



**Thank you for participating in
today's webinar.**

We will begin shortly!



United States Department of Agriculture



Child Nutrition Programs Waivers and Demonstrations



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Meals



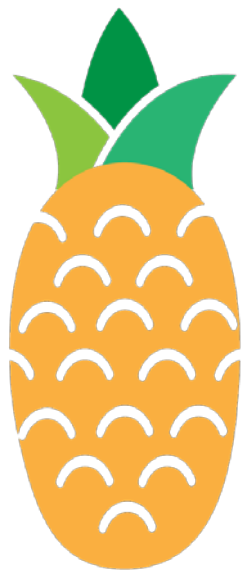
United States Department of Agriculture

Before we start...



- **Chat box (bottom left corner)**
 - **Presentation slides and webcast will be shared via PartnerWeb**
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Agenda



- CNP Waiver Request Guidance and Protocol
 - Overview of legislative authority
 - Changes to waiver protocol
 - Steps for submitting waiver requests
 - Monitoring and Reporting
 - Template, Tips, and Best Practices
- Updated Guidance on Waivers and Flexibilities
- Demonstration Projects for Non-Congregate Feeding



CNP Waiver Request Guidance and Protocol



What is a Waiver?

Section 12(I) of the NSLA

Except as provided in paragraph (4), the Secretary may waive any requirement under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under either such Act, for a State or eligible service provider that requests a waiver if...

A “waiver” is considered anything that waives statutory or regulatory requirements.



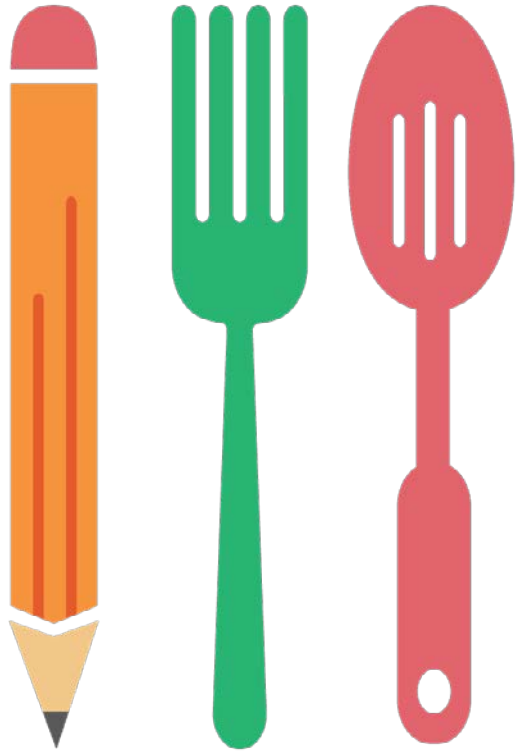


Overview of Legislative Authority

Legislative Requirements and Limitations



Overview of Legislative Authority



- Section 12 (I) of Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(I)
- Grants the Secretary the authority to waive Program requirements under the Act or the Child Nutrition Act of 1966 or corresponding Program regulations under certain conditions

Overview of Legislative Authority

Waivers may be granted if it is determined that:

- the waiver supports the purpose and intent of the Program,
- the State or entity requesting the waiver provides notice and information to the public regarding the proposed waiver, and
- the request demonstrates that the waiver will not increase the overall cost of the Program to the Federal Government, and if it does increase the cost, the additional cost will be paid from non-Federal funds.



Overview of Legislative Authority

Restrictions in Authority

Statute restricts the Secretary's authority to grant waivers that relate to a number of topics, including:

- the nutritional content of meals served,
- Federal reimbursement rates,
- the provision of free and reduced price meals,
- limits on the price charged for a reduced priced meal,
- maintenance of effort,
- equitable participation of children in private schools,
- distribution of funds to State agencies and sponsors,



Overview of Legislative Authority

Restrictions in Authority (cont.)

Statute restricts the Secretary's authority to grant waivers that relate to a number of topics, including:

- disclosure of individual income eligibility information,
- prohibition of the operation of a profit producing program,
- the sale of competitive foods,
- the commodity distribution program (USDA Foods), and
- enforcement of any constitutional or statutory right of an individual.



Overview of Legislative Authority



Demonstration Authority

- Section 749(g) of PL 111-80, as recently acknowledged in Section 147 of the Further Continuing and Security Assistance Appropriations Act, 2017, P.L 114-254,
- **Purpose:** to develop and test alternative methods of providing access to summer meals for low income children.

SP 15-2018, CACFP 12-2018, SFSP 05-2018: CNP Waiver Request Guidance and Protocol - Revised



Changes to Protocol

- Verification of requirement for public notice
 - Provided in same manner in which State or service provider usually provides similar notices
- Data collection requirements
- New template for submitting request



Steps for Submitting a Waiver Request



Steps for Submitting a Waiver Request

```
graph LR; A[Identify problem to be solved] --> B[Work with Program Operator to develop alternative procedures]; B --> C[Use waiver request template form]; C --> D[Submit to RO at least 60 calendar days prior];
```

Identify problem to be solved

Work with Program Operator to develop alternative procedures

Use waiver request template form

Submit to RO at least 60 calendar days prior





Monitoring and Reporting



Data Collection Requirements



- NSLA requires monitoring of performance of Programs operating under waiver authority
- Must be able to provide all required data before implementing the waiver
- States should include proposed reporting requirements
- Data collection and monitoring will be included in waiver approval
- States must submit reports by date included in approval



Template, Tips and Best Practices

Review of Updated Template and Tips for Submitting Requests



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State Waiver Request Template



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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.



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State Waiver Request Template

- 1. State agency submitting waiver request and responsible State agency staff contact information:**
- 2. Region:**
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

Please ensure that operators participating in the waiver are in good standing with all CNPs*



State Waiver Request Template

- 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]:**
- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

Questions to consider:

- What is the problem that needs to be solved?
- What in the regulations prevents this problem from being solved?
- What alternative procedures could be used to solve this problem while maintaining the intent and purpose of the program?
- What has been done to solve this problem within the scope of the regulatory requirements?



State Waiver Request Template

- 7. 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]:**
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**
- 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(l)(1)(A)(iii) of the NSLA]:**

Questions to consider:

- Are there any barriers at the State level?
- What, if any, are the implementation challenges?
- What will costs be? Will the waiver increase program participation and claims for reimbursement?



State Waiver Request Template

10. Anticipated waiver implementation date and time period:

11. Proposed monitoring and review procedures:

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

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]:

14. Signature and title of requesting official :

Title:

Requesting official's email address for transmission of response:

Questions to consider:

- How will these proposed changes be monitored?
- What data points would be useful to determine if this waiver was successfully implemented?



Tips and Best Practices

- Work with program operators and Regional offices to ensure that all necessary information is provided
- A detailed waiver form can reduce the back and forth emails and could save time



Tips and Best Practices



- Submit request *at least* 60 days prior to implementation date
- Be sure to include the contact information of the point of contact for the waiver



SFSP Memoranda Rescission



SFSP 06-2018: Summer Food Service Program Memoranda Rescission: SFSP 01-2007 and SFSP 06-2015

Rescinds two nationwide waivers of regulatory/statutory requirements:

- SFSP 01-2007, *Summer Food Service Program (SFSP) – Exceptions to Approving Sponsors Prior to Program Operations (Update)*, January 19, 2007
 - Waived regulatory requirement at 7 CFR 225.9(d) that reimbursements shall not be paid for meals served prior to approval of a sponsor's application.
- SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014
 - Extended categorical eligibility to Job Training Partnership Act (JTPA)/Workforce Investment Act (WIA) participants age 18 or younger.





Demonstration Project for Non-Congregate Meal Service in SFSP



SP 14-2018, SFSP 04-2018 Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q&As

Continues demonstration for 2018

- Allows non-congregate feeding under circumstances of excessive heat
- Changes:
 - States *must* notify FNS RO of intent to offer demonstration by **June 15, 2018**
 - Data reporting requirements



Data Reporting Requirements

Sponsors electing to participate in the demonstration project must submit with their claims for reimbursement the following information to the State agency:

- The specific dates on which participants were permitted to take meals offsite; and
- The number of meals claimed that were taken offsite by participants.

SP 14-2018, SFSP 04-2018: Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q&As

Data Reporting Requirements (cont.)

FNS-418, Report of the Summer Food Service Program for Children, and FNS-10, Report of School Program Operations

- The name and number of sponsors approved by the State agency to participate in the demonstration project;
- The name and number of sponsors who participated in demonstration project;
- The number of sites which used the demonstration project and the number of meals taken offsite, per site;
- The total number of meal service sessions that utilized this heat demonstration project, by meal type;
- The number of calendar days on which at least one sponsor participating in the demonstration project permitted participants to take meals offsite;
- The total number of meals claimed that sponsors permitted participants to take offsite.



Exceptional Circumstances

- Extreme weather events other than heat
- Case by case basis
- Complete and comprehensive request that describes exceptional circumstance
 - Why congregate feeding is a barrier
 - How non-congregate will address problem
- Send request to Regional Office





Questions?





Thank
you

