March 28, 2020

Robert M. Leshin, Director  
Massachusetts Department of Elementary and Secondary Education  
Office for Food and Nutrition Programs  
75 Pleasant Street  
Malden, Massachusetts 02148

Dear Mr. Leshin,

This letter is in response to the Massachusetts Department of Elementary and Secondary Education’s (MA DESE) waiver request to maintain children’s access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 20, 2020. MA DESE 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, MA DESE 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, MA DESE requests that area eligibility requirements be temporarily suspended in order to allow SFAs and community organizations to operate the Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) during the emergency school closures associated with COVID-19.

In its request, MA DESE asserts that extended school closures in Massachusetts have left children and students across the state, who depend on the meals and snacks provided by schools, with limited access to food. MA DESE further explained that many schools are struggling to find ways to feed the high need students in non-area eligible locations. MA DESE 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, MA DESE requests to waive 7 CFR 225.6(c)(2)(i)(G).

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 20, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by MA DESE 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, MA DESE 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 MA DESE’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 Northeast Regional Office.

Sincerely,

Angela Kline
Director
Policy and Program Development Division

Electronic Copy: Martine Cherry, NERO