

**CACFP and NSLP At-Risk Enrichment/Educational Component  
Requirement**

Oregon Department of Education Child Nutrition Programs

Submitted August 7, 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:**

Oregon Department of Education  
Child Nutrition Programs  
Dustin Melton, Director  
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:**

This waiver is limited to NSLP and CACFP sponsors in good standing to operate the CACFP At-Risk Afterschool Program and the NSLP afterschool snack.

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

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. On July 29, Governor Brown implemented school health and safety metrics that counties must meet before a school can allow in-person instruction. At the current rate of infection across the state, it will be extremely challenging for any schools in the state to meet the metrics. While current nationwide waiver extensions allow At-Risk Program operators to serve non-congregate meals, utilize flexible meal times, and allow for parent meal pick-up with no child present, the current need to reduce the spread of the virus does not allow for At-Risk Programs to implement and offer an enrichment or educational activity that is required of the Program. Many of Oregon's At-Risk sponsors are school districts and as stated above due to the Governor's school health and safety metrics, most will be only offering online school instruction.

Challenge:

Feeding all children during a state of emergency and pandemic, when they do not have access to nutritious meals. The enrichment/educational requirement of the At-Risk Afterschool Program will prevent sponsors from operating the Program subsequently limiting getting meals and snacks to children.

Goal:

To provide meals and snacks to all children throughout the state of Oregon during the public health emergency of COVID-19 using existing distribution systems available in and through sites 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(I)(2)(A)(i) of the NSLA]:**

7 CFR 226.17a(b)(ii and iii) and 7 CFR 210.10(o)(1)(ii) - *To be eligible for reimbursement, an afterschool care program must have organized, regularly scheduled activities and include education or enrichment activities AND eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity*

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

ODE CNP will provide detailed information and instructions to sponsors on the waiver process. There are no impacts on technology, State systems, or monitoring. The use of the waiver will be limited to times of public health emergency to slow the spread of the coronavirus

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

ODE CNP has provided technical assistance to support sponsors in providing At-Risk meal programs; the educational/enrichment requirement limits the ability for the sponsors to operate the Program. USDA previously provided a Nationwide waiver (COVID-19: Child Nutrition Response #3) to waive this requirement. The waiver expired June 30, 2020. Oregon is seeking the same waiver.

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

None at this time.

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

There is no anticipated increase in costs to the federal government.

**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 June 30, 2021.

**11. Proposed monitoring and review procedures:** ODE CNP staff will work with sponsors to ensure sponsor and site approvals align with ODE CNP current processes. Child Nutrition Specialists will monitor implementation of this waiver.

**12. Proposed reporting requirements:** 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.

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

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

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



Name: Dustin Melton

Title: Director, Child Nutrition Programs, Pupil Transportation and Fingerprinting Unit  
Oregon Department of Education

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

**Regional Office Analysis and Recommendations:**