



Food and
Nutrition
Service

March 13, 2020

Braddock
Metro
Center

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

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Alexandria
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Dear Mr. Melton,

This letter is in response to the Oregon Department of Education (ODE) March 10, 2020 request to waive the requirement that, during unanticipated school closures, Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) meals must be served at non-school sites. Specifically, ODE requested a statewide waiver of the SFSP requirements of Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(c)(1)) codified at 7 CFR 225.6(d)(1)(iv), which would allow the State to approve the operation of SFSP and SSO meal service at school sites during unanticipated school closures. Pursuant to the waiver authority granted at section 12(l) of the NSLA, FNS approves MDE's waiver request through April 30, 2022.

ODE requested a waiver upon USDA approval through Fiscal Year 2022. This waiver would allow State agencies to approve sponsors to operate during unanticipated school closures at a school site. In its request, ODE stated that approval of this waiver would reduce burden on SFSP or SSO sponsors. ODE also described how schools are best equipped to serve meals during unanticipated school closures, as they have the necessary supplies, are easily accessible, and are trusted by the community. Per ODE, denial of this waiver may prevent children from receiving the nutritious meals they would normally receive when schools are open.

FNS approves ODE's request to waive the requirement that State agencies may only approve non-school sites to operate during unanticipated school closures. ODE may approve school sites in good standing to serve meals during unanticipated school closures unless doing so would present a safety concern. This waiver is effective immediately and valid through April 30, 2022. While ODE requested this waiver through Fiscal Year 2022, FNS limited the duration of the waiver to assess its impact and the State's ability to report required data elements outlined below. This waiver is applicable to regulations at 7 CFR 225.6(d)(1)(iv), which require State agencies to only approve a site proposing to operate during an unanticipated school closure if it is a non-school site.

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 August 31, 2020, ODE must provide to the FNS Western Regional Office a written report quantifying the impact of the waiver, as described below. Because this approval is for three program years, ODE is also required to comply with this reporting requirement in 2021 and 2022. Data must be submitted not later than August 31 each

year. Please note that the continuation of this approval in 2021 and 2022 is contingent on ODE's ability to provide complete data and an analysis of the waiver impact for 2020 and 2021. Any requests for renewal of this waiver are contingent on ODE's ability to provide complete data and an analysis of the waiver impact for each program year.

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 and SSO;
- The number of sponsors and sites that used the waiver;
- The number of meals that were served at school sites during unanticipated school closures;
- The number of meals that were served at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver.

FNS appreciates ODE's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Western Regional Office.

Sincerely,



Angela M. Kline

Director

Policy and Program Development Division

Electronic Copies: GeNam Chew, WRO
Lynne Reinoso, ODE