



Food and
Nutrition
Service

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

May 22, 2020

Amanda Cullen
Community Nutrition Director
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, Wisconsin 53707

Dear Ms. Cullen:

This letter is in response to the Wisconsin Department of Public Instruction (WI DPI) April 17, 2020, request to waive the requirement that, during unanticipated school closures, 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, 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, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier. Based on the exceptional circumstances relating to the declaration of a public health emergency due to the novel coronavirus by the U.S. Department of Health and Human Services, this waiver will improve service during social distancing. Although WI DPI requested that the waiver be effective March 18, 2020, or the date of the school closure, FNS does not have the authority to allow WI DPI to implement this waiver retroactively.

Therefore, effective immediately, this waiver allows State-approved SMP operators, in good standing, to be reimbursed for milk served in non-congregate settings during unanticipated school closures due to the novel coronavirus. 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 novel coronavirus pandemic. This waiver is effective through June 30, 2020; WI DPI may request an extension if necessary.

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, 2020, 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 during unanticipated school closures;
- The number of milks provided at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver

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 black ink, appearing to read "Ang M Kline". The signature is written in a cursive, flowing style.

Angela M. Kline
Director
Policy and Program Development Division