



Food and
Nutrition
Service

March 12, 2020

Braddock
Metro
Center

Amanda Harrison
Executive Director, Office of Child Nutrition
West Virginia Department of Education
Building 6, Room 750
Charleston, WV 25305-0330

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Harrison,

This letter is in response to the West Virginia Department of Education (WVDE), March 9, 2020, request to waive the requirement that, during unanticipated school closures, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) meals must be served in a congregate setting. Specifically, WVDE requested a waiver of the requirement found at 7 CFR 225.6(e)(15), that sponsors must maintain children on site while meals are consumed due to the novel coronavirus. This waiver would be used in conjunction with a statewide waiver, previously approved by the Food and Nutrition Service (FNS) on February 4, 2020, of the SFSP requirements at 7 CFR 225.6(d)(1)(iv), which allows the State to approve the operation of SFSP and SSO meal service at school sites during unanticipated school closures.

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, effective January 27, 2020, and pursuant to the waiver authority granted at section 12(l) of the National School Lunch Act (NSLA), FNS approves WVDE's waiver request through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier. While WVDE requested this waiver for one year, FNS limited the duration of the waiver to assess its impact and the State's ability to report the required data elements outlined below.

Effective immediately, this waiver allows State agencies to approve SFSP and SSO sponsors, in good standing, to provide meals during an unanticipated school closure due to the novel coronavirus in a non-congregate setting. This will enable approved sponsors to allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing.

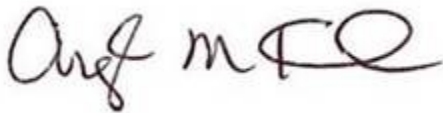
The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, WVDE must provide to the FNS Mid-Atlantic Regional Office, by a date to be determined, a written report quantifying the impact of the waiver, as described below. If a federally declared public health emergency relating to the novel coronavirus continues beyond June 30, 2020, WVDE may submit an extension request. Please note that approval of any extension is contingent on WVDE's ability to provide complete data and an analysis of the waiver impact.

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 and SSO;
- The number of sponsors and sites that used the waiver;
- The number of meals provided at school sites during unanticipated school closures;
- The number of meals provided at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver

FNS appreciates WVDE's commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the Mid-Atlantic Regional Office.

Sincerely,

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

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copy: Joyce Rouba, MARO