



Food and
Nutrition
Service

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

August 28, 2020

Ms. Diane Golzynski
Director
Michigan Department of Education
Hannah Building
608 W. Allegan
Lansing, Michigan 48933

Dear Ms. Golzynski:

This letter is in response to the Michigan Department of Education's (MDE) August 26, 2020, request to waive the requirement that, during building closures, due to the novel coronavirus (COVID-19), milk served through the Special Milk Program (SMP) must be served and consumed in nonprofit schools, which do not participate in a meal service program authorized by the National School Lunch Act, or other eligible nonprofit institutions devoted to the care and training of children. Specifically, MDE requested a waiver of the requirements found in Section 3(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(1)) and 7 CFR 215.1, that require milk to be served in a congregate setting.

Pursuant to the waiver authority granted at Section 12(l) of the National School Lunch Act (NSLA), FNS approves MDE's waiver request through June 30, 2021. Based on the exceptional circumstances relating to the continuing public health emergency due to COVID-19, this waiver will improve service during social distancing.

Therefore, effective immediately, this waiver allows State-approved SMP operators, in good standing, to be reimbursed for milk served in non-congregate settings during building closures due to COVID-19. This will enable approved Program operators to allow milk to be taken away from the site and consumed elsewhere, thereby allowing for social distancing during the COVID-19 pandemic.

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, MDE must provide to the FNS Midwest Regional Office, by August 31, 2021, 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 milk service operations, children's access to milk, and participation in SMP;
- The number of program operators and sites that used the waiver;
- The number of milks provided at school sites under the waiver;
- The number of milks provided at non-school sites under the waiver; and
- A summary of findings associated with the waiver

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ang M Kline". The signature is written in a cursive style with a large initial "A" and a stylized "K".

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copy: Samia Hamdan, Midwest Regional Office