

## **Summer Food Service Program and Seamless Summer Option**

### **State Waiver Request**

#### **COVID-19 Meal Service Waiver**

Oregon Department of Education

Child Nutrition Programs

Submitted March 25, 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  
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:**

All Oregon Department of Education (ODE) approved SFSP and SSO sponsors in good standing would be eligible to serve non-congregate meals during an unanticipated school closure due to the COVID-19 virus.

**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]:**

Challenge:

Many communities across Oregon are experiencing rapid spread of COVID-19. Families and sponsors of the SFSP and SSO are concerned about the need to bring children to meal distribution sites in order to receive meals for that child, even when that child is sick and a potential public health risk. Given the emphasis on social distancing to reduce the spread of the virus, enforcing that children be present to receive a meal contradicts public health messaging. In addition, effective March 23, 2020 the Oregon Governor issued an [Executive Order](#) to put social distancing protocols in place to slow the spread of the virus.

Goal:

To increase social distancing, prevent the spread of the virus and prevent sick children from leaving self-quarantine and going to SFSP and SSO meal pick-up sites in order to receive meals, we are asking to allow parents, guardians, or family members to pick up meals for children at SFSP and SSO emergency meal service sites. As long as a SFSP or SSO emergency meals sponsor staff receives verbal or written validation from a parent or guardian that meals are to be distributed to their child/children, meals can be provided to parents, guardians, or family members of children at meal service sites.

Expected Outcomes: This will reduce public health risk by not encouraging families to remove sick children from self-quarantine in their homes to go to emergency meal sites and receive meals. This will also ensure that sick children can still receive meals during this state of emergency.

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

7 CFR §225.15 Management responsibilities of sponsors:

(a) General. (1) Sponsors shall operate the food service in accordance with: the provisions of this part; any instructions and handbooks issued by FNS under this part; and any instructions and handbooks issued by the State agency which are not inconsistent with the provisions of this part.

And SFSP Handbooks, fact sheets and instructions

**6. Detailed description of alternative procedures and anticipated impact on Program**

**operations, including technology, State systems, and monitoring:**

If approved, this waiver will require minimal alternative procedures. This waiver is expected to ease administrative burden on sponsors, overall, and enhance their ability to continue feeding children in their communities during this state of emergency. ODE already has staff time dedicated to support sponsors with this waiver implementation. ODE will track all sponsors implementing these meal pattern flexibilities.

**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 or sponsor level. We are already seeing gaps in what current regulations will allow to address feeding kids in Oregon during this state of emergency. Availability of this flexibility will ease the process for sponsors to feed sick children in self-quarantine and further support social distancing. We already have staff time in place to support the implementation of this waiver.

**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]:**

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government. Minimal additional materials will be required to support implementation of this waiver.

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

The anticipated waiver implementation start date is March 11, 2020 through June 30, 2020.

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

ODE Child Nutrition Specialists and the team Manager will approve sponsor written requests to implement the waiver. Child Nutrition Specialists will monitor implementation of this waiver.

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

No later than July 15, 2020 ODE 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. This timeline would allow for approved sponsors to submit their claim within the 60-day claim period, and for ODE to complete the report.

**13. 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/sfsp/Pages/default.aspx>

**Signature and title of requesting official:**



Name: Dustin Melton

Title: Director, Child Nutrition Programs, Oregon Department of Education

Email address for transmission of response: [dustin.melton@ode.state.or.us](mailto: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(1)(1)(A)(ii) of the NSLA**
- **Regional Office Analysis and Recommendations:**

