



Food and
Nutrition
Service

July 28, 2022

Braddock
Metro Center

Monica L. Herrera
Director of Nutrition Program Services Division
Minnesota Department of Education
400 Northeast Stinson Boulevard
Minneapolis, Minnesota 55413

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Dear Monica Herrera:

This letter is in response to the Minnesota Department of Education's (MDE) waiver request, submitted on May 10, 2022, on behalf of Saint Paul Public Schools (SPPS). SPPS requested a waiver of the requirements found at 7 C.F.R. 245.9(b)(3) that require Provision 2 base year claiming percentages to be established by counting meals served by type (free, reduced price, and paid) at the point of service. Pursuant to Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), the Food and Nutrition Service (FNS) approves SPPS's waiver request for the four school years SPPS's schools will be operating this Provision 2 cycle.

Statutory requirements found at Section 11(a)(1)(C)(ii) of the NSLA (42 U.S.C. 1759a(a)(1)(C)(ii)) and corresponding regulations at 7 C.F.R. 245.9(b)(3) require that schools operating Provision 2 determine their reimbursement using the number of free, reduced price, and paid meals served during the base year and that reimbursement in years 2, 3, and 4 must be based on the number of free or reduced price meals served during their base year.

SPPS is requesting the district be allowed to approve schools under its jurisdiction to participate in Provision 2 with a streamlined base year for School Breakfast Program operations. SPPS is concerned, because some schools within their district that are conducting a Provision 2 base year in SY 2022-2023 are not able to meet the requirement to count meals by type during the Provision 2 base year without interfering with their current breakfast service models. These schools currently offer breakfast via grab-and-go kiosks in multiple locations throughout the school and do not have the equipment necessary to count breakfasts by eligibility type when served outside of the cafeteria. If a waiver is not granted and schools are required to count breakfasts by eligibility type, SPPS indicated some schools will not be able to offer grab-and-go breakfast or breakfast in the classroom, which would likely result in a decrease in Program participation. In addition, without this waiver SPPS will face an increase in cost for point-of-service equipment and an increase in labor costs to train staff to count breakfast meals by eligibility category.

After confirming that MDE provided notice and information to the public regarding SPPS's waiver request, FNS has determined that approval of this waiver would facilitate the ability of SPPS to carry out the purpose of the Program. Therefore, FNS is approving

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SPPS's request to allow schools to participate in Provision 2 and conduct a streamlined base year for the breakfast meal service.

The NSLA at Section 9(b)(3)(B)(i) (42 U.S.C. 1759a(b)(3)(B)(i)) requires that eligibility determinations be based on completed household applications. Because SPPS will already be making eligibility determinations and conducting verification of household applications for their NSLP operations for SY 2022-2023, FNS will permit these schools to use monthly claiming percentages based on the number of reimbursable lunches served by type (free, reduced price, and paid) in each month during the base year to establish the breakfast claiming percentage. At the end of the base year, these schools may choose to establish an annual breakfast claiming percentage using the process described at 7 C.F.R. 245.9(b)(3)(ii) or may continue claiming breakfast meals using the monthly claiming percentages for lunch. These percentages shall be used for claiming reimbursement for each year of the cycle following the base year.

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 July 28, 2023, SPPS must provide to the FNS Midwest Regional Office a written report quantifying the impact of the waiver. As a condition of this approval, SPPS is required to report the following to FNS:

- A description of whether the waiver resulted in improved services to children;
- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in the School Breakfast Program; and
- A list of schools that utilize these approvals.

Failure to provide the requested data may result in the denial of a future waiver request.

Should you have any questions or concerns, please contact the FNS Midwest Regional Office.

Sincerely,

Tina Namian
Director
School Meals Policy Division

Electronic Copy: Samia Hamdan and John Kwit