



March 17, 2020

Senator Elizabeth Warren  
309 Hart Senate Office Building  
Washington, D.C. 20510

Senator Edward Markey  
255 Dirksen Senate Office Building  
Washington, D.C. 20510

**RE: Free/Reduced Meal Waiver Provisions in “Families First Coronavirus Support Act”  
– SUPPORT**

Dear Senators Warren and Markey:

Lawyers for Civil Rights (LCR) urges to you to support the Families First Coronavirus Support Act, and in particular the provisions of that bill that ensure that food and nutrition services will continue to be provided to children during the coronavirus pandemic. State and local officials need flexibility during this challenging time, in order to creatively ensure that children are receiving all of the nutritional services to which they are entitled. For this reason, the United States Department of Agriculture (USDA) should be authorized to waive, to the broadest extent possible, provisions of the free and reduced meal program that might otherwise inhibit those critical food services during this public health crisis.

As you know, free and reduced meals are critical sources of nutrition for many low-income children across the United States. The school closures that have been imposed in light of the current public health crisis threaten this vital service. Among other provisions, the Families First Coronavirus Support Act helps ensure the continued provision of meals to low-income children by providing the Secretary of Agriculture with the authority to issue nationwide school meal waivers.

Particularly at this time of crisis, such waivers are critical in order to ensure that bureaucratic rules do not stand in the way of effective State and local responses. We applaud the fact that the USDA has already waived regulations that usually require schoolchildren to eat their free and reduced meals on-site – allowing for a “grab and go” model that may work in many school districts. But this waiver should be made more expansive to allow for other models as well. For example, school districts should be allowed to deliver meals to eligible children via bus delivery to their homes – a model that has worked in other contexts and that would almost certainly increase participation as compared to requiring children to come to sites to pick up their “grab and go” meals. This would also be preferable from a public health perspective to contain community spread. Further, families under quarantine cannot avail themselves of the site-based models. Finally, such a model would have the added benefit of providing continued employment for school bus drivers, who are themselves often low-income and at risk of economic disruption

during these trying times. A broad waiver is necessary to eliminate other barriers that may present themselves during this public health crisis as well. For example, many children and their families will not be able to pick up meals themselves at a designated location (if, for example, no healthy adult can get to the site, or if all adults in the household are working). A broad waiver would allow districts to continue providing meals to children, even if those were picked up by a neighbor or friend, rather than the student's family itself.

In addition, when meals are currently provided at specific sites (such as for summer programs), the USDA generally only reimburses meals at sites in Census Tracts where 50% of the children receive free and reduced price meals. Consequently, children who qualify for free and reduced meals but who live in districts that fall under this threshold cannot access food. The USDA will need to waive this requirement during the coronavirus public health crisis if we are to ensure that all school districts can provide food for their low-income children.

During this time of crisis, we need all State and local agencies to have maximum flexibility to implement programs that will work to ensure the safety and well-being of children within their jurisdictions. The Families First Coronavirus Support Act accomplishes this through granting broad authority to the Secretary of Agriculture to waive requirements for free and reduced meals. We strongly support these provisions and urge their passage.

Sincerely,

A handwritten signature in blue ink that reads "Iván Espinoza-Madriral". The signature is written in a cursive style with a small "105" at the end.

Iván Espinoza-Madriral

Oren Sellstrom

Janelle Dempsey