

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

July 27, 2020

**RE: Request to Extend Critical Child Nutrition Waivers Through Next School Year**

We, concerned education, nutrition, and anti-hunger leaders across California, write with a unified request for your urgent response to extend several critical child nutrition waivers through the 2020-21 school year. Without these waivers, California's children will lose access to much-needed meals served by schools and community organizations -- and rates of food insecurity will continue to rise.

We appreciate USDA's efforts to combat childhood hunger during the COVID crisis, including USDA's approval of California's P-EBT plan and recent extensions of some child nutrition waivers. While the waivers issued to date are helpful, they do not address the full scale of operational challenges and regulatory hurdles that child nutrition program operators will face when schools reopen. Without additional flexibility, meal programs will fail to reach an untold number of children in California at a time when millions of families are facing increased hardship.

The COVID-19 pandemic exposes the harsh realities of inequity across our nation, including inequities in food access. A US Census Bureau survey shows that in late June, compared to pre-COVID measures of food sufficiency, there was a nearly 30 percent increase among California adults living in households with children where "sometimes" or "often" there was not enough food to eat in the past seven days. In addition to disproportionately high rates of food hardship among households with children, rates are disproportionately high among Black and Latino households. Child nutrition programs are a critical resource for these households, but the programs are only effective if operated in ways that actually reach children in need. We are deeply concerned that the USDA has not leveraged all available flexibility to help program operators nourish more children in the coming school year.

**WHAT CHILDREN NEED NOW**

We call on the USDA to enact the following flexibilities, which are urgently needed to mitigate child hunger and ongoing inequities in food access:

**1) Expand the nationwide non-congregate waiver for school year 2020-21 to include the Summer Food Service Program and the Seamless Summer Option and allow these programs to serve children.**

Excluding SFSP and SSO from the non-congregate waiver will increase burdens on schools, community (non-school) sponsors, and families.

- Most California schools, enrolling more than [5.5 million students](#) across our state, will open via distance learning this fall. Schools utilizing remote and hybrid learning models will face undue administrative and operational burdens if SFSP and SSO are excluded from the non-congregate waiver. If limited to operating NSLP/SBP, schools will lose the efficiency and efficacy of “grab and go” models that have served children since the onset of the COVID-19 crisis. Having to account for meals served to specific students, confirm eligibility for meals, and collect payment will slow meal distribution, increase the duration and proximity of interactions between staff and students/families, and increase demands on staff who are already working under strained capacity.
- Community-based organizations have long helped to nourish children when schools are closed. With most California schools opening with full or partial distance learning in SY 2020-21, children who are hard pressed to access school-based meal programs (due to distance, lack of transportation, family schedules, or other limiting factors) will need access to meals from other sources, including community sites. Incorporating SFSP and SSO into the non-congregate waiver will allow community organizations to serve children in need while also upholding safe public health practices.
- Excluding SFSP and SSO from the non-congregate waiver will be a direct burden on families. Families with children attending different schools could be forced to pick up meals from multiple locations -- an added drain on limited time and resources for struggling households. Limiting meal service to NSLP/SBP also means that students eligible for free and reduced-price meals are more likely to be overtly identified as they visit their school sites to pick up meals on remote-learning days or take home meals from on-campus sessions for those days that they will be participating in distance learning.

**2) Extend the Area Eligibility waiver for SFSP and SSO through the school year.**

No child in need should be denied ready access to a meal site because of where they live. Extending the area eligibility waiver – in conjunction with the option to operate SFSP or SSO – through the 2020-2021 school year will increase children’s access to nutritious meals and reduce burdens on sponsors and schools as they continue to grapple with unprecedented operational challenges. Waiving area eligibility requirements means more meal sites are likely to operate near children’s homes -- reducing barriers tied to distance, transportation, and remote learning. Operating SFSP or SSO with waived area eligibility requirements will allow program operators to offer meals under the same model(s) at all sites, streamlining operations, reducing administrative workload, and reducing the likelihood that students eligible for FRP meals will be overtly identified.

Particularly in states like California with high costs of living, the nationwide standard for area eligibility does not reflect the reality of poverty and hunger for our children. Waiving area eligibility requirements allows California kids to access the nutritious meals they need to thrive in the face of this global pandemic and its economic fallout. In addition, school districts that will start the new academic year later in September may be compelled to end meal service for the weeks in between the expiration of the current Area Eligibility Waiver and the beginning of the school year. Many California districts lack area eligible sites despite serving a sizable number of children in need. Extending the waiver for area eligibility requirements will close these gaps.

**3) Waive the Afterschool Activity Requirement for the Afterschool Meal and Snack Programs available through CACFP and NSLP through next school year. Reverse the denial of California’s request to waive the activity requirement through summer 2020.**

Last spring, when afterschool programs closed to prevent the spread of COVID-19, many continued to provide meals and snacks to children through non-congregate models. California afterschool programs are planning ahead for the fall. While some may resume programming when the academic year begins, it is unrealistic and unreasonable to assume they will be operating at full capacity. To ensure children have access to the suppers and snacks provided

through CACFP, the afterschool activity must be waived when operators lack the capacity or authority to safely offer programming. Waiving the afterschool activity requirement is also necessary in order for schools to provide supper (in combination with breakfast and lunch) through non-congregate methods, particularly during periods of distance learning.

Afterschool nutrition programs can help schools and community organizations provide food to kids who need it most. Waiving the after school activity requirement is critical for California's afterschool programs to distribute meals and snacks to children and for schools to provide non-congregate suppers -- now and in the fall. California's request to waive the CACFP activity requirement through summer 2020 was denied. That decision should be reversed.

**4) Allow those providing meals through the Summer Food Service Program or Seamless Summer Option to also serve Afterschool Meals and Snacks.**

Many California students who rely on free or reduced-price school meals also depend on the support of afterschool meals and snacks. Under normal circumstances, children can access breakfast, lunch, and afterschool meals or snacks each school day. This access must be protected while our communities struggle with skyrocketing rates of food insecurity and economic hardship. Our children -- all children -- deserve access to three nutritious meals a day.

No child in our great nation should go hungry. Enacting the above flexibilities will reduce burdens on local program operators and allow programs to better meet the needs of children in California and beyond. We urge your immediate support for these waivers and look forward to your favorable, timely consideration of this request. For questions about this letter, please contact Melissa Cannon, Senior Advocate, California Food Policy Advocates at [melissa@cfpa.net](mailto:melissa@cfpa.net).

Sincerely,

The undersigned:

Alameda County Community Food Bank  
A World Fit For Kids!  
Alameda County Board of Supervisors  
arc  
Association of California School Administrators  
Bay Area Community Resources  
Better 4 You Meals

Blue Zones Project Monterey County  
Borrego Springs Unified School District  
Boys & Girls Clubs of Greater San Diego  
Butte County Office of Education  
California AfterSchool Network  
California Food Policy Advocates  
California School-Age Consortium  
Capistrano Unified School District  
Carlsbad Unified School District  
CCFP Roundtable  
Center for Ecoliteracy  
Center for Fathers and Families  
Ceres Community Project  
Ceres USD  
Christ Commission Chapel  
Colton Joint Unified School District  
Community Child Care Council of Sonoma County  
Community Health Councils  
EduCare Foundation  
Escondido Union High School District  
Fallbrook Union Elementary District  
Feeding San Diego  
Food Bank of Contra Costa and Solano  
Fresh Approach  
Girl Scouts of California  
Go for Health Collaborative  
Grossmont Union High School District  
Grossmont Union School District  
Housing on Merit  
Hunger Advocacy Network  
Jefferson Union High School District  
LA Conservation Corps  
LA's BEST Afterschool Enrichment Program  
Lemon Grove School District  
Livingston Union School District  
Long Beach Resister Sisters  
Los Angeles Academy of Arts and Enterprise  
Los Angeles Regional Food Bank  
Los Angeles Unified School District

Lucia Mar Unified School District  
LunchAssist  
Mendocino County Office of Education  
Merced City School District  
Mt. Diablo Unified School District  
NextGen California  
Nourishing Generations  
Oceanside Unified School District  
Orange Unified School District  
Pajaro Valley Food, Farming and Health Policy Council  
Partnership for Children & Youth  
Patterson Unified School District  
Ramona City Unified School District  
Robla School District Food & Nutrition Services  
Sacramento Chinese Community Service Center  
Sacramento City Unified Nutrition Services Department  
San Bernardino City Unified School District  
San Bruno Public Library  
San Diego County Childhood Obesity Initiative  
San Diego Food System Alliance  
San Diego for Every Child  
San Diego Hunger Coalition  
San Diego Unified  
San Dieguito Union High School District  
San Francisco-Marin Food Bank  
San Francisco Unified School District Student Nutrition Services  
San Leandro Unified  
San Luis Coastal Unified  
San Marcos United School District  
San Ramon Valley USD  
San Ysidro School District  
Santa Cruz City Schools  
Santa Maria Joint Union School District  
Santa Rosa City Schools  
Santee School District  
Save the Children  
School of Rock Elk Grove  
Second Harvest Food Bank Orange County

Second Harvest of Silicon Valley  
South Bay Union School District  
St. Helena Public Library  
TCC Family Health  
Tenderloin Neighborhood Development Corporation  
The Lighthouse  
The Long Beach Alliance of Food and Fitness  
Think Together  
unBox  
Ventura Unified School District  
Warner Unified School District  
West Contra Costa USD  
Woodcraft Rangers  
YMCA of San Diego County