

INDIANA WAIVER REQUEST

Meal Service at School Sites 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 state agency had very little notice in learning of this policy change. The policy memo SP 04-2020, CACFP 03-2020, SFSP 03-2020 was issued on November 5, 2019. States were informed at the USDA/State Agency meeting the week of December 2-5, 2019, to submit waivers as soon as possible in order to lessen the impact of this change of providing meals at school sites during unanticipated closures. Winter and inclement weather is now upon us and many schools do want to serve meals in school sites if school is closed. Not applying for this waiver will leave many children without the meals they have previously been provided 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

Marcia Yurczyk, Assistant Director, School & Summer Monitoring Programs
Ph. (317) 232-0852, myurczyk@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 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]:**

Many school corporations operate the SFSP and/or SSO in Indiana in addition to the NSLP and SBP and have the ability to provide meals to children in the event of an unanticipated school closure through the SFSP or SSO. If schools are closed due to an unanticipated event, such as inclement weather, students will not be in school and receive their traditional school day meals. Many of our schools are located in areas where there are no other community buildings to serve meals at non-school sites. Schools have the staff and the food already on hand during unanticipated closures. In addition, many non-school sponsors are not prepared for unanticipated events and most likely would not have food supplies available to feed large numbers of participants.

By granting this waiver, Indiana schools can continue to provide meals during unanticipated closures at their schools, instead of having to seek out alternative non-school sites, and children will continue to have access to nutritious meals.

5. **Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** 7 CFR 225.16(f)(1)(ii) –

The Indiana Department of Education requests a waiver of regulations at 7 CFR 225.6(d)(1)(iv) which require SFSP and SSO meals to not be served 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:**
If approved, this request will waive the regulatory requirement that does not allow school sites to serve meals during unanticipated school closures. Instead, school sites would be permitted to serve meals if they select as an option in their CNPweb sponsor renewal that they intend to serve meals during an unanticipated closure should unforeseen events occur, and the State Agency approves their request. The IDOE CNPweb system can easily accommodate a question to the sponsor/site applications to inform State Agency staff of the intent to participate in this waiver, should it be necessary. This would be the only additional impact on state technology.

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.
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. Children who depend on meals served at school will have an option to still receive meals at school during unanticipated closures.
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.

10. Anticipated waiver implementation date and time period:

Requested State implementation date – January 1, 2020
Duration of the waiver – June 30, 2024

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):

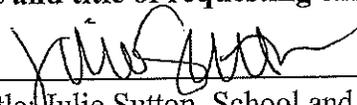
- By December 31, 2020, the Indiana State Agency will report to FNS the following:
- Number of SFA and non-SFA sponsors electing to serve at school sites during unanticipated closures
 - Number of sites that actually used the waiver during the program year
 - Participation data by site

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

<https://www.doe.in.gov/nutrition/summer-food-service-program>

14. Signature and title of requesting official :

a.



Title: Julie Sutton, School and Community Nutrition Director

b.

Requesting official's email address for transmission of response: jsutton@doe.in.gov

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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- (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.*

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