



Food and  
Nutrition  
Service

Braddock  
Metro  
Center

Monica Herrera  
Director  
Nutrition Health and Youth Development  
Minnesota Department of Education  
1500 Highway 36 West  
Roseville, Minnesota 55113

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Herrera:

This letter is in response to the Minnesota Department of Education's (MDE) waiver request, received May 27, 2020. MDE requested to extend the timeline in which, after receipt of a complete application to participate in the Summer Food Service Program (SFSP), the State agency must notify the applicant if the application is approved or denied. Specifically, MDE requested a statewide waiver of SFSP regulations under 7 CFR 225.6(b)(3) which require that within 30 days of receiving a complete and correct application, the State agency shall notify the applicant of its approval or disapproval. Instead, MDE is requesting to allow MDE staff 45 days to approve or deny an application. Additionally, MDE is requesting a waiver of the requirement that the State agency notify sponsors within 15 days of receipt that their application is incomplete. Pursuant to section 12(l) of the NSLA, FNS approves CCFP's waiver request for CFR 225.6(b)(3).

Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, effective January 27, 2020, FNS approves MDE's waiver request. In order to respond to the high number of applications received to operate SFSP for both COVID-19 unexpected school closures and traditional SFSP operations that begin July 1, MDE is reporting undue administrative burden. Flexibility with response deadlines will facilitate MDE's ability to prioritize applications by their start dates and provide SFSP operations throughout the summer. FNS approves MDE's request to waive the requirement to notify a new or renewing institution applying for participation in the program within 15 days if their application is incomplete and within 30 calendar days of the State agency's receipt of a complete application if their application is approved or denied. This waiver is effective immediately through July 31, 2020.

While MDE requested the waiver through September 30, 2020, FNS limited the duration of the waiver to assess its impact and the need for continued flexibility. Due to the short duration of summer operations, FNS recommends that MDE, as proposed, institute a 45 day response deadline of application approval or denial through the duration of this waiver. MDE should also timely notify sponsors that their application is incomplete. FNS recognizes that there may be a continued need for this waiver, and will carefully assess

the situation on an ongoing basis. Therefore, MDE may request an extension to this waiver if the situation warrants it.

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 December 31, 2020, MDE must provide to the FNS Midwest Regional Office 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 meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the program;
- The total number of applicants to which the State agency responded after the 30 day requirement;
- A summary of benefits and challenges associated with the waiver.

FNS appreciates MDE'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 Midwest Regional Office.

Sincerely,



for

Angela M. Kline  
Director  
Policy and Program Development Division

Electronic Copy: Christine Vineyard, MWRO