



Food and
Nutrition
Service

December 9, 2020

Braddock
Metro
Center

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

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Place
Alexandria
VA 22314

Dear Ms. Frinzell:

This letter is in response to the California Department of Education (CDE) waiver extension request submitted November 5, 2020, to extend the waiver period for the SFSP portion of the approved waiver. The approved waiver request exempts review cycle requirements for sponsors in good standing who are operating the Summer Food Service Program (SFSP) during the novel coronavirus (COVID-19) pandemic, specifically waiving SFSP requirements at 7 CFR 225.7(d)(ii)(B), 225.7(d)(ii)(D) and (E), which partially waived SFSP review requirements. CDE requests to extend the approved waiver timeframe through September 30, 2021. Pursuant to 12(l) of the NSLA (42 USC 1760(l)), FNS approves CDE's waiver extension request.

In its request, CDE asserts that program operators have continued to operate the SFSP and SSO and plan to continue to do so until June 30, 2021. According to CDE this dramatic increase in program operators has resulted in a dramatic increase in the number of claim reimbursements in Federal Fiscal Year 2019-2020. CDE asserts that it does not have the staff resources to complete reviews of SFSP programs. FNS understands many sponsors in California are operating SFSP during the COVID-19 pandemic, resulting in an increase in claim reimbursements which must be reviewed using limited staff resources. FNS recognizes the relief in burden provided to CDE with approval of the original waiver request and understands the need to extend that request. CDE stated they plan to continue to review non-governmental agencies approved to operate the SFSP and any program operator that experienced significant operational problems in the year prior.

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 and SFSP. Therefore, FNS approves CDE's waiver extension request, effective through September 30, 2021. While FNS is extending the waiver time frame FNS still expects that all regulatory requirements outlined in the initial waiver approval will remain applicable and, CDE is still expected to review program operators which experienced significant operational challenges in the year prior and fulfil the monitoring requirements at 7 CFR 225.7(d)(ii)(A).

The waiver authority at section 12(l) of the NSLA requires that FNS review the performance of any State agency or eligible service provider that is granted a waiver. Therefore, CDE must provide the Western Regional Office a written report by

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December 31, 2021. The report must provide information quantifying the impact of the waiver for the respective program year, as described below, in order to help inform national policy. 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 SFSP;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of SFSP institutions and facilities affected by this waiver;
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates CDE's commitment to meet the nutritional needs of Program participants during a challenging time. If you have questions, please contact the FNS Western Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

Electronic Copy: GeNam Chew, WRO