that swift and dramatic changes in the socioeconomic status of communities throughout the State cannot be accurately measured through census or school eligibility data. CDE states that, since March 13, 2020, over one million Californians have filed for unemployment benefits. To maintain children's access to meals, and to support families experiencing financial hardship, CDE requests to waive the definition of "*Areas in which poor economic conditions exist*" at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and in regulation at 7 CFR 225.2. In its request, CDE included Child and Adult Care Food Program (CACFP) regulations; FNS has confirmed that CACFP is not part of this request.

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 27, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by CDE and consistent with the

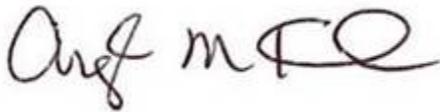
State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 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, CDE 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 CDE’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 Western 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

Electronic Copy: GeNam Chew, WRO