



Food and
Nutrition
Service

March 28, 2020

Braddock
Metro
Center

Cherree Watterson
Office Administrator
Child and Adult Nutrition Service
South Dakota Department of Education
800 Governors Drive
Pierre, South Dakota 57501-2235

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Watterson:

This letter is in response to the South Dakota Department of Education's (SDDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 12, 2020. SDDE 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, SDDE 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, SDDE requests that sites sponsored by school food authorities (SFA) that do not meet area eligibility requirements be permitted to use SFSP and SSO to feed students during emergency school closures related to the novel coronavirus.

In its request, SDDE asserts that allowing non-area eligible SFAs to feed students during the current emergency school closures will provide children with meals that they may not receive otherwise. Further, SDDE states that the waiver would benefit SFAs by allowing them to utilize perishable foods that were encumbered for use in school meal programs. To maintain children's access to meals and to support families experiencing financial hardship, SDDE requests to waive the regulatory requirement at 7 CFR 225.14(c)(3) to conduct a regularly scheduled food service in "*areas in which poor economic conditions exist*", which are defined at 7 CFR 225.2.

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 of 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 and SSO sponsors in good standing to operate open sites in areas approved by SDDE and consistent with the

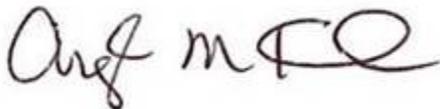
State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 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. While SDDE requests this waiver through April 30, 2022, FNS limited the duration of the waiver to assess its impact and the need for continued flexibility. 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, SDDE must submit a report to the Secretary no 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 SDDE’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
Diane Fulton, MPRO