

**INDIANA WAIVER REQUEST****Non-congregate Meal Service during Unanticipated School Closures**

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.**

**Extenuating Circumstances:** The Indiana Department of Education continues to monitor the Novel Coronavirus (COVID-19) outbreak and work in collaboration with health and government officials. Indiana was recently approved to allow meals to be served at congregate meal sites at school and non-school sites during unanticipated school closures under the Summer Food Service Program (SFSP) or the Seamless Summer Option (SSO). The State Agency now is requesting the permission to grant these meals to be served as non-congregate sites, when specifically requested and upon approval by the State Agency, to avoid the spread of the Novel Coronavirus (COVID-19). Not applying for this waiver will leave many children without the meals they have previously been provided and available at their local schools. We are seeking approval of this waiver with an effective date as soon as possible.

**1. State agency submitting waiver request and responsible State agency staff contact information:**

Indiana Department of Education  
Office of School and Community Nutrition  
115 W Washington St, South Tower, Suite 600  
Indianapolis, IN 46204

Julie Sutton, Director, Child Nutrition Programs  
Ph. (317) 232-0845, [jsutton@doe.in.gov](mailto:jsutton@doe.in.gov)

2. **Region:** Midwest
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**  
All Indiana Child Nutrition Sponsors approved to operate Seamless Summer Option (SSO) and Summer Food Service Program (SFSP) currently deemed by the State Agency to be 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]:**

Recently, Indiana received a waiver from USDA so that schools can continue to provide meals during unanticipated closures at school sites, either through the SFSP or through SSO, instead of having to seek out alternative non-school sites. Due to the concern over congregate meal sites during the Coronavirus (COVID-19) outbreak, Indiana is now applying for a waiver for approved SFSP and SSO Sponsors to serve meals during unanticipated school closures using a non-congregate meal service. Additionally, Sponsors may, with State Agency prior approval, provide meals to participants for up to five days, provided that meals are shelf stable, unitized, and available supplies do not limit the Sponsors ability to meet the daily demands of the site.

5. **Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** 7 CFR 210 and 7 CFR 225.6 (e)(15)

Normally, meals served under SFSP and SSO must be eaten on site in order to be claimed for reimbursement. The Indiana Department of Education Office of School & Community Nutrition is requesting a waiver to allow unitized meals to be served in non-group settings, also known as non-congregate sites, due to the outbreak of Coronavirus (COVID-19), in established and approved SFSP and SSO sites. In accordance with regulations, meals are to be prepared and distributed with the intent of providing one meal per participant. This waiver would also allow for Sponsors to be approved to distribute shelf stable meals for up to five days.

6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**  
If approved, this request will waive the regulatory requirement that does not allow for meals to be taken and consumed off-site. Instead, sites would be permitted, with State Agency approval, to serve unitized meals in a grab and go fashion, thus reducing the exposure to other participants and hopefully reduce the spread of the virus, while still providing participants the opportunity to receive nourishing meals.

Sponsors will still be required to record the meal at the point of service, the place where the eligible participant receives the meal. Additionally, Sponsors may, with State Agency prior approval, provide meals to participants for up to five days, provided that meals are shelf stable, unitized, and available supplies do not limit the Sponsors ability to meet the daily demands of the site.

This request is being expedited due to an immediate response regarding the current outbreak of COVID-19 in the state of Indiana. If approved, we would handle the approval and recording of sites using this waiver through both our electronic data management system, CNPweb, and also through the use of excel tracking sheets until the CNPweb system can be updated with the waiver language.

- 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]:** Indiana does not have any State statutory or regulatory barriers that apply to this waiver request. Indiana does want to expedite the availability of this option in areas that are currently eligible to operate SFSP or SSO and where concern of further spread of the COVID-19 is imminent.
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** No challenges for State or sponsoring agencies are anticipated in implementation of this waiver. In fact, implementation of this waiver will decrease the challenges during unanticipated closures faced by sponsoring organizations and families who rely on nutritious meals. Children who depend on meals served at school will have an option to still receive nutritious meals during unanticipated closures with a lessened risk of being exposed to the COVID-19.
- 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]:** The requested waiver does not impact the overall cost of the program to the State or federal government. Participants normally receiving meals at school through other USDA Child Nutrition Programs will continue to be fed through SFSP or SSO.
- 10. Anticipated waiver implementation date and time period:**

Requested State implementation date – March 9, 2020  
Duration of the waiver – June 30, 2020
- 11. Proposed monitoring and review procedures:** The State Agency will continue to carry out current program monitoring and review procedures. Sponsors found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan and will conduct follow-up reviews scheduled as needed to ensure ongoing compliance.

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

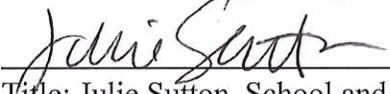
By December 31, 2020, the Indiana State Agency will report to FNS the following:

- Number of SFA and non-SFA sponsors electing to use non-congregant meal service during unanticipated closures
- Number of sites that actually used the waiver during the program year
- Participation data by site

**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.doe.in.gov/nutrition/summer-food-service-program>

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

a.  3/9/20  
Title: Julie Sutton, School and Community Nutrition Director

b.

Requesting official's email address for transmission of response: [jsutton@doe.in.gov](mailto:jsutton@doe.in.gov)

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**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:**

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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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