



Food and
Nutrition
Service

August 12, 2020

Braddock
Metro
Center

Jessica Sharkus
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, Wisconsin 53707

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Sharkus:

This letter is in response to the Wisconsin Department of Public Instruction's (WI DPI) July 20, 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 institutions devoted to the care and training of children. Specifically, WI DPI 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 WI DPI'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, WI DPI 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

Ms. Jessica Sharkus

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FNS appreciates WI DPI'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 Midwest Regional Office.

Sincerely,

A handwritten signature in dark 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