

School Year 20-21 Milk Variety Requirements for Take Home Meals in the National School Lunch Program and School Breakfast Program

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

Ohio Department of Education
Office of Integrated Student Supports
Brigette Hires, Child Nutrition Program Manager
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2. **Region:**

Midwest

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

Any School Food Authority in good standing approved by the Ohio Department of Education, Office of Integrated Student Supports operating the National School Lunch and School Breakfast Program meal service during the 2020-2021 school year.

School food authorities that would fall under this waiver would follow USDA and Ohio Department of Education guidance.

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]:**

In school year 20-21 due to COVID-19, Ohio schools will have drastically modified school schedules where some children may be online, some children may be in school partial day, some children may be in school a full day and all children might be online. The modifications in school schedule and social distancing of children is in attempt to minimize the exposure and spread of COVID-19. As such, schools may be in a situation to offer both in school and non congregate meals due to both students in school and online.

This request is to waive the regulatory requirement to serve a variety of fluid milk with meals for the NSLP and SBP when meals are non-congregate and taken off site for consumption. We are requesting one type of fluid milk. Schools would be able to serve flavored, unflavored, fat-free or low-fat milk to students.

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

The Ohio Department of Education is requesting a waiver to the requirements under 42 USC 1758 (a)(1)(B)(2)(A), and 7 CFR 210.10(d) and 220.8(d): schools must offer students a variety (at least two different options) of fluid milk.

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

If approved, the Ohio Department of Education will provide technical assistance to school food authorities to maintain milk variety offering to the maximum extent practical and available. There are no impacts on technology, State systems, or monitoring.

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]:**

There are currently no State level regulatory barriers related to this specific issue.

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

At this time, the Ohio Department of Education does not anticipate challenges from the establishment of this state-wide waiver at the state or sponsor level. Rather, it is anticipated the waiver will allow school food authorities to minimize exposure to COVID-19 during the 2020-2021 school year by promoting food safe and nutritious meals produced at the school as opposed to meals brought in from home and assist schools financially in offering one type of milk.

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]:**

The establishment of this waiver will not increase the overall cost of the Program to the Federal Government.

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

Anticipated waiver implementation start date is: The waiver would be implemented the first day of school and continue through June 30, 2021 or the last day of the 2020-2021 school year, whichever is sooner.

11. Proposed monitoring and review procedures:

State agency staff in the Office of Integrated Student Supports will monitor implementation of this waiver.

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

Ohio Department of Education will report to FNS all requested data for the waiver in the timelines required by USDA.

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]:

<http://education.ohio.gov/Topics/Student-Supports/Coronavirus/Supporting-Whole-Child-Nutrition>

14. Signature and title of requesting official:



Title: Child Nutrition Program Manager

Requesting official's email address for transmission of response:

Brigitte.Hires@education.ohio.gov

Phone: 614-466-0522

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:

Date Received:.....

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:

Recommend Approval

Recommend Denial