August 21, 2020

Monica L. Herrera, Director
Nutrition, Health and Youth Development Division
Minnesota Department of Education
1500 Commerce Drive
Roseville, MN 55113
Monica.herrera@state.mn.us

Dear Ms. Herrera:

This letter is in response to the Minnesota Department of Education’s (MDE) July 29, 2020, request to waive the requirement that, during building closures, due to the novel coronavirus (COVID-19), milk served through the Special Milk Program (SMP) must be served and consumed in nonprofit schools, which do not participate in a meal service program authorized by the National School Lunch Act, or other eligible nonprofit institutions devoted to the care and training of children. Specifically, MDE requested a waiver of the requirements found in Section 3(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(1)) and 7 CFR 215.1, that require milk to be served in a congregate setting.

Pursuant to the waiver authority granted at Section 12(l) of the National School Lunch Act (NSLA), FNS approves MDE’s waiver request through June 30, 2021. Based on the exceptional circumstances relating to the continuing public health emergency due to COVID-19, this waiver will improve service during social distancing.

Therefore, effective immediately, this waiver allows State-approved SMP operators, in good standing, to be reimbursed for milk served in non-congregate settings during building closures due to COVID-19. This will enable approved Program operators to allow milk to be taken away from the site and consumed elsewhere, thereby allowing for social distancing during the COVID-19 pandemic.

The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, MDE must provide to the FNS Midwest Regional Office, by August 31, 2021, a written report quantifying the impact of the waiver, as described below.

The report must include the following:

- A description of how the waiver impacted milk service operations, children’s access to milk, and participation in SMP;
- The number of program operators and sites that used the waiver;
- The number of milks provided at school sites under the waiver;
- The number of milks provided at non-school sites under the waiver; and
- A summary of findings associated with the waiver.
FNS appreciates MDE’s commitment to work with program operators to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Midwest Regional Office.

Sincerely,

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copy: Samia Hamdan, MWRO