

# Congress of the United States

## Washington, DC 20510

August 14, 2020

The Honorable Sonny Perdue  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue S.W.  
Washington, DC 20250

Dear Secretary Perdue,

As schools begin the 2020-2021 school year, we write to ask you to immediately extend all school meal flexibilities so that schools and state agencies are equipped to provide school meals for students during the COVID-19 pandemic. While several waivers have been approved and extended already by the U.S. Department of Agriculture (the Department) for the 2020-2021 school year, we ask that you use your authority as granted under the *Families First Coronavirus Response Act*<sup>[1]</sup> to extend all nationwide waivers for unexpected school closures that allow for the operation of the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO), including non-congregate and area eligibility, for the duration of the 2020-2021 school year. These waivers are critical tools to ensure access to healthy school meals for students, while reducing the administrative burden on schools and school administrators.

The COVID-19 pandemic has required schools to adapt to a variety of scenarios to ensure that students have access to meals. As families grapple with economic hardship as a result of COVID-19, school meals are a lifeline for students. For many students, school meals are the only healthy meals they are able to access. Waivers have enabled schools to provide meal delivery, permitted families to take home multiple meals at once, and allowed for parent pick-up, among other innovative approaches to feeding children. However, many students still face challenges accessing these meals when schools are closed. As a result, participation in school meals has decreased during the pandemic, while the need has only increased.

Congress granted authority to the Department through the *Families First Coronavirus Response Act* to provide waivers to respond to COVID-19.<sup>[2]</sup> The Department has already chosen to use this authority to extend several waivers for the 2020-2021 school year including: offer versus serve flexibility, meal pattern flexibility, non-congregate feeding, meal service time, parent and guardian pick up, food service management contract duration, and nationwide community eligibility provision data reporting. While we appreciate USDA's action on these waivers, these flexibilities alone are insufficient to fully meet the needs of students and providers for this school year.

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<sup>[1]</sup> P.L. 116-127.

<sup>[2]</sup> *Id.*

At a time when schools are stretched to the limit and facing budget shortfalls, providing nationwide waivers for the duration of the school year allows schools to focus on educating and feeding children rather than diverting time and resources to burdensome paperwork. Given economic conditions as a result of COVID-19, schools and communities will likely continue to experience high levels of need for food assistance and ongoing challenges as school operating plans and status continue to change. Establishing systems that adequately track student participation and charges under the structure the Department has proposed is cumbersome, if not impossible, in a time in which schedules and operating statuses continue to evolve. There are variations in operating models within states, within school districts, and between different grade levels. Some schools intend to open virtually, then move to a hybrid model involving rotating days or weeks. Other schools, such as several in Georgia, opened in person, only to have to close down due to outbreaks days after beginning the year. 1,193 students and teachers near Atlanta are now in quarantine for two weeks after exposure. Under the Department's current, limited waiver approach, these circumstances are likely to result in children going unfed and school food service providers facing increased risk of exposure.

Allowing schools to operate under the SFSP and SSO and waive area eligibility not only alleviates the administrative pressure on schools, but also allows other community organizations to distribute meals, as they were able to do during the unanticipated school closures earlier this year. This has reduced the overall burden on schools and has been critical to meeting the varied needs in local communities. Many students often face a number of logistical and safety barriers to accessing school meals, such as lack of transportation, and should be able to continue to access meals from community organizations that may be closer to home and easier to access. For working parents, these community organizations are often providing child care for students whose schools are closed for virtual learning or operating on a rotating schedule. Under the National School Lunch Program (NSLP) and School Breakfast Program (SBP) model, these non-school sponsors would be limited in their ability to provide meals, potentially leading to empty bellies on days in which children are not in the classroom.

We recognize the work staff at the Food and Nutrition Service has done to provide critical nutrition to children during this ever-changing crisis and ask that you continue to use all of the waiver authority you already have available to reach every child during the 2020-2021 school year. If the Department truly intends to live up to its motto to "Do right and feed everyone," the Department must take every action possible to respond to this crisis. We urge the Department to immediately establish nationwide waivers, in accordance with the *Families First Coronavirus Response Act*, on all of the remaining flexibilities through the 2020-2021 school year to provide certainty to schools and ensure that students can access healthy school meals during this unprecedented time.

Sincerely,



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Debbie Stabenow  
United States Senator



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Robert C. "Bobby" Scott  
Member of Congress