



**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 (CNP), 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:**

Idaho Department of Education  
Idaho Child Nutrition Programs  
Lynda Westphal, Director  
[ljwestphal@sde.idaho.gov](mailto:ljwestphal@sde.idaho.gov)  
PO Box 83720  
Boise ID 83720-0027

**2. Region:**  
Western (WRO)

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

This waiver is submitted in advance of unanticipated school closures in the state of Idaho during the 23-24 school year and will end on June 30, 2024.

**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]:**

Idaho State Department of Education, Child Nutrition division is requesting a waiver for the unanticipated school closures for natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues such as labor-management disputes, or similar unanticipated causes.

These waivers, issued under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l), will allow State agencies, school food authorities (SFAs), and sponsors to quickly respond to unanticipated school closures. With these waivers, State agencies can approve non-congregate meals, with or without virtual learning, for up to 10 consecutive operating days for a SFA or sponsor without prior notice to FNS. Extensions may be requested as necessary, as explained below.

**5. Specific Program requirements to be waived (include statutory and regulatory citations).**

**[Section 12(l)(2)(A)(i) of the NSLA]:**

Idaho Child Nutrition Programs is requesting a waiver of the following:

SFSP and SSO Unanticipated School Closures (Schools buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered. These waivers would be effective through June 30, 2024.

- 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)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]
- 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)]

National School Lunch Program and School Breakfast Program (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support SFAs in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered. These waivers would be effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]



Child and Adult Care Food Program: The waivers in this section apply to the **at-risk afterschool component of CACFP only**. These waivers are intended to provide needed flexibility to support at-risk afterschool centers within schools in continuing to offer nutritious meals during unanticipated school closures. These waivers are effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B) and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

Idaho Child Nutrition is seeking pre-approval for the waiver in anticipation of the need due to unanticipated closures as listed above.

Schools electing the waiver will be in good standing and will be required to report to the state agency immediately after the use of the waiver. If the waiver is anticipated to go over ten school days, the Idaho SDE will seek approval from WRO and USDA for the additional time required for the waiver to be in effect at the SFA.

**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]:**

As these are unique situations that do not normally occur, there are no State level regulatory barriers impacting this waiver.

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

No challenges anticipated when implementing this waiver.

**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]:**

This waiver will not increase overall cost of the program to the Federal Government.

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

August 16, 2023 through June 30, 2024

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

The State agency will monitor the meal counts to ensure proper claiming procedures are being used.

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

Idaho Child Nutrition Programs will provide FNS WRO the number of meals served at each site utilizing this waiver annually.

**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.sde.idaho.gov/cnp/sch-mp/nslp.html>

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

*Lynda Westphal* [electronic signature]

Title: Director

Requesting official's email address for transmission of response: [ljwestphal@sde.idaho.gov](mailto:ljwestphal@sde.idaho.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(l)(1)(A)(ii) of the NSLA

**• Regional Office Analysis and Recommendations:**