



Food and
Nutrition
Service

July 7, 2020

Braddock
Metro
Center

Wade Wilder
Director for Executive Operations
Texas Department of Agriculture
Food and Nutrition Division
1700 North Congress Avenue, 10th Floor
Austin, Texas 78701

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Dear Mr. Wilder:

This letter is in response to the Texas Department of Agriculture (TDA) waiver request, received June 8, 2020. TDA requested to waive the requirement to review the number of schools specified in Table A at 7 CFR 210.18(e)(1) for School Food Authorities (SFA) with open administrative reviews that continued operations at a reduced number of schools during the COVID-19 public health emergency. Per 7 CFR 210.18(e)(1) State agencies must review the minimum number of schools illustrated in 7 CFR 210.18(e)(1) Table A for the National School Lunch Program. Pursuant to Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves TDA's waiver request.

In its request, TDA indicated that in response to the COVID-19 outbreak some SFAs continued operations at a reduced number of schools using the flexibilities provided by FNS and that some SFAs may not have enough schools open to meet the minimum number of schools to review. TDA is requesting that in instances when a SFA does not have enough schools open to meet the minimum number of schools required for review, the State agency be allowed to review only the schools that are currently open. The State agency will only use this waiver for school year 2019-2020 administrative reviews that remain open. TDA states that approval of this waiver would reduce administrative, financial and resource burden and allow for continuing support to SFAs providing meals during the COVID-19 pandemic. TDA does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or SFA level. TDA continues to provide technical assistance and will work directly with SFA staff to develop a plan to complete these administrative reviews.

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 TDA's waiver request, effective July 7, 2020 through July 15, 2020. During the coronavirus outbreak, State agencies face higher administrative, resource, and safety burdens, which put individuals at greater risk as States monitor the program. Additionally, the coronavirus outbreak has caused school closures which may affect a State Agency's ability to comply with FNS regulations concerning the minimum number of schools required for review.

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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 June 30, 2021, TDA must provide to the FNS Southwest 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 NSLP;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of SFAs affected by this waiver;
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates TDA's commitment to work with SFAs to maintain program integrity during a challenging time. If you have questions or need more time to complete these reviews, please contact the FNS Southwest Regional Office.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

cc: Shannon Jones, SWRO
Sonya Barnes, SWRO