



Food and
Nutrition
Service

April 3, 2020

Braddock
Metro
Center

Monica Herrera
Director
Nutrition Health and Youth Development
Minnesota Department of Education
1500 Highway 36 West
Roseville, Minnesota 55113

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Herrera,

This letter is in response to the Minnesota Department of Education's (MDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted April 2, 2020. MDE requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP). Specifically, MDE 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, Minnesota requests flexibility to reduce the area eligibility threshold to facilitate targeting benefits to communities impacted by closures relating to the COVID-19 public health emergency.

In its request, MDE asserts that non-essential business closures have caused the unemployment rate to skyrocket, doubling since January. According to MDE, children in households who would not have experienced food insecurity just a few months ago now live in areas transformed by the economic conditions. MDE states that this waiver will maintain 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, MDE requests to waive 7 CFR 225.6(c)(2)(i)(G) and 7 CFR 225.2.

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 April 2, 2020, this waiver allows SFSP sponsors in good standing to operate open sites in areas approved by MDE 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

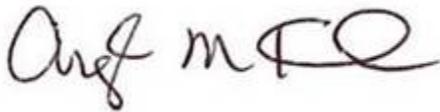
(NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). This waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. While MDE requests this waiver potentially through September 2020, FNS limited the duration of the waiver to assess its impact and the need for continued flexibility. 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, MDE 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 MDE'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 Midwest 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

cc: Christine Vineyard, MWRO