

January 23, 2020

## **Waiver Request to Serve Meals at Schools under SFSP and SSO During Unanticipated School Closures**

Vermont Agency of Education Child Nutrition Programs is submitting this waiver request to allow meals to be served at schools under SFSP and SSO during unanticipated school closures as was allowed by SP 55-2016 CACFP 26-2016 SFSP 18-2016, *Meal Service During Unanticipated School and Day Care Closures*, September 9, 2016

- 1. State agency submitting waiver request and responsible State agency staff contact information:** Vermont Agency of Education, Child Nutrition Programs, Jamie Curley, [Jamie.curley@vermont.gov](mailto:Jamie.curley@vermont.gov), 802-828-2010
- 2. Region:** Northeast
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Vermont is requesting a statewide waiver. As of Summer 2019, Vermont had 60 SFSP sponsors. All of these sponsors are in good standing. In Summer 2019, 133 of our 273 meal sites, just under 50%, were at schools. In School Year 2019-2020, Vermont has 69 School Food Authorities (SFA) which participate in the National School Lunch Program (NSLP). Vermont did not have any Seamless Summer Option (SSO) sponsors in School Year 2018-2019 and do not have any currently registered for School Year 2019-2020.
- 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]:** Vermont is requesting a waiver for the allowance of SFSP and SSO meals to be served at school sites during unanticipated school closures. This is in response to Memo: SP 04-2020, CACFP 03-2020, SFSP 03-2020 which rescinds the prior flexibility. When schools are not in session due to unanticipated closures, such as inclement weather or teacher strikes, the school may still be the best place to serve the children through SFSP or SSO. Schools are the community hubs in our rural state. Schools are trusted community resources and safe for children places for children to go. They have the appropriate facilities to serve meals safely and cost-effectively and the properly trained staff. Often when superintendents debate whether or not to call a snow day, one of the considerations they bear in mind is children's access to food during the school day and the knowledge that for some students, the meals they eat at school are the only meals they eat during the day. It is critical to ensure students continue to have access to nutritious meals.
- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:** 7CFR225.6 (d)(1)(iv) "If it is a site proposed to operate during an unanticipated school closure, it is a non-school site."

- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Vermont Agency of Education Child Nutrition Programs administers the National School Lunch Program (NSLP), Seamless Summer Option (SSO), and the Summer Food Service Program (SFSP). Per requirements, we conduct School Meals Program administrative reviews on a three-year cycle, with new SFAs reviewed during the first year of operation and problem programs possibly reviewed sooner than the three-year timeframe. Per bullet 20 of the SFSP Permanent Agreement, VTAOECNP will review sponsors at least once every three years, new sponsors in their first year of operation, sponsors which experienced problems in the prior year, and enough sponsors to equal ½ of the State’s total reimbursement in the prior year. We have been working to amend on our online application and reimbursement system to better capture disaster data. This is not specifically to allow school sites to serve meals, but to eliminate some of the application questions sponsors must complete in an emergency situation.
- 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]:** Vermont has not taken steps to address this at the state-level as we have been following the federally-allowed flexibility to serve meals at school sites. We do not believe there are any regulatory barriers existing at the state level that would impact our ability to implement this waiver.
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** As the waiver has been in place for years, the state does not foresee any challenges as a result of extending it. As sponsors and SFAs are used to being able to serve meals at schools during unanticipated school closures, it is anticipated that rescinding this waiver could lead to more issues.
- 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 is maintaining an existing practice, and therefore not expected to increase costs.
- 10. Anticipated waiver implementation date and time period:** Starting in Fiscal Year 2020 for a period of 3 years.
- 11. Proposed monitoring and review procedures:** We will continue to review SFAs and SFSP sponsors per our administrative review cycles.
- 12. Proposed reporting requirements (include type of data and due date(s) to FNS):** We can submit the number of sponsors and sites that use this waiver and the number of meals served at these school sites. This data could be submitted 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://education.vermont.gov/student-support/nutrition>

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



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State Director of Child Nutrition Programs

Vermont Agency of Education

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Title: State Director of Child Nutrition Programs

Requesting official's email address for transmission of response:

[Mary.Krueger@vermont.gov](mailto:Mary.Krueger@vermont.gov)

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**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:**