



Food and  
Nutrition  
Service

March 29, 2020

Braddock  
Metro  
Center

Jennifer Weber  
Executive Director  
Child Nutrition Programs  
Oklahoma State Department of Education  
2500 N Lincoln Blvd., Suite 310  
Oklahoma City, Oklahoma 73105

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Braddock  
Place  
Alexandria  
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Dear Ms. Weber,

This letter is in response to the Oklahoma State Department of Education's (OSDE-CNP) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, originally submitted March 12, 2020 and revised on March 25, 2020. OSDE-CNP requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, OSDE-CNP 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, OSDE-CNP requests to allow operators in non-area eligible areas to serve meals through SFSP and SSO during emergency school closures due to COVID-19.

In its request, OSDE-CNP asserts that as a result of shelter-in-place orders due to COVID-19, numerous Oklahoma businesses have furloughed employees, and many households are receiving no income. OSDE-CNP states that this waiver will maintain children's access to the SFSP and SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, OSDE-CNP requests to waive the following requirements: 7 CFR 225.14(c)(3), to conduct a regularly scheduled food service in "*Areas in which poor economic conditions exist*," 7 CFR 225.6(c)(2)(i)(G) and 7 CFR 225.6(c)(3)(i)(B), *Content of sponsor application*; 7 CFR 225.6 (d)(1)(i), *Approval of sites*; and 7 CFR 225.16(b)(4), *Sites which serve children of migrant families*.

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. **Please note, this waiver applies only to SFSP/SSO sponsors. In their revised request, OSDE-CNP**

**also asked to waive the restrictions on site eligibility requirements in the Child and Adult Care Food Program, as well as, income eligibility requirements for closed enrolled sites. FNS will respond to those requests separately.**

Therefore, effective as of March 18, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by OSDE-CNP 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, OSDE-CNP 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 eligible 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 OSDE-CNP’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 Southwest Regional Office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ang M Kline". The signature is fluid and cursive, with the first name "Ang" and last name "Kline" being the most legible parts.

Angela M. Kline  
Director  
Policy and Program Development Division

cc: Shannon Jones, SWRO