



Food and
Nutrition
Service

July 10, 2020

Braddock
Metro
Center

Leanne Eko
Director of Child Nutrition Services
Washington Office of Superintendent of Public Instruction
PO Box 47200
Olympia, WA 98504

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Dear Ms. Eko:

This letter is in response to the Washington Office of Superintendent of Public Instruction's (OSPI) waiver request, received May 7, 2020. WA OSPI 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. Specifically, WA OSPI 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. WA OSPI will continue to provide guidance and oversight to new sponsors and continue processes put into place during the operation of unexpected school closures. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves OSPI's waiver request.

In its request, WA OSPI indicated that in response to the COVID-19 outbreak, statewide stay-at-home orders were enacted. With schools closed, SFAs reacted quickly by putting meal distribution plans in place resulting in 162 new SFA sponsors operating emergency summer feeding programs due to the COVID-19 unanticipated school closures. Of the 162 new SFA sponsors, 140 did not have an NSLP/SBP administrative review in School Year 19-20, causing WA OSPI to have to conduct over 200 SFSP reviews with 140 reviews for new SFA sponsors due prior to June 30th. WA OSPI states that approval of this waiver would reduce administrative burden and maximize sponsor and State agency resources during the COVID-19 pandemic. The WA OSPI does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or sponsor level.

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 OSPI'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).

Ms. Leanne Eko

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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, WA OSPI must provide to the FNS Western 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 WA OSPI's commitment to work with sponsors to maintain program integrity during a challenging time. If you have questions, please contact the FNS Western Regional Office.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

Electronic Copy: GeNam Chew, WRO