



Food and
Nutrition
Service

March 13, 2020

Braddock
Metro Center

Angela Olige
Assistant Commissioner for Food and Nutrition
Texas Department of Agriculture
Post Office Box 12847
Austin, Texas 78711

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Olige:

This letter is in response to the Texas Department of Agriculture (TDA), March 12, 2020, request to waive the requirements that, during unanticipated school closures, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) meals must be served at non-school sites and in a congregate setting. Specifically, TDA 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), to allow the State to approve the operation of SFSP and SSO meal service at school sites during unanticipated school closures due to the novel coronavirus. In addition, TDA requested a waiver of the requirement found at 7 CFR 225.6(e)(15), that sponsors must maintain children on site while meals are consumed.

Please note FNS is addressing four out of the six waivers submitted to the Food and Nutrition Service (FNS) on March 12, 2020. The four waivers to program requirements are: one each for SSO and SFSP requesting the service of program meals in a non-congregate setting and, one each for SSO and SFSP requesting that meals be provided at schools. The request to waive on-site monitoring will be addressed at a later date and the waiver related to commodity distribution will be responded to by the FNS Food Distribution Division.

Based on the exceptional circumstances relating to the declaration of a public health emergency due to the novel coronavirus by the U.S. Department of Health and Human Services, effective January 27, 2020, and pursuant to the waiver authority granted at section 12(1) of the NSLA, FNS approves TDA waiver requests through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier. FNS limited the duration of the waiver to assess its impact and the State's ability to report the required data elements outlined below.

Effective immediately, this waiver allows State agencies to approve SFSP and SSO sponsors, in good standing, to provide meals during an unanticipated school closure due to the novel coronavirus at both school and non-school sites and in a non-congregate setting. This will enable approved sponsors to allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing.

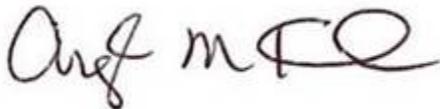
The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, TDA must provide to the FNS Southwest Regional Office, by a date to be determined, a written report quantifying the impact of the waiver, as described below. If a federally declared public health emergency relating to the novel coronavirus continues beyond June 30, 2020, TDA may submit an extension request. Please note that approval of any extension is contingent on TDA's ability to provide complete data and an analysis of the waiver impact.

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 provided at school sites during unanticipated school closures;
- The number of meals provided at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver

FNS appreciates TDA's commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the Southeast Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ang M Kline". The signature is written in a cursive, flowing style.

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copy: Shannon Jones, James Abraham, SWRO
Angela Olige