

August 19, 2020

The Honorable Bobby Scott, Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
1201 Longworth House Office Building  
Washington, DC 20515

The Honorable Pat Roberts, Chairman  
U.S. Senate Agriculture Committee  
109 Hart Senate Office Building  
Washington, DC 20510-1605

The Honorable Virginia Foxx, Ranking  
Member  
Committee on Education and Labor  
U.S. House of Representatives 2462  
Rayburn House Office Building  
Washington, DC 20515

The Honorable Debbie Stabenow, Ranking  
Member  
U.S. Senate Agriculture Committee  
731 Hart Senate Office Building  
Washington, DC 20510-1605

Dear Chairmen Roberts and Scott, and Ranking Members Stabenow and Foxx:

On behalf of the undersigned national organizations, we write to urge Congress to extend waiver authorities for the COVID-19 school nutrition rules granted to the U.S. Department of Agriculture (USDA) through the upcoming school year. These waivers for school nutrition programs, granted in the Families First Coronavirus Response Act (FFCRA), have provided districts across the country with the flexibility to deliver meal services to kids even when schools are operating on modified schedules or in non-traditional settings.

As districts and community programs prepare for the upcoming school year, it is becoming increasingly clear that most students will not be at school or be able to eat breakfast and lunch in the school building five-days a week. While USDA's timely leadership in extending several nationwide waivers until June 30, 2021 was an important first step at addressing this issue, the current scope of the available flexibilities fails to address the reality facing many school nutrition departments and community partners as the 2020-21 school year begins and students need access to critical meals. According to the Center for Reinventing Public Education, more than 50 percent of urban school districts are planning to, or have already started, the school year fully remote, and a majority of school districts across the country are offering a virtual or remote option for students this fall.<sup>1</sup>

Three of USDA's waivers that were integral for schools and community partners' operation of the federal meals' programs will expire on August 31, 2020.<sup>2</sup> If these waivers expire, many students across the country will struggle to get access to much-needed meals during the school day. States, districts and school nutrition leaders are committed to working to meet the needs of

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<sup>1</sup> [https://www.crpe.org/sites/default/files/brief\\_on\\_fall\\_plans.pdf](https://www.crpe.org/sites/default/files/brief_on_fall_plans.pdf)

<sup>2</sup> <https://www.fns.usda.gov/cn/covid-19/non-congregate-feeding-nationwide-waiver-extension> (;)

<https://www.fns.usda.gov/cn/covid19/area-eligibility-extension-august-2020>

all students. Without these flexibilities, they will face a logistical nightmare to provide children with healthy and nutritious meals, causing many programs to reduce their foodservice capacity for the upcoming fall and winter. In the end, this means students will likely miss meals and go hungry.

Therefore, to preserve the feasibility of school districts operating the federal meals programs, USDA must have the statutory authority and mandates to instate the following policy changes until June 30, 2021:

1. Allow the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) to be used to feed children during the upcoming school year, so that students may receive meals in the event of unexpected closures.
2. Expand the non-congregate waiver to include SFSP and SSO, so that schools that offer remote learning may still serve students through the federal school meals programs.
3. Extend the Area Eligibility waiver for SFSP and SSO through the school year to enable districts to operate food services in communities that did not meet the 50% free and reduced-price lunch area eligibility threshold.
4. Waive the activity requirement for the Afterschool Meal and Snack Programs, so districts can serve additional meals through the Child Adult Care Food Program (CACFP) and National School Lunch Program (NSLP).
5. Enable districts providing meals through the SFSP or SSO to utilize the Afterschool Meal and Snack Programs.
6. Extend the Fresh Fruit and Vegetables Programs flexibilities and waivers through the school year, so districts can use innovative methods to serve fresh produce (e.g., multi-day servings and fresh-produce packs) and rollover unspent fiscal year 2019–20 dollars to the 2020–21 school year.

If the FFCRA meal program waivers expire, districts will struggle to safely administer the federal school meals programs in compliance with CDC guidance and provide a reliable source of food security for low-income students. To meet the challenges brought on by the COVID-19 pandemic, schools must have the necessary tools to feed students. As such, we ask Congress to ensure these existing flexibilities remain in place for the entirety of the 2020–21 school year.

Sincerely,

AASA, The School Superintendents Association  
Academy of Nutrition and Dietetics  
Afterschool Alliance  
Alliance for Excellent Education  
American Commodity Distribution Association  
American Federation of Teachers  
Association of Educational Service Agencies  
Association of Latino Administrators and Superintendents  
Association of School Business Officials International

Center for Law and Education  
Council of Administrator of Special Education  
Council of Chief State School Officers  
EDGE Consulting Partners  
Large Countywide and Suburban District Consortium  
National Association of Elementary School Principals  
National Association of Secondary School Principals  
National Center for Learning Disabilities  
National Disability Rights Network  
National Education Association  
National Farm to School Network  
National Governors Association  
National Indian Impacted Schools Association  
National Parent Teacher Association  
National Rural Education Advocacy Collaborative  
National Rural Education Association  
National School Boards Association  
National Superintendents Roundtable  
Organizations Concerned About Rural Education  
Share Our Strength  
Sustainable Food Policy Alliance, including Danone North America, Mars, Incorporated, Nestlé  
USA and Unilever United States  
Teach For America  
The Education Trust  
Urban School Food Alliance