

July 20, 2020

The Honorable Pamilyn Miller
Administrator, Food and Nutrition Services
U.S. Department of Agriculture
1320 Braddock Place
Alexandria, VA 22314

Dear Administrator Miller:

The extension of the non-congregate, meal service time, meal pattern flexibility, and parent pick-up waivers will be critical to supporting stakeholders as they plan for providing meals through the federal nutrition programs when school starts in the fall. These waiver extensions are an important first step, but they leave out key policies that are necessary to allow schools, local government agencies, and community-based organizations to meet the tremendous need in the upcoming school year.

School districts are still establishing what “school” will look like next year, but many students will not be “at school” five days a week, with access to school breakfast and lunch each day. Instead, schools across the country are making plans to implement staggered schedules, remote learning, or some combination of the two. This means that communities will need the flexibility to provide meals to children at school, to send meals home with children when they are not at school, and to provide meals at community sites closer to children’s homes.

We ask that USDA use its waiver authority to make the following policy changes for the upcoming school year:

Allow the Summer Food Service Program and Seamless Summer Option to be used to feed children during the upcoming school year. The School Breakfast and National School Lunch Programs are designed to provide meals to children during the school day at the school they attend. When schools reduce the number of days that students are physically in school in response to the health concerns created by the pandemic, their access to school meals is limited, and USDA should allow schools, local government agencies, and private nonprofit organizations to provide meals through the child nutrition program that makes the most sense given the unprecedented circumstances.

In addition, limiting schools to providing non-congregate meals through the School Nutrition Programs requires significantly more administrative work than SFSP and SSO and will likely result in only the students who are certified for free or reduced-price school meals taking meals home for the days that they will not be in school. This will make it extremely difficult for schools to not overtly identify students receiving free or reduced-price school meals.

Expand the non-congregate waiver to include the Summer Food Service Program and the Seamless Summer Option through the National School Lunch Program. Not including these programs as non-congregate options to fill in when children are not at school creates administrative challenges for schools and community-based organizations and will limit access to meals.

Non-school sponsors played an essential role during unanticipated school closures and have always played a critical role in feeding children when schools are closed. With children likely to

spend even more time out of school buildings in the fall, and some possibly spending their virtual class day at an in-person afterschool program possibly up to 8 hours a day, it is important to recognize that there may be gaps in the meals provided by schools. Additionally, if bussing or other services are scaled back, it may be easier for families to get to a community site instead of a school building if school is out for multiple days in a row.

Schools that utilize a remote or hybrid learning model this year also will be negatively impacted by the exclusion of SFSP and SSO. Within the current scope of the waivers, schools will need to implement a system for getting meals to families when children are not physically present in school buildings, which could include requiring families to pick-up meals, or delivering meals directly to households. For families that have children attending different schools, this could mean picking up meals from multiple schools that are miles from home and miles from each other, an added burden and cost for struggling families that may face transportation barriers.

Extend the Area Eligibility waiver for SFSP and SSO through the school year. Allowing sites to provide meals in communities that do not meet the 50% area eligibility threshold has been essential to reaching children that may be newly eligible during the pandemic in the spring as the school year was disrupted as well as in the summer months. This is especially important considering the ongoing economic impact of COVID-19 on families and communities. Currently, all state-approved area eligibility waivers for SFSP and SSO have only been extended through August 31st. Extending the area eligibility waiver – in conjunction with the option to use SFSP or SSO when children are not at school – through the 2020-2021 school year will help not only reduce barriers to participation during remote school days, but also the administrative burden on sponsors and schools. It also will ensure that children who are certified for free or reduced-price school meals are not overtly identified.

Waive the Afterschool Activity Requirement for the Afterschool Meal and Snack Programs available through CACFP and NSLP. While the non-congregate waiver extension includes the afterschool meal and snack programs, it does not waive the activity requirement for providing afterschool meals and snacks. When schools closed in the spring, a waiver of the afterschool enrichment activity was quickly issued. This ensured that schools, non-school sponsors, and out-of-school time programs were able to easily implement meal service even as they remained shuttered or at limited capacity.

Although some school and community-based programs will be able to resume programming in the fall, it is unrealistic to assume that they will be operating at full capacity. To ensure access to the suppers and snacks provided through CACFP, it is imperative that the afterschool activity be waived when programming isn't possible. Waiving the afterschool activity requirement is also critical for those schools that plan on providing suppers through non-congregate methods on days when school is and is not in session, as they can be combined with the breakfasts and lunches already being provided.

Allow those providing meals through the Summer Food Service Program or Seamless Summer Option to also utilize Afterschool Meal and Snack Programs. This approach has been allowed through the unanticipated school closure waiver, and the approach was further clarified through Q&A guidance issued by USDA, and it has been critical to keeping hunger at bay by ensuring that children receive three meals a day. If schools were operating under normal schedules, children are eligible for breakfast, lunch, supper, and snack through the child nutrition programs. This access should be maintained at a time of unprecedented food insecurity.

Extend Fresh Fruit and Vegetable Program flexibilities and waivers through the school year. Flexibilities and waivers issued by USDA allowed schools to continue to operate this program during COVID closures by waiving previous requirements including the snack needing to be served in a congregate setting, during the school day, with a child present, and only a single serving. As a result, schools were able to provide innovative ways to serve fresh produce including multi-day servings and fresh produce packs. USDA guidance issued in April 2020 indicated that unspent 2019-2020 dollars could be rolled over to 2020-2021 school year. However, as many schools will still be offering alternative meal distribution in the new school year, these dollars will be unable to be spent without waiver extension.

We appreciate your consideration of this request.

Signed:

1,000 Days

AASA, The School Superintendents Association

Academy of Nutrition and Dietetics

Advocates for Better Children's Diets

African American Health Alliance

American Federation of State, County and Municipal Employees (AFSCME)

Afterschool Alliance

Alliance to End Hunger

American Academy of Pediatrics

American Commodity Distribution Association

American Federation of Teachers

Association of School Business Officials International (ASBO)

Boys & Girls Clubs of America

Bread for the World

California School Nutrition Association

Center for Ecoliteracy

Center for Law and Social Policy (CLASP)

Child Care Aware® of America

Children's Defense Fund

Coalition on Human Needs

Common Threads

Community Food Advocates

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Congressional Hunger Center

Council of Administrators of Special Education

Feeding America

First Focus on Children

FoodCorps

Food Research & Action Center

Hunger Free Colorado

Islamic Relief USA

Laurie M. Tisch Center for Food, Education & Policy, Teachers College, Columbia University

LunchAssist

MAZON: A Jewish Response to Hunger

Meals on Wheels America

National Advocacy Center of the Sisters of the Good Shepherd
National Association of Elementary School Principals
National Association of Secondary School Principals
National Education Association
National Farm to School Network
National League of Cities
National Milk Producers Federation
National PTA
National Recreation and Park Association
National Wellness Policy Study at the University of Illinois Chicago
Network of Jewish Human Service Agencies
NREA, The National Rural Education Advocacy Coalition
NREA, The National Rural Education Association
Nutrition Policy Institute, University of California, Division of Agriculture and Natural Resources
Public Advocacy for Kids (PAK)
Real Food for Kids
RESULTS
Save the Children Action Network
School Nutrition Association
SchoolHouse Connection
Share Our Strength
The Education Trust
The Nourished Principles, LLC
Trust for America's Health
UnidosUS
Union of Concerned Scientists
United Fresh Produce Association
United Way Worldwide
US Conference of Mayors
YMCA of the USA
Zero to Three