

**SFSP/SSO Meal Service during Unanticipated School Closures
Waiver Request**

Oregon Department of Education
Child Nutrition Programs
Revised and Submitted March 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:

Lynne Reinoso, Manager, Community Nutrition Programs
Child Nutrition Programs
Oregon Department of Education
255 Capitol St. NE Salem, OR 97310
503-947-5892

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 or SSO sponsors in good standing would be eligible to serve meals at school sites during unanticipated school closures.

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: The Oregon Department of Education Child Nutrition Programs (ODE CNP) anticipates school or CACFP program closures due to strikes, natural disasters, school repairs, or illness outbreaks—Unanticipated closures may prevent children from receiving nutritious meals they would normally receive at school sites. Schools are often the best equipped facilities to serve meals during such closures as they have the necessary equipment, staff and food, they are centrally located and generally easy to get to, as well as they are known and trusted by the community.

Goal: ODE would like to make more sites, especially school sites, available for meals served through SFSP or SSO during unanticipated school closures.

Outcome: ODE expects that this waiver would reduce burden on SFSP or SSO sponsors and improve access to nutritious meals through school sites during an unanticipated school closure.

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

ODE is requesting waiver of the following regulation: 7 CFR 225.6(d)(1)(iv) which states that SFSP and SSO meals may not be served at school sites during unanticipated school closures, and statutory provision of Section 13(c)(1) of the NSLA (42 U.S.C. 1761(c)(1)). This waiver is required in order to extend the option to operate SFSP at school sites during unanticipated school closures.

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

Sponsors would follow regular meal counting and claiming procedures therefore there would not be an impact on technology. Sponsors would apply to the state agency in writing and would agree to comply with the required reporting. The state agency would track this information electronically.

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]:

ODE has not addressed any regulatory barriers at the state level. ODE previously used this option as allowed by SP 55-2016, CACFP 26, 2016, SFSP 18-2016.

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

ODE CNP does not anticipate this waiver will present any challenges to the SA or

SFSP or SSO sponsors since this option was previously established through FNS memo SP 55-2016, CACFP 26, 2016, SFSP 18-2016.

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 state-wide waiver will not increase the overall cost of the program to the Federal Government. It is anticipated that fewer meals would be served at SSO or SFSP school sites during unanticipated closures of schools and CACFP programs, than would have been served during regular NSLP or CACFP school/child care days. ODE CNP has existing state-developed materials and resources to support implementation of this waiver.

10. Anticipated waiver implementation date and time period:

ODE CNP anticipates implementation of the waiver during the period commencing on the FNS approval date through FY 2022.

11. Proposed monitoring and review procedures:

Implementation of this waiver will be monitored by state agency staff during both the application process and during administrative reviews.

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

ODE CNP will annually report to FNS the following information by December 31st each FFY that the waiver is in place:

- Number of SFSP and SSO sponsors that provided meal services at school sites during unanticipated school closures
- Number of SFSP and SSO school sites that operated during unanticipated school closures
- Number of meals served at SFSP and SSO school sites during unanticipated school closures

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: Lynne Reinoso

Title: Manager, Community Nutrition Programs, ODE CNP

Email address for transmission of response: lynne.reinoso@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:**

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