

STATE PROGRAM WAIVER REQUEST

WAIVER FOR SUMMER FOOD SERVICE PROGRAM

NON-CONGREGATE MEAL SERVICES DUE TO UNANTICIPATED SCHOOL CLOSURES

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

Missouri Department of Health and Senior Services, Bureau of Community Food and Nutrition Assistance (CFNA), Summer Food Service Program (SFSP). Tanya Harvey, SFSP Program Manager. P.O. Box 570, Jefferson City, MO 65102. Phone Number (573)751-0572.

**2. Region:**

Mountain Plains Regional Office

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

CFNA would like to offer all participating SFSP sponsoring organizations that are in good standing with the State Agency (SA) and/or the NSLP, the option to serve non-congregate meals during unanticipated school closures when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by CFNA, similar unanticipated causes.

**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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

CFNA is seeking to request a statewide waiver to allow sponsors to serve non-congregate meals during unanticipated school closures with no virtual learning, with a limit of no more than 10 consecutive days at a time.

The need for meal service does not take a break during a natural disaster or other unanticipated school closure. In fact, the need for meal service may heighten due to factors beyond the control of the participants. Continuance of service will ensure that participants still have access to the nutrition that is needed.

The challenge that the SA and SFSP sponsoring organizations may face if the waiver is **NOT** approved include a decrease in the health of participants who no longer have access to healthy meals due to unanticipated school closures.

Another challenge that the SA is seeking to solve is to improve food security and provide consistent service and healthy meals to low-income participants who are impacted by unanticipated school closures.

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

The specific requirements to be waived include:

1. Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
2. Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 225.2 (Meals), and 225.9(d)(7)]

3. Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]
4. Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

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

CFNA will provide detailed information and instructions to all SFSP sponsors on the waiver process. Affected SFSP sponsors (SFA and non-SFA) will be required to request approval for the use of the waiver. The use of the unanticipated school closure waiver will be limited to times of documented school closures due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or similar unanticipated causes and will be limited to a 10-day approval. If more than 10 days are needed, the SA will contact FNS for further approval.

Program sponsors would be required to meet the following criteria to be approved by CFNA for the waivers:

- Must be in good standing.
- Must be located in an eligible area experiencing a documented unanticipated school closure.
  - Sponsors must maintain this documentation.
- The sponsor must ensure that the site supervisor is available at the site to document the number of meals served and ensure the integrity of meal service.
- Various containers may be used to serve meals in a “to go” fashion. Sponsors are required to meet the minimum SFSP meal pattern standards and include all required meal components per meal.

NOTE: The SA will only approve non-congregate meals for up to 10 consecutive operating days for an SFA or sponsor without notifying FNS

**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]:**

No barriers have been identified at the SA level. There are currently no state-level regulatory barriers related to this specific issue. CFNA will be in contact with program sponsors with sites impacted by unanticipated school closures.

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

CFNA does not anticipate this waiver will present any challenges to the state agency or sponsoring organizations. The challenge CFNA and sponsors may face if the waiver is not approved include the absence of meals provided to children during unanticipated school 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]:**

CFNA does not anticipate that this waiver will increase the overall costs of the Program to the Federal Government. The waiver is intended to replace meals that would have been served in a congregate setting at the school had the school not experienced an unanticipated closure.

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

The anticipated waiver implementation date is October 1, 2023. CFNA requests that the waiver be valid through April 30, 2024.

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

CFNA will provide training and technical assistance on related program requirements and operations and will work with approved sponsors on the application and reporting on this waiver. Implementation of this waiver will be monitored by SA staff through the review process to ensure compliance with regulatory requirements.

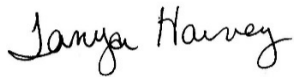
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

CFNA will provide a report to the USDA SA contact by August 30, 2024, if the waiver is utilized. This report will provide data and an analysis of the waiver impact to include the number of sponsors and sites who utilized the waiver, the number of meals served non-congregate, and an overview of findings associated with the implementation of this waiver.

**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://health.mo.gov/living/wellness/nutrition/foodprograms/sfsp/index.php>

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



9/6/2023

Title: Health Program Coordinator, SFSP Program Manager

Address: 930 Wildwood Drive, Jefferson City, MO

Requesting official's email address for transmission of response: Tanya.Harvey@health.mo.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:**