

## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

**1. State agency submitting waiver request and responsible State agency staff contact information:**

Oregon Department of Education  
Child Nutrition Programs  
Dustin Melton  
Director Child Nutrition Programs, Pupil Transportation and the Fingerprinting Unit  
255 Capitol Street NE  
Salem, OR 97310  
Dustin.melton@ode.oregon.gov

**2. Region:**  
Western Region

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

Statewide waiver request for all participating National School Lunch Program (NSLP) School Food Authorities and Child and Adult Care Food Program (CACFP) emergency shelters, adult day care centers, OSHCC, and the at-risk afterschool Sponsors and institutions in good standing.

**4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

Allow local Program operators to offer non-congregate meals to participants fasting during Ramadan. The NSLA, Child Nutrition Act, and Program regulations require school food authorities (SFAs) and institutions to operate congregate meal services at specific times. SFAs and institutions that serve meals to participants observing Ramadan often experience a drop in participation and would benefit from offering alternative meal service options. This waiver would allow SFAs and institutions to offer meals that participants in attendance can take off-site and consume after fasting, providing participants that observe Ramadan access to healthy and wholesome meals.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**

**National School Lunch Program (NSLP) and School Breakfast Program (SBP)**

National School Lunch Program (NSLP) and School Breakfast Program (SBP) The waivers in this section are intended to provide needed flexibility to support SFAs in continuing to offer nutritious meals to participants fasting to observe Ramadan.

- *Non-Congregate Meal Service (NSLP and SBP)*  
Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.
- *Meal Service Times (NSLP and SBP)*  
Under Program regulations at 7 CFR 210.10(l) and 7 CFR 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.
- *Offer Versus Serve (NSLP)*  
Under the NSLA, 42 U.S.C. 1758(a)(3), and Program regulations at 7 CFR 210.10(e), Program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch.

**Child and Adult Care Food Program**

The waivers in this section apply to emergency shelters, adult day care centers, OSHCC, and the at-risk afterschool component of CACFP only. These waivers are intended to provide needed flexibility to support institutions in continuing to offer nutritious meals to participants fasting to observe Ramadan.

- *Non-Congregate Meal Service (CACFP)*  
Under the NSLA, 42 U.S.C. 1766(f)(1)(A), and Program regulations at 7 CFR 226.19(b)(6)(iii), CACFP meals must be served in a congregate setting and must be consumed by participants on site.
- *Meal Service Times (CACFP)*

Under Program regulations at 7 CFR 226.20(k), meals served in the CACFP must follow meal service time requirements.

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

There are no expected impacts on technology, State systems, or monitoring.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:**

There are no regulatory barriers at the State level to provide the requested waiver.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

There are no anticipated challenges state or eligible service providers may face with the waiver implementation.

**9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:**

The waiver will not increase the overall cost of the Program to the Federal Government.

**10. Anticipated waiver implementation date and time period:**

Waiver implementation would start February 18, 2026, and expire at the end of Ramadan.

**11. Proposed monitoring and review procedures:**

Current NSLP, SBP, and CACFP monitoring of sponsors would continue during the administrative review and technical assistance calls. This practice will continue as it is consistent with 7 CFR 210.18 and 7 CFR 226.6(m) requirements.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

No later than December 31, 2026, ODE CNP will report to USDA the number of sponsors that used this waiver.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:**

[Oregon Department of Education : Waivers and State Discretion : Child Nutrition : State of Oregon](#)

**14. Signature and title of requesting official:**



Name: Dustin Melton

Title: Director Child Nutrition Programs, Pupil Transportation and the Fingerprinting Unit

Requesting official's email address for transmission of response: [dustin.melton@ode.oregon.gov](mailto:dustin.melton@ode.oregon.gov)

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**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**