

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
Meghan Tschida
Manager, Community Nutrition Programs
255 Capitol Street NE
Salem, OR 97310
Meghan.tschida@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 Summer Food Service Program Sponsors (SFSP) 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]:

Per SP07-2025, CACFP 07-2025, Registered Dietitians were recently added to the list of accepted medical authorities that can sign required special dietary needs documentation in Child Nutrition Programs (CNP) with SFSP being excluded. In addition to our School Food Authority (SFA) sponsors, many of the non-School Food Authority (SFA) sponsors in Oregon also operate as Child and Adult Care Food Program (CACFP) At-Risk Afterschool Sponsors, which provides them with the flexibility to accept Registered Dietitian signatures on special dietary needs documentation. The inconsistency between programs' allowability of Registered Dietitian signatures creates barriers to participation and documentation compliance for local program operators of the SFSP. Through the requested waiver to allow SFSP sponsors to accept special dietary needs documentation that is completed by a Registered Dietitian, ODE CNP believes that sponsors can consistently address special dietary needs, maintain and increase programmatic compliance and be able to serve more participants that have special dietary needs. Additionally, while SFSP sites operate as open sites, many of them still have enrolled participants in their programs that require paperwork. These are children that consistently attend the same SFSP meal site, ensuring that site staff are aware of their attendance and can better prepare for the participant.

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

- Final Rule – Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 DGAs
- SP07-2025, CACFP 07-2025

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

There would be no impact or need to develop alternative procedures. ODE CNP would be able to further implement the use of the Medical Statement form to all Child Nutrition Program sponsors and training would be updated to be consistent for all programs. Allowance of Registered Dietitians to sign Medical Statements will increase program and civil rights compliance by local program operators resulting in less administrative review findings of non-compliance for dietary disability documentation and will decrease administrative burden for both the State Agency and local program operators.

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]:

Annually, all sponsors of the CACFP and SFSP are required to complete civil rights training which includes guidance on documentation requirements on disability accommodations and compliance. ODE CNP issued a memo on RD Signatures and specifically called out the exclusion of the SFSP from this allowance per the Final Rule. We are applying for this waiver to avoid regulatory barriers to compliance and implementation.

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

ODE CNP expects no challenges to the State or eligible service providers may face with the waiver implementation. The approval of this waiver will remove anticipated challenges for sponsors and participants.

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]:

Through the approval of the waiver, we will be able to streamline messaging, training and documents for civil rights and special dietary needs across all Child Nutrition Programs. There are no increases to the overall cost of the Program for this waiver.

10. Anticipated waiver implementation date and time period:

Approval of waiver to September 2026, with annual renewal.

11. Proposed monitoring and review procedures:

We will maintain current program monitoring and review procedures. Memo on waiver to allow RDs signature acceptance for SFSP sponsors will be issued upon approval with a link to form to capture reporting data for sponsors who opt in.

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

By December 31, 2026, ODE CNP will provide WRO data on the number of SFSP sponsors that opted in to this flexibility and accepted RD Signatures on the special dietary needs forms and the number of forms received with RD signatures.

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

Under SFSP Requested Waivers heading

14. Signature and title of requesting official :



Name: Meghan Tschida

Title: Manager, Community Nutrition Programs

Requesting official's email address for transmission of response:

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:**