



Food and  
Nutrition  
Service

March 28, 2020

Braddock  
Metro  
Center

Dustin Melton, MS  
Director  
Child Nutrition Programs  
Oregon Department of Education  
255 Capitol Street NE  
Salem, Oregon 97310

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Dear Mr. Melton,

This letter is in response to the Oregon Department of Education Child Nutrition Program's (ODE CNP) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 17, 2020. ODE 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, ODE 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, ODE CNP requests to allow ODE-approved non-area eligible SFSP and SSO sponsors, in good standing, to feed students during the emergency school closures related to COVID-19.

In its request, ODE CNP asserts that their goal is to feed all children during Oregon's current COVID-related State of Emergency, when family and community resources may be limited. ODE CNP states that allowing non-area eligible schools and organizations to feed students during current emergency school closures will provide communities with a source of nutrition and relief. Further, ODE CNP notes that the waiver would benefit school food authorities by allowing them to utilize perishable foods that were encumbered for use in school meal programs. ODE 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, ODE CNP requests to waive the requirement at 7 CFR 225.14(c)(3) to conduct a regularly scheduled food service in "*Areas in which poor economic conditions exist.*"

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

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during temporary school closures related to COVID-19. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

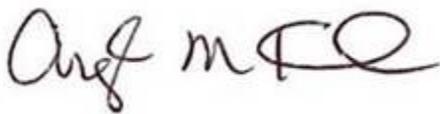
Therefore, effective as of March 18, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by ODE CNP and consistent with the State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of 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. While ODE CNP requests this waiver through June 30, 2021, 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, ODE CNP 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 ODE 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 Western Regional Office.

Sincerely,



Angela Kline  
Director  
Policy and Program Development Division

Electronic Copy: GeNam Chew, WRO  
Damasita Sanchez, ODE CNP