**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

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(971) 701-9004

1. **Region:**

Western Region Office

1. **Eligible service providers participating in waiver and affirmation that they are in good standing:**

This waiver is limited to sponsors of the Summer Food Service Program (SFSP) and Seamless Summer Options (SSO) in good standing to operate Child Nutrition Programs. Sponsors, who may be approved to operate non-congregate meals at outdoor summer sites experiencing excessive heat that do not have an alternative location to serve meals indoors.

1. **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]:**

As of May 1, 2023, Oregon has experienced multiple heat advisories, due to an early heat wave that hit the Pacific Northwest, with temperatures hitting the 90’s. With current weather predictions and entering into the El Niño weather pattern, Oregon is expected to continue to have periods of excessive heat in Summer 2023.

ODE CNP’s goal for this waiver, is to allow participants to continue to participate in the Summer Food Service Program and Seamless Summer Option safely, when excessive heat makes it impractical to continue the operation of a congregate meal site when a temperature-controlled alternative site is unavailable.

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

7 CFR 225.2 *Definitions* Site “means physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.”

7 CFR 225.6(i)(15) – Maintain children on site while meals are consumed.

1. **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 on how to contact the State agency to request approval for the waiver and collect the required information and timelines on non-congregate meal service, menu requirements, documentation and claiming requirements of non-congregate meals to all SFSP and SSO sponsors statewide.

The instructions and processes are pulled from Oregon’s previous participation and information provided via USDA in the *Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat* memo*.*

For SFSP, sponsors must request to participate in Non-Congregate Feeding due to excessive heat in advance of an excessive heat event through CNPweb. For SSO, sponsors must request to participate in Non-Congregate Feeding due to excessive heat in advance of an excessive heat event by emailing ode.schoolnutrition@ode.oregon.gov.

All sponsors claiming non-congregate meals for reimbursement must receive prior State Agency approval and no retroactive approval will be given.

Sponsors will be required to document the NWS Excessive Heat Advisory, Excessive Heat Warning and/or Excessive Heat Watch by printing or obtaining an electronic copy of the NWS notice on the public website and maintain the records on file for review. The documentation must be collected on the day of extreme heat and meals taken offsite may only be claimed on days for which documentation is maintained.

Sponsors may request to serve two approved meals on excessive heat days. This must be approved prior to service by ODE CNP, and the community must be informed through available communications. Parent pick up is not allowed in non-congregate due to excessive heat.

Sack meals containing all required meal components will be provided to each eligible child present. Food safety measures will be taken to ensure food safety will include hot and cold holding boxes and HACCP procedures will be in place. The sponsor will comply with meal counting, claiming and state and sponsor monitoring and oversight requirements.

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

For SFSP, Sponsors will be able to request non-congregate meal service for heat through the site application in CNPweb. Additionally, in the claim, they will be able to document the number of meals served non-congregate and the dates served.

For SSO, sponsors must request to participate in Non-Congregate Feeding due to excessive heat in advance of an excessive heat event by emailing ode.schoolnutrition@ode.oregon.gov.

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

ODE CNP does not anticipate any State or eligible service provider challenges in the implementation of this waiver.

1. **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]:**

Without the waiver, a significant decline in meals served will be observed during times of excessive heat. However, with the waiver, a less significant decline in meals served will be seen during periods of excessive heat. There will be no increase to the overall cost of the Program to the Federal Government.

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

ODE CNP will allow sponsors to be approved to serve non-congregate meals under the waiver for non-congregate meals served at outdoor sites that do not have access to indoor facilities on days with excessive heat as established by the NWS during June 1, 2023 – September 30, 2023. This will provide ODE the ability to respond quickly when hazardous conditions are present as a result of excessive heat. ODE CNP is requesting the waiver be approved for a time period of June 1, 2023 – September 30, 2023.

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

ODE CNP will track and provide oversight to the sponsors whom are approved to serve SFSP/SSO non-congregate meal service due to excessive heat. ODE CNP will ensure that sponsors approved to serve non-congregate meals corresponds appropriately to excessive heat warnings as made known by the National Weather Service which is responsible for publishing excessive heat advisories at varying degrees.

For approved sponsors, if they are scheduled for a review in the corresponding year of applied non-congregate waiver, state staff will interview sponsor staff regarding their non-congregate meal service performances and conduct a random sample of meal consolidation forms during the time of the excessive heat to ensure the appropriate number of meals were claimed for reimbursement.

If state staff are reviewing a site approved to serve non-congregate meals due to excessive heat, they will ensure a maximum of two meals, per child may be claimed when participating in this waiver. State staff will also ensure that a trained adult staff is available on site to document all non-congregate meals that are served and maintain the integrity of the site. Disallowances will occur as appropriate.

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

ODE CNP will continue to report congregate and non-congregate meals on the FNS-418 report monthly.

ODE CNP will inform the FNS Western Regional Office when SFSP/SSO sponsors and sites have been approved prior to their participation in this waiver. Sponsors will inform ODE of the days which non-congregate meals are served and report the number of non-congregate meals served. In addition, sponsors will document the qualifying excessive heat advisories from NWS, including the dates.

At the conclusion of the waiver, sponsors will be required to submit a report to ODE CNP detailing the execution, challenges, successes, results and, if requested, other information as requested by FNS for this waiver.

ODE CNP will submit this information to the FNS Regional Office by December 31st of the following approved fiscal year. This data will serve as a benchmark for FNS to use in future deliberations as to the scope and impact of excessive heat events and related to the number of potential non-congregate meals served in these events.

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

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

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971-701-9004

**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:**