



Food and
Nutrition
Service

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

March 28, 2020

Dr. Sandy Dawes
School Nutrition State Director
Tennessee Department of Education
710 James Robertson Parkway
10th Floor
Nashville, Tennessee 37243

Dear Dr. Dawes:

This letter is in response to the Tennessee Department of Education's (TN DOE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 20, 2020. TN DOE requests a waiver of the restrictions on site eligibility requirements in the National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, TN DOE 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, TN DOE requests to allow school food authorities (SFAs) in any attendance area affected by closures related to COVID-19 to serve meals to children aged 18 and under at no cost to the child.

In its request, TN DOE asserts that the waiver would allow SFAs to serve meals to all children regardless of area eligibility requirements during school closures related to the COVID-19 outbreak, maintain their participation and help maintain support of local economies and provide economic activities through SFA employees in Tennessee. To maintain children's access to meals, and to support families experiencing financial hardship, TN DOE requests to waive 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 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 20, 2020, this waiver allows SSO sponsors in good standing to operate open sites in areas approved by TN DOE and consistent with the State plan, but that are not located in areas in which poor economic conditions exist as defined by the NSLA at section 13(a)(1)(A) and 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

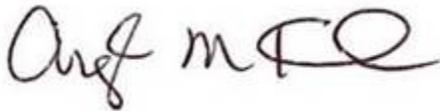
emergency, whichever is earlier. While TN DOE requests this waiver through December 2020, FNS limited the duration of the waiver to assess its impact and the need for continued flexibility. FNS recognizes that there may be a continued need for this waiver, and will carefully assess the situation on an ongoing basis.

As required by this waiver approval, TN DOE 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 TN DOE'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 Southeast 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

Electronic Copy: Jackie Romain, SERO