



Food and
Nutrition
Service

July 13, 2020

Braddock
Metro
Center

Christine Emerson
Director, Montana School Nutrition Programs
Montana Office of Public Instruction
School Nutrition Programs
PO Box 202501
Helena, MT 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, received May 11, 2020. MT OPI requested to waive the new sponsor review requirement for experienced School Food Authorities (SFA) in good standing, who are operating the SFSP as a new sponsor during the unanticipated school closure due to COVID-19, with a program end date on or before June 30, 2020. Specifically, MT OPI requested a statewide waiver of SFSP regulations at 7 CFR 225.7(d)(2)(ii)(A) that require State agencies to conduct a review of every new sponsor at least once during the first year of operation. Per 7 CFR 225.7(d)(2)(ii)(A), MT OPI will conduct new sponsor reviews for seven new sponsors continuing past June 30 as well as 25 sponsors due for their 3-year review. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves OPI's waiver request.

In its request, MT OPI indicated that in response to the COVID-19 outbreak, Montana K-12 public schools closed; and upon reopening many schools currently provide meals through the available flexibilities for operation during unanticipated school closures. 151 SFA Sponsors have moved from operating the National School Lunch Program (NSLP) to operating the SFSP. Of these 151, 63 registered as new SFSP sponsors for summer 2020 and will need reviews completed prior to June 30th. MT OPI states that approval of this waiver would reduce administrative burden and allow for continuing support to sponsors providing meals during the COVID-19 pandemic. The MT OPI does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or sponsor level. MT OPI continues to provide extensive training and technical assistance.

Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, effective January 27, 2020, FNS approves OPI's waiver request, effective April 1, 2020 through June 30, 2020. During the coronavirus outbreak, state agencies face higher administrative burdens and safety concerns while handling a dramatic increase of sponsor SFSP sponsors, which puts individuals at greater risk as it monitors the program. While FNS is waiving 7 CFR 225.7(d)(2)(ii)(A), OSPI must still comply with 7 CFR 225.7(d)(2)(ii)(B) through (E).

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, by December 31, 2020, MT OPI must provide to the FNS Mountain Plains Regional Office 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 meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of SFSP institutions and facilities affected by this waiver;
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates MT OPI's commitment to work with sponsors to maintain program integrity during a challenging time. If you have questions, please contact the FNS Mountain Plains Regional Office.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

Electronic Copy: Debby Hammack, MPRO