



Food and  
Nutrition  
Service

April 15, 2020

Braddock  
Metro  
Center

Homa Anooshehpour  
Administrator  
Food and Nutrition Division  
Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Anooshehpour,

This letter is in response to the Nevada Department of Agriculture, Food and Nutrition Division (NDA-FND) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted April 14, 2020. NDA-FND requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, NDA-FND 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, NDA-FND requests to allow non-area eligible school food authorities (SFAs) and sponsors in good standing to feed children through the SFSP and SSO during unanticipated school closures due to COVID-19.

In its request, NDA-FND asserts that with this waiver, children would be provided meals that would otherwise not be available, and SFAs and sponsors would be able to utilize perishable foods that were for use in school meal programs. NDA-FND states that this waiver will maintain children's access to the SFSP and SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, NDA-FND requests to waive the requirement at 7 CFR 225.14(c)(3), to "*conduct a regularly scheduled food service for children from areas in which poor economic conditions exist.*"

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 April 14, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by NDA-FND and consistent with

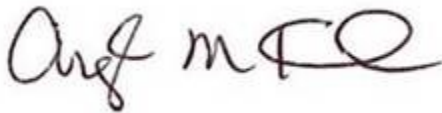
the State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), 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 NDA-FND requests this waiver remain in effect until March 30, 2021, 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, NDA-FND 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 eligible 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 NDA-FND’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 Western 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

cc: GeNam Chew, WRO