



Food and
Nutrition
Service

March 30, 2020

Braddock
Metro
Center

Robin Ziegler
Director
Office of School and Community Nutrition Programs
Maryland State Department of Education
200 W. Baltimore Street, Baltimore, Maryland 21201

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Ziegler,

This letter is in response to the Maryland State Department of Education (MSDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, originally submitted March 18, 2020, and revised March 29, 2020. MSDE requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP). Specifically, MSDE requests to waive the requirement that open sites must be located in areas where at least 50 percent of National School Lunch Program (NSLP) participants are eligible for free or reduced price meals. Instead, MSDE requests flexibility to reduce the area eligibility threshold to facilitate targeting benefits to communities impacted by closures relating to COVID-19.

In its request, MSDE asserts that this waiver would increase the number of eligible SFSP sites, supporting communities and reducing challenges in areas experiencing school closures and economic hardship due to COVID-19. MSDE states that this waiver will increase children's access to the SFSP meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, MSDE requests to waive 7 CFR 225.2(a)(b)(c).

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. **Please note, this response only applies to SFSP sponsors. MSDE also requested a waiver of the restrictions on site eligibility requirements in the Child and Adult Care Food Program. FNS will respond to this request separately.**

Therefore, effective as of March 18, 2020, this waiver allows SFSP sponsors in good standing to operate open sites in areas approved by MSDE 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, MSDE 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 MSDE'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 Mid-Atlantic 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: Michelle Frey, MARO