

Operation of SFSP/SSO by Non-Area Eligible Sites

Oregon Department of Education

Child Nutrition Programs

Submitted August 10, 2020

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), 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 (CNP), 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:

Dustin Melton, Director Child Nutrition Programs
Oregon Department of Education
255 Capitol St. NE Salem, OR
97310
503-947-5888

2. Region: Western Region

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

Any Oregon Department of Education (ODE) approved SFSP/SSO sponsors in good standing operating during the COVID-19 epidemic. Eligible service providers also include eligible organizations who apply as defined under 7 CFR 225.14(b) to operate SFSP/SSO in order to ensure children can receive meals in their community during a COVID-19 outbreak. Through the application process ODE Child Nutrition will ensure sponsors have the capacity to meet program requirements and will fill a gap that would otherwise leave children without access to meals.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Background:

On June 30, 2020 Oregon Governor Kate Brown extended Oregon's state of emergency due to the COVID-19 epidemic. The number of COVID-19 cases in the state continue to grow. As of August 6, 2020 Oregon has a total of 20,225 confirmed cases and 339 deaths. Due to the COVID-19 pandemic Oregon's economy has seen a dramatic loss in jobs since the pandemic began in March 2020. The unemployment rate for March was announced at a record low of 3.3 percent, but that data was collected March 17, prior to Governor Brown's executive order for people to stay home and certain businesses to close. The unemployment rate by the end of June 2020 had increased to 11.2 percent as the state lost thousands of jobs. In addition, more and more families applied for food benefits with an increase of over 20,000 SNAP cases from April to May.

Challenge:

Oregon's state of emergency due to the COVID-19 pandemic will continue indefinitely, which will only exacerbate the unemployment numbers in Oregon. The high unemployment will persist, meaning area eligibility percentages will not reflect the current environment. Without the extension of the waiver we will not be able to approve the sites that are clearly able to demonstrate a need even though the sites may be under the 50 percent eligibility requirement. These sites (communities) desperately need the meal service to continue. USDA recognized this was a need as on June 6, 2020 as it extended all state agency area eligibility waivers through August 31, 2020.

Feeding *all* children during a state of emergency or pandemic when they do not have access to nutritious meals; regardless of areas in which they reside. When emergencies occur, limiting family and community resources, Child Nutrition Programs can be a source of nutrition and relief. The need is not limited to areas with 50 percent or higher Free/Reduced populations.

Goal:

To extend the previously approved USDA waiver to the area eligibility requirement to provide meals to eligible children aged 1-18 throughout the state of Oregon during the Public Health Emergency of COVID-19 using existing distribution systems available in and through SFSP/SSO in a manner that minimizes exposure to, and spread of, the COVID-19 virus.

Expected Outcomes:

Meals would be provided to children during a time of statewide and national emergency when traditional resources are limited.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The Oregon Department of Education (ODE) requests a waiver of regulations at 7 CFR 225.14 (c)(3) *“conducting a food service for children from areas in which poor economic conditions exist.”*

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

There are no impacts on technology, State systems, or monitoring. If needed, ODE will confirm the need of a site that would otherwise be non-area eligible.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

There are currently no State level regulatory barriers related to this specific issue.

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

ODE does not anticipate that the establishment of this statewide waiver will pose any challenges at the state, sponsor or site level. Rather, ODE anticipates this waiver will relieve sponsors of the challenges presented by changing the established, successful methods currently in place for providing meals to their community during the COVID pandemic or state of emergency when many other factors in their lives will be fluid in reaction to local COVID conditions

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(1)(1)(A)(iii) of the NSLA]:

There is no anticipated increase in costs to the federal government; despite the waiver if approved, ODE CNP has experienced a drop in participation due to COVID-19 and anticipates this will continue. There are no additional state agency staff costs to implement this waiver. USDA previously approved Oregon’s waiver to the area eligibility requirement for SSO/SFSP (effective March 18, 2020 through June 30, 2020 or the end of the federally declared public health emergency) and further provided a Nationwide extension of all individual state waivers (COVID–19: Child Nutrition Response #32) to waive the area eligibility requirement. The waiver extension expires August 31, 2020. Oregon is seeking an additional extension to the same waiver with a fixed expiration date.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is September 1, 2020 and is to remain in effect through September 30, 2021.

11. Proposed monitoring and review procedures:

State agency staff will work with sponsors to ensure SSO/SFSP sponsor and site approvals align with ODE CNP current processes. Child Nutrition Specialists will monitor implementation of this waiver.

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

ODE CNP will report to FNS the number of sponsors and sites that used this waiver, and the number of meals served under this waiver that were reported for reimbursement. ODE will report any additional information as required by FNS.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]: See Public Notification section at this link:

<https://www.oregon.gov/ode/students-and-family/childnutrition/Pages/COVID-19.aspx>

Signature and title of requesting official:



Name: Dustin Melton

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

Email address for transmission of response: dustin.melton@ode.state.or.us

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(I)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**