

## **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 Child Nutrition Programs, Idaho Department of Education

Lynda Westphal, Director  
[ljwestphal@sde.idaho.gov](mailto:ljwestphal@sde.idaho.gov)

### **2. Region:**

Western (WRO)

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

State and local operators: Idaho Child Nutrition Programs and Idaho NSLP Sponsors 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]:**

To allow State and local Program to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.

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

See attached checklist:

- *Waiver 7*: Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)]
- *Waiver 10*: FNS-874 Second (Independent) Review of Applications [42 U.S.C. 1796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)]
- *Waiver 11*: FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)]

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

Delayed completion due to the COVID pandemic of Local School Wellness Policy Triennial Assessment by SFAs and a year of not completing free and reduced applications by SFAs necessitate the request to waive the requirement of these two reports: FNS-874 Second (Independent) Review of Applications and FNS-640 Administrative Review Data Report

**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]:**

No State level regulatory barriers impact 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:**

See attached checklist; July 1, 2022 – June 30, 2023.

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

This State-wide waiver will be implemented by State and local Program operators and will not require monitoring.

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

State-wide waiver for reporting the FNS 640 and FNS-874 by the State is requested to be waived without additional reporting. The Wellness Policy Waiver reporting is only gathered during an AR and no reporting was required in this instance.

**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: 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:**

## Summer 2022 and SY 2022-23 Child Nutrition Programs 12(l) Waiver Checklist

*\*Longest effective dates are in italics; actual effective dates are contingent on date of approval*

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### **Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):**

*The waivers in this section apply to SFSP and SSO for summer 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.*

- Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (*May 1, 2022-September 30, 2022*)
- Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)] (*May 1, 2022-September 30, 2022*)

### **National School Lunch Program (NSLP) and School Breakfast Program (SBP):**

*The following waivers are intended to provide needed flexibility to support school food authorities (SFAs). FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.*

- Waiver 3: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)] (*July 1, 2022 – June 30, 2023*)
- Waiver 4: Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)] (*July 1, 2022 – June 30, 2023*)
- Waiver 5: Meal Service Times [7 CFR 210.10(l) and 220.8(l)] (*July 1, 2022 – June 30, 2023*)
- Waiver 6: Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)] (*July 1, 2022 – June 30, 2023*)

### **School Year Administration (NSLP/SBP/SFSP):**

*The following waivers allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.*

- Waiver 7: Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)] (*July 1, 2022 – June 30, 2023*)
- Waiver 8: Food Service Management Company (FSMC) contract duration [7 CFR 210.16(d), 7 CFR 225.6(h)(7)] (*July 1, 2022 – June 30, 2023*)
- Waiver 9: Administrative Review Onsite Requirements [7 CFR 210.18] (*End of PHE\*\* – June 30, 2023*)

- Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)] (*End of PHE\*\* – June 30, 2023*)
- Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)] (*End of PHE\*\* – June 30, 2023*)
- Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)] (*End of PHE\*\* – June 30, 2023*)

#### **Reporting Requirements (NSLP):**

*The following waivers allow State and local Program operators to appropriately allocate their limited staffing resources to meal service to best ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.*

- Waiver 10: FNS-874 Second (Independent) Review of Applications [42 U.S.C. 1796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)] (*July 1, 2022 – June 30, 2023*)
- Waiver 11: FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)] (*July 1, 2022 – June 30, 2023*)

#### **Special Milk Program (SMP):**

*The following waivers are intended to provide needed flexibility to support schools and institutions in continuing to offer milk. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate milk service is limited by the COVID-19 pandemic.*

- Waiver 12: Non-Congregate Milk Service [42 U.S.C. 1772(a)(1) and 7 CFR 215.1] (*July 1, 2022 – June 30, 2023*)
- Waiver 13: Parent/Guardian Milk Pickup [42 U.S.C. 1772(a)(7), 7 CFR 215.7(d)(2)(i), and 7 CFR 215.13a(a)] (*July 1, 2022 – June 30, 2023*)

#### **Fresh Fruit and Vegetable Program (FFVP):**

*The following waivers are intended to provide needed flexibility to support schools in continuing to participate in the FFVP. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when the FFVP elementary school is closed for in-person instruction and congregate meal service is limited by the COVID-19 pandemic.*

- Waiver 14: Parent/Guardian FFVP Pickup [42 U.S.C. 1769a] (*July 1, 2022 – June 30, 2023*)
- Waiver 15: Alternate Site [42 U.S.C. 1769a(a)] (*July 1, 2022 – June 30, 2023*)

#### **Unanticipated School Closures:**

*The waivers in this section apply to SFSP and SSO during unanticipated school closures. FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.*

- ❑ Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (*October 1, 2022 – April 30, 2023*)
- ❑ Waiver 17: Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)] (*October 1, 2022 – April 30, 2023*)
- ❑ Waiver 18: Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)] (*October 1, 2022 – April 30, 2023*)
- ❑ Waiver 19: Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)] (*October 1, 2022 – April 30, 2023*)

**Child and Adult Care Food Program (CACFP):**

*The waivers in this section apply to CACFP. FNS expects that operational flexibilities under these waivers will only be implemented by Program operators when congregation is limited by the COVID-19 pandemic. FNS expects that monitoring flexibilities will only be implemented when pandemic conditions interfere with the ability of State agencies and sponsoring organizations to conduct reviews onsite.*

- ❑ Waiver 20: Non-Congregate Meal Service [42 U.S.C 1753(b)(1)(A) and 7 CFR 226.19(b)(6)(iii)] (*July 1, 2022 – June 30, 2023*)
- ❑ Waiver 21: Parent/Guardian Meal Pick-Up [7 CFR 226.2] (*July 1, 2022 – June 30, 2023*)
- ❑ Waiver 22: Meal Service Times [7 CFR 226.20(k)] (*July 1, 2022 – June 30, 2023*)
- ❑ Waiver 23: State Agency Onsite Monitoring Visits [7 CFR 226.6(b)(1) and 226.6(m)(6)] (*End of PHE\*\* – June 30, 2023*)
- ❑ Waiver 24: Sponsoring Organization Onsite Monitoring Visits [7 CFR 226.16(d)(4)(iii)] (*End of PHE\*\* – June 30, 2023*)

\*\* Current nationwide waivers of onsite monitoring for NSLP, SBP, and CACFP remain in effect until 30 days after the end of the Public Health Emergency (PHE). The end of the PHE will be declared by the U.S. Department of Health and Human Services.