



Food and  
Nutrition  
Service

March 30, 2020

Braddock  
Metro  
Center

Lauren Moore  
Director, Division of School and Community Nutrition  
Kentucky Department of Education  
300 Sower Boulevard, 5<sup>th</sup> Floor  
Frankfort, Kentucky 40601

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Moore,

This letter is in response to the Kentucky Department of Education's (KDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 30, 2020. KDE 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, KDE 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, KDE requests permission to grant non-area eligible school food authorities and community organizations the ability to serve and claim meals through the SFSP or SSO during an unanticipated closure due to COVID-19.

In its request, KDE asserts that denial of this waiver would limit access to meals for children that normally have access during the regular school year, and would increase the risk of food insecurity in vulnerable households. KDE states that this waiver will maintain children's access to the SFSP and SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, KDE requests to waive 7 CFR 225.2 and 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 30, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by KDE 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

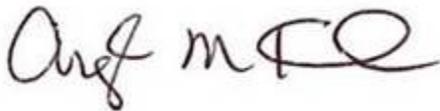
(NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). This waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. FNS recognizes that 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, KDE 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 eligible 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 KDE'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 black ink, appearing to read "Angela Kline". The signature is fluid and cursive, with the first name "Angela" written in a larger, more prominent script than the last name "Kline".

Angela Kline  
Director  
Policy and Program Development Division

cc: Kirk Farquharson, SERO  
Cathy Gallagher, KDE