

April 9, 2020

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Subject: State-wide Waiver Request: Waiver to Suspend Area Eligibility Requirements

State agency submitting waiver request and responsible State agency staff contact information:

Missouri Department of Elementary and Secondary Education (MO DESE)
Attn: Barbara Shaw, Coordinator
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Region: Mountain Plains (MPRO)

Eligible service providers participating in waiver and affirmation that they are in good standing:

Any Local Education Agency (LEA) participating in the National School Lunch and School Breakfast Program approved to participate in the Seamless Summer Option (SSO) that are in good standing and operating during COVID-19. MO DESE would like to offer all LEAs with the option to serve and receive reimbursement for meals at open meal sites that do not meet the 50 percent or more free or reduced priced eligibility requirement during times of COVID-19.

Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

MO DESE is seeking to request a waiver to allow all participating SSO sites the option to serve and receive reimbursement for open meal sites that are located in areas where poor economic conditions exist but do not meet the 50 percent or more free or reduced priced eligibility requirement during times of this public health emergency. MO DESE has worked diligently to approve LEAs to provide meals using school data and census data. Providing individual assistance on the process and procedures for creating accurate site applications and capturing meal service information for SSO has been conducted daily throughout Missouri. Currently 440 area eligible sites have been approved to provide meals to a significant population of high-need children. An additional 109 sites still do not meet the school level data required to establish area eligibility, but are being affected by reductions in employment due to the stay at home orders and social distancing. Those sites been approved to serve meals to only an

identified group of children approved for free or reduced price school meals. Allowance of these additional sites will ensure that participants who would have normally received meals from the NSLP and SBP will continue to retain access to the nutrition that is needed. These closures have left children in Missouri communities with limited or no easily available alternative food sources, especially to those families now struggling even more to find sources of income to feed their families due to COVID-19.

Approving additional sites will provide relief from concerns about overcrowded meal locations and support the practice of social distancing recommended from the CDC and MO Governor. Meal sites are becoming popular grounds of children who have been impacted due to many Missourians who continue to be laid off from their jobs.

Across Missouri, we continue to witness the remarkable approval of waivers as each day seems to bring more difficult news on the impacts of this virus. We don't know what tomorrow will bring, but many more examples of leaders and members of the community coming together to take positive action during the pandemic. Approval of this waiver will support districts, schools and community partners to ensure the health and well-being of children does not go interrupted. By suspending eligibility requirements during these extenuating circumstances, it would alleviate a significant financial and administrative burden on schools and community stakeholders operating in non-area eligible locations and schools without a geographical attendance area.

Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

The specific requirements to be waived are the regulatory requirements at 7 CFR 225.14 (c) (3) *General requirements*. No applicant sponsor shall be eligible to participate in the Program unless it: (3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist, or qualifies as a camp; 225.2 Definitions - *Areas in which poor economic conditions exist* means: (a) The attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program; (b) A geographic area where, based on the most recent census data available or information provided from a department of welfare or zoning commission, at least 50 percent of the children residing in that area are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program; (c) A geographic area where a site demonstrates, based on other approved sources, that at least 50 percent of the children enrolled at the site are eligible for free or reduced-price meals under the National School Lunch Program and the School Breakfast Program; or (d) A closed enrolled site.

Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, MO DESE will provide detailed information and instructions to the LEA on the waiver process. Affected LEAs will be required to request approval for the use of the waiver. There are no significant impacts on technology, State systems or monitoring.

Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

No barriers have been identified at the SA level. There are currently no state-level regulatory barriers related to this specific issue.

Anticipated challenges State or eligible service providers may face with the waiver implementation:

MO DESE does not anticipate this waiver will present any challenges to the state agency or to the school food authority. The intention of the waiver will support non-eligible schools and organizations that are currently struggling to find alternate methods and resources to serve the rapidly increasing demand from the highest need students in their communities that now have limited access to nutritious meals during the school closures.

Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

MO DESE does not anticipate that this waiver will increase the overall costs of the Program to the Federal Government. The waiver is intended to replace meals that would have been served in a congregate setting at the school had the school not experienced an unanticipated closure.

Anticipated waiver implementation date and time period:

The anticipated waiver implementation date is immediately upon USDA approval of the waiver. MO DESE requests that the waiver be valid through the end of June 30, 2020 and/or upon expiration of the federally and/or state declared public health emergency, whichever is earlier.

Proposed monitoring and review procedures:

MO DESE will work with approved Seamless Summer sites, currently participating or seeking to participate to serve non-congregate meals, on the application and reporting for this waiver. Implementation of this waiver will be monitored by SA staff through the review process in order to ensure compliance.

Proposed reporting requirements (include type of data and due date(s) to FNS):

MO DESE will provide a report to the USDA by December 31, 2020. This report will provide data and an analysis of the waiver impact to include the number of LEA and community sites who utilized the waiver, the number of meals served non-congregate, and an overview of data associated with the implementation of this waiver.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

Notice to be posted:

Signature and title of requesting official:



4/09/20

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TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

