USDA
United States Department of Agriculture

Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place
Alexandria VA 22314

March 4, 2020

Dr. Sandy Dawes
Director
Tennessee Department of Education
Andrew Johnson Tower, 10th Floor
710 James Robertson Parkway
Nashville, TN 37243

Dear Dr. Dawes,

This letter is in response to the Tennessee Department of Education's (TDE) March 3, 2020 request to waive the requirement that, during unanticipated school closures, National School Lunch Program (NSLP) Seamless Summer Option (SSO) meals must be served at certain non-school sites. Specifically, TDE requested a statewide waiver of the SFSP requirements of Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(c)(1)) codified at 7 CFR 225.6(d)(1)(iv), which would allow the State to approve the operation of SSO meal service at school sites during unanticipated school closures. Pursuant to the waiver authority granted at section 12(l) of the NSLA, FNS approves TDE's waiver request through April 30, 2022.

TDE requested a waiver beginning immediately, and through December 2025. This waiver would allow State agencies to approve SSO sponsors to operate at school sites during unanticipated school closures. In its request, TDE described how this waiver would meet the needs of communities and maximize program participation. According to TDE, this waiver would also reduce administrative burden on the sponsors and maintain site participation. TDE anticipated that without this waiver, there would be an increase in food insecurity and childhood hunger during unanticipated school closures due to a decrease in the number of meals served to children.

FNS approves TDE's request to waive the requirement that State agencies may only approve non-school sites to operate during unanticipated school closures. TDE may approve school sites in good standing to serve meals during unanticipated school closures, unless doing so would present a safety concern. This waiver is effective immediately and valid through April 31, 2022. While TDE requested this waiver though December 2025, FNS limited the duration of the waiver to assess its impact and the State's ability to report required data elements outlined below. This waiver is applicable to regulations at 7 CFR 225.6(d)(1)(iv), which require State agencies to only approve a site proposing to operate during an unanticipated school closure if it is a non-school site.

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, by August 31, 2020, TDE must provide to the FNS Southeast Regional Office a written report quantifying the impact of the waiver, as described below. Because this approval is for three program years, TDE is also required to comply with this reporting requirement in 2021 and 2022. Data must be submitted not later than August 31 each

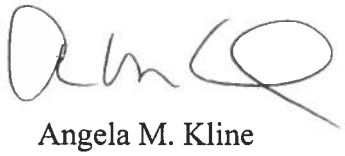
year. **Please note that the continuation of this approval in 2021 and 2022 is contingent on TDE's ability to provide complete data and an analysis of the waiver impact for 2020 and 2021. Any requests for renewal of this waiver are contingent on TDE's ability to provide complete data and an analysis of the waiver impact for each program year.**

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

FNS appreciates TDE's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Southeast Regional Office.

Sincerely,



Angela M. Kline
Director
Policy and Program Development Division

Electronic Copies: Dr. Lilly Bouie, SERO
Kirk Farquharson, SERO
Randa Meade, TDE