

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 (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
Lynne Reinoso
Manager, Community Nutrition Programs
255 Capitol Street NE
Salem, OR 97310
lynne.reinoso@state.or.us

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 SFSP and SSO Sponsoring Organizations 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]:

The Oregon Department of Education Child Nutrition Programs (ODE CNP) is requesting a statewide waiver for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within:

- SFSP 12-2011, Waiver of Site Monitoring Requirements in the Summer Food Service Program, April 5, 2011 which waives the regulatory requirement of 7 CFR 225.15(d)(2) for sponsors to conduct site visits during the first week of program operations for returning sites that operate the SFSP in a more cost effective manner
- SP 07-2016, SFSP 04-2013 REVISED, Summer Feeding Options for School Food Authorities, November 23, 2012 which provided state agencies the discretion to waive the first week of operation site visit requirement at 7 CFR 225.15(d) for school food authority sponsors in good standing in the SFSP
- SP 06-2014, SFSP 06-2014, CACFP 03-2014, Available flexibilities for CACFP At-Risk Sponsors and Centers Transitioning to SFSP provided state agencies with the discretion to waive the regulatory requirement at 7 CFR 225.15(d) for SFSP and SSP sponsors in good standing in CACFP and NSLP, respectively, to conduct site visits during the first week of program operations

The FFY 2019 waiver analysis indicates this waiver benefitted Oregon SFSP and SSO sponsors and ODE CNP by helping them to operate efficiently the SFSP and SSO in a more cost-effective manner in prior years, including FFY2019 – and by helping Sponsors to focus their resources on first week start up and sites that need more assistance. Continuation of this flexibility will also allow ODE CNP to realize administrative and cost savings due to not having the requirement to revise the CNPweb online system.

In Oregon a number of Sponsors operate sites within large geographical areas and/or have a large number of returning sites with returning staff. The large geographical area that sponsors must travel to conduct the first week visits imposes cost and staffing burdens. In addition, a large number of SFSP sites operate year round through the At-Risk Afterschool program. The waiver has allowed sponsors to transition smoothly from CACFP to SFSP and back to CACFP, with reduced administrative costs, and to devote additional technical assistance and start up support to their programs during the crucial first week of operations.

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

ODE CNP is requesting a waiver use discretion to waive the first-week site visit requirements for SFSP and SSP sites and sponsors that have operated successfully in the previous year.

7 CFR 225.15(d)(2) Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.

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

ODE CNP will have the ability to waive the first-week site visit requirement for experienced sponsors with sites that operated successfully during the previous year and had no serious deficiency findings.

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]:

Previously, ODE CNP has not needed to address any regulatory barriers as these flexibilities were in place.

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 because these flexibilities have already been implemented and are in place. In fact, this waiver will decrease the challenges faced by SFSP and SSO sponsors.

The challenges ODE CNP and SFSP/SSO sponsors may face if the waiver is not approved include:

- Increased costs to ODE CNP to update the online software system to bring into compliance with the waiver rescission, including applications and claims
- Increased burden to ODE CNP staff costs to update training materials, monitoring materials re-train sponsors and staff, and monitor compliance for the rescinded flexibility
- Loss of summer meal sites due to increased administrative burden to conduct site visits at each site during the first week of operation leads to fewer meals available to children and teens
- Increased administrative labor costs for SFSP/SSO sponsor monitor staff in conducting the first week site visits, especially for larger SFSP sponsors and year round sponsors operating the SFSP and At-Risk Afterschool Program
- Increased sponsor administrative labor costs will result in fewer funds available to purchase high quality food

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]:

ODE CNP does not anticipate this waiver will increase the overall cost of the program to the Federal government. The waiver will continue to assist the SFSP and SSO sponsors and ODE CNP to streamline and control costs.

10. Anticipated waiver implementation date and time period:

To be effective with the start of FY 2019 and approved for a period of three years. If FNS chooses not to grant waivers for more than one or two years, that would be acceptable.

11. Proposed monitoring and review procedures:

ODE CNP will continue to follow their standard SFSP and SSO review procedures. Sponsors found to have non-compliance issues as related to this waiver will work with the state agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

ODE CNP will report to FNS any compliance issues noted with this flexibility during the approvals and reviews by October 1 each year.

13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]: To be posted by 12/27/19

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

14. 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(l)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**