March 29, 2020

Vonda Ramp, State Director  
Pennsylvania Department of Education  
Division of Food and Nutrition  
Bureau of Budget & Fiscal Management  
333 Market Street, 4th Floor  
Harrisburg, Pennsylvania  17126

Dear Ms. Ramp,

This letter is in response to the Pennsylvania Department of Education (PDE) waiver request to maintain children’s access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 27, 2020. PDE 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, PDE 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, PDE seeks to temporarily suspend area eligibility requirements for school food authorities and community organizations operating SSO and SFSP during COVID-19 mandated school closures.

In its request, PDE asserts that communities and children in areas ineligible for SFSP and SSO operations are at a disadvantage by not having access to healthy meals while schools are closed. PDE notes that many families in these areas are being significantly impacted by the economic effects of COVID-19 due to loss of jobs and/or income, loss of healthcare benefits, etc., and are now economically disadvantaged. Notably, PDE reports that Pennsylvania has seen an increase in unemployment of over 350 percent statewide, which is fourth in the country, based on March 26, 2020, U.S. Department of Labor data. PDE 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, PDE requests to waive the following regulatory citations relating referencing “Areas in which poor economic conditions exist:” 7 CFR 225.2(a),(b) and (c); 7 CFR 225.6(c)(2)(i)(G); 7 CFR 225.6(c)(3)(i)(B); 7 CFR 225.6(d)(1)(i); and 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 27, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by PDE 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, PDE 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 PDE’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 Mid-Atlantic Regional Office.

Sincerely,

[Signature]

Angela Kline
Director
Policy and Program Development Division

Electric Copy: Michelle Frey, MARO