



Food and  
Nutrition  
Service

March 31, 2020

Braddock  
Metro  
Center

Ms. Christine Emerson, Director  
School Nutrition Programs  
Montana Office of Public Instruction  
P.O. Box 202501  
Helena, Montana 59601

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Emerson,

This letter is in response to the Montana Office of Public Instruction's (OPI) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 27, 2020. OPI requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP). Specifically, OPI requests to waive the requirement that open sites must be located in areas where at least 50 percent of National School Lunch Program participants are eligible for free or reduced price meals. Instead, Montana requests temporary suspension of area eligibility requirements for school food authorities and community organizations operating the SFSP.

In its request, OPI asserts that business closures and job layoffs have rapidly increased the concentration of low-income families in Montana. In addition, the school closures have left children that depend on the meals and snacks provided by their schools with limited or no available alternative food sources and the removal of the congregate feeding requirement will allow them to feed struggling high need students in non-area eligible schools. OPI 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, OPI 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.

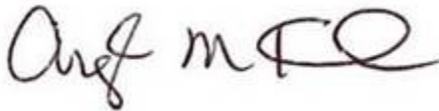
Therefore, effective as of March 27, 2020, this waiver allows SFSP sponsors in good standing to operate open sites in areas approved by OPI and consistent with the State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of the Richard 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, OPI 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 OPI’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 Mountain Plains 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: Debby Hammack, MPRO