

June 5, 2020

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

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

Missouri Department of Elementary and Secondary Education (MO DESE)  
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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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

MO DESE is seeking to request an extension to the current 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. 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. This waiver could extend to an additional 109 sites not qualified using school level data required to establish area eligibility. Currently

MO DESE has 11 LEAs participating in this waiver at 30 approved sites. In April sites participating in this waiver served 105,291 meals.

Extending this waiver will allow LEAs to continue meeting the nutritional needs of students who rely on school meals and school-based summer feeding programs. Communities are still being affected by reductions in employment after Missouri Governor Parson extended the initial phase of the state's reopening plan until mid-June. Missouri unemployment rate is at 9.7 percent and businesses have not returned to full operating capacity. These unique circumstances of the COVID-19 pandemic will leave kids hungry during the summer months of 2020. Extending the area eligibility waiver will support SSO sites making an impact on food insecurity in the community and ensure that participants continue to retain access to the nutrition that is needed. School 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.

Extension of this waiver will continue to provide relief from the overcrowded meal locations at SSO sites, food banks and food pantries. Approval of this waiver has given support to the practice of social distancing recommended from the CDC and MO Governor. Meal sites have become popular grounds of children who have been impacted due to many Missourians who filed for unemployment and continue to be impacted by the widespread financial losses. Urgent action must be taken to win the battle of childhood hunger.

Across Missouri, we continue to witness the remarkable outcomes that the approval of these waivers provided. We ask for immediate extension to ensure school meal programs are equipped to meet the demand of childhood hunger. Immediate extension of this waiver will provide the continued support districts, schools and community partners need to ensure the health and well-being of children does not go interrupted again. By suspending eligibility requirements during these extended unprecedented times, the streamlined eligibility process alleviates a significant financial and administrative burden on schools and community stakeholders operating in non-area eligible locations.

**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 an extension is approved, MO DESE will provide detailed information and instructions to the LEA on the waiver process. Affected LEAs will be required to request an extension for the continued 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 extension waiver be valid through the end of September 30, 2020.

**Proposed monitoring and review procedures:**

MO DESE will work with approved Seamless Summer sites, currently participating or seeking to participate to serve congregate and 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:**



6/04/20

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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:**



Subject Agency: Missouri Department of Elementary and Secondary Education

Waiver Request: Area Eligibility Requirements Extension

Addendum: Supporting Justification

The State agency has worked diligently to qualify Local Education Agencies and community non-profits by use of school F/RP data, census data and additional sources. During COVID-19 many areas of the state reached poverty levels that is not yet reflected through traditional data reports to show these areas now have data to meet area eligible requirements.

Numerous large, medium, and small businesses have furloughed employees due to “stay at home” orders and even with the state reopening plan these places of employment have not yet returned to regular operations. Unemployment claims grew exponentially. Food banks and pantries are still unable to keep up with demand due to reduced donations and workforce. Financial hardship remains widespread across the state.

The loss of income and meals at school is threatening our children’s wellbeing. Extension of the current waiver for the area eligibility requirements, through September 30, 2020, will provide continued support and alleviate a significant financial and administrative burden on schools and community organizations wishing to continue operating in non-area eligible locations because of the proven high demand to provide children with safe, nutritious meals.

Supporting justification available for the extension to waiving the area eligibility requirements include the following:

**State Government timeline of reaction:**

On March 13, Governor Parson declared a state of emergency in Missouri and activated the State Emergency Operations Plan in response to the COVID-19 pandemic. On March 21, Governor Parson directed Missouri Department of Health and Senior Services Director Dr. Randall Williams to order social distancing statewide. Dr. Williams limited social gatherings in Missouri to no more than 10 people; directed Missourians to avoid eating or drinking in restaurants, bars, or food courts; and ordered that schools remain closed. To further combat the spread of COVID-19 in Missouri, Governor Parson directed Dr. Randall Williams, Director of Missouri Department of Health and Senior Services, to issue a Stay at Home Order which became effective April 6, 2020.

Governor Parson requested two programs statewide, Disaster Unemployment Assistance and Crisis Counseling, under the Federal Emergency Management Agency’s (FEMA) Individual Assistance Program, which provides assistance to individuals and families. A low-interest federal disaster loans for Missouri small businesses suffering substantial economic injury as a result of COVID-19 was approved by the U.S. Small Business Administration the week of March 16<sup>th</sup>.

April 9, Parson announces schools will remain closed for the remainder of the year, with remote learning to continue through the end of the scheduled school year.

Missouri Governor Mike Parson requested President Trump to approve a major disaster declaration for the entire state of Missouri to provide federal assistance for state and local COVID-19 pandemic preparedness and emergency response efforts.

“We know this is a challenging, uncertain time for our state and nation, but I want to assure you there is hope,” Governor Parson said. “I’m so proud of how Missourians have pulled together to help one another in the face of this challenge. “Governor Parson said. “Although it is continuing to develop, it’s already clear the COVID-19 pandemic will have a more sweeping impact on the entire state of Missouri than any other previous disaster that has affected our citizens. There is an urgent need for federal assistance to help Missouri families meet today’s challenges and the many more that we will face.”

On May 4<sup>th</sup>, Missouri began the first phase of its reopening plan. On May 28<sup>th</sup> Parson extended the initial phase of the state’s reopening plan until mid-June. Missouri schools are encouraged to continue to prepare and serve food as they have been doing during the closure. (Missouri Governor Parson, press release, daily COVID-19 updates, <https://governor.mo.gov/jefferson-city>)

**Increase in unemployment cases filed:**

More than 306,000 Missourians filed unemployment claims in April, an increase from 3.9 percent in March to 9.7 percent in April according to the Missouri Department of Labor. The department said 85% of the claims are tied to job loss due to the coronavirus outbreak and the closure of non-essential businesses. With the current rate of people laid off from their jobs due to impact of COVID-19, Missouri has extended benefits. (Missouri Department of Labor and Economic and Industrial Relations) <https://www.bls.gov/eag/eag.mo.htm>

**Increase in SNAP applications filed:**

For the health and well-being of low-income Missourians who rely on Food Stamp benefits, Missouri sought changes to the administration of the Food Stamp program in this state to meet the needs of Missouri’s most vulnerable citizens. Governor Parson directed that no Missourian will have their Food Stamp benefits end for the present time.

As part of the Families First Act, in response to the nutritional needs of low-income Missourians during the COVID-19 pandemic, the Department of Social Services Family Support Division requested and has been approved for a waiver from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) to extend Food Stamp/SNAP certification periods by six months for those re-certifications coming due in March, April and May. This increase will affect 310,000 Missouri households (660,000 people).

(Missouri Department of Social Services press release, <https://dss.mo.gov/press/03-24-2020-mo-food-stamp.htm>)

**Increase in WIC applications filed:**

In response to COVID-19, Missouri WIC has implemented two nationwide waivers: waiving the requirement of physical appearance to apply for benefits and allowing for remote benefit issuance. This is in response to social distancing implemented throughout Missouri and the increase need for WIC benefits for pregnant and breastfeeding women, infants and children.

WIC local agencies and participants have reported, in all areas of the state, that it has been difficult, and at times impossible, to locate WIC-approved food and other options. Bread, eggs, and milk categories have often been unavailable at multiple retailers in an area. In rural areas, there are limited options, and participants have said they do not have gas money to drive around to stores in adjacent towns to try to find food. We have had some reports of food pantries that are not open due to staff not being able to work or because of a low food supply. Some participants have said they used to get help from family, but their family cannot provide assistance at this time due to being out of work themselves. It is apparent that the normal avenues of obtaining food and receiving support have been highly disrupted.

The WIC state agency has seen a dramatic increase in participant calls inquiring about income qualifications and enrolling in the WIC program. Due to the COVID-19 pandemic, WIC local agencies' normal operations have been severely disrupted and in some instances, local agencies have closed to the public, but offer remote services. WIC participants' calls have increased not only due to increase need due to job loss, but also because of confusion about how to access services when local agencies are closed. Access to WIC, and other public assistance programs, has become a challenge as program changes have been made to address shelter in place orders, quarantines, remote program operation, and agency closures. WIC participants, as well as participants of other public assistance programs, need predictable access to nutritious food to help them address illness, loss of family, job loss, and other challenges that have presented as a result of the COVID-19 pandemic.

(Missouri Department of Health and Senior Services, WIC)

#### **Increase demand at food banks and food pantries:**

Missouri's food banks are responding to COVID-19. Food banks are experiencing a surge in demand as more people seek help through the pandemic. The safety net is experiencing unprecedented strain. Many people are seeking help for the first time, children who don't normally go hungry are seeking for sources to fill the gaps, more volunteers are needed, but more people are staying home. Support is critical right now to place emergency food packs directly into the hands of those who need it, whether dropping off at bus stops, dropping into the trunks of cars in a drive-through model or distributing directly to the children. Many needs of the community wouldn't be met without the efforts of our Missouri food banks and food pantries.

(Missouri Department of Elementary and Secondary Education, MO DESE)

#### **COVID-19 Cases:**

Since mid-March, when testing began, more than 12,600 Missourians have tested positive for coronavirus across the state, a majority of cases clustered around Kansas City and St. Louis. Additionally, more than 700 people have died. This has dramatic effects on the healthcare system, local businesses, schools, child care and adult care facilities, food banks, non-profit and community programs and the overall state economy. (Missouri Hospital Association, Missouri Hospital Care Utilization <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/pdf/gov-dashboard.pdf>)

#### **Additional Supporting Documentation:**

All Missouri schools were ordered to remain closed during school year 2019-2020. Missouri schools have served over 11 million meals in March and April with the support of the nationwide waivers and Missouri's statewide area eligible waiver. On May 18<sup>th</sup> the Department of Elementary and Secondary Education along with the Department of Social Services Family Support Division received approval on

the plan for the Pandemic Electronic Benefit Transfer card. This benefit has been already been issued to more than 250,000 children. This demonstrates how critical the child nutrition programs role is in this public health response to the pandemic and in combatting chronic child hunger.

**Additional hardships:**

Missouri is currently working to recover from hardships prior to COVID-19 pandemic, such as historic flooding of the Missouri river in 2019 and 2019 tornadoes in mid Missouri. Many Missouri communities are still rebuilding in the aftermath of these natural disasters. The impact of COVID-19 exasperates these already existing strains on Missouri communities.

**This addendum is in support of the Missouri Department of Elementary and Secondary Education's Area Eligibility extension waiver request.**