



Food and
Nutrition
Service

March 28, 2020

Braddock
Metro
Center

Sharon L. Davis
Administrator
Nutrition Service Office
Nebraska Department of Education
301 Centennial Mall South
Post Office Box 94987
Lincoln, Nebraska 68509-4987

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Davis:

This letter is in response to the Nebraska Department of Education's (NDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 17, 2020. NDE requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP). Specifically, NDE requests to waive the requirement that open sites must be located in areas where at least 50 percent of NSLP participants are eligible for free or reduced price meals. Instead, NDE requests to allow NDE-approved non-area eligible school food authorities, in good standing, to feed students during the emergency school closures related to COVID-19.

In its request, NDE asserts that allowing non-area eligible SFAs to feed students during emergency school closures will provide children with meals that they may not receive otherwise. Further, NDE states that the waiver would benefit SFAs by allowing them to utilize perishable foods that were encumbered for use in school meal programs, thereby reducing food waste. NDE 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 due to business closures, NDE requests to waive the regulatory requirement at 7 CFR 225.14(c)(3).

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 18, 2020, this waiver allows SFSP sponsors in good standing to operate open sites in areas approved by NDE and consistent with the State plan, but that are not located in areas in which poor economic conditions exist as defined

