

Waiver Request for SFSP/SSO by Non-Area Eligible School Food Authorities
During an Unanticipated School Closures due to COVID-19

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

Ohio Department of Education
Office of Integrated Student Supports
Brigitte 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 Child Nutrition Program sponsor approved by the Ohio Department of Education, Office of Integrated Student Supports to operate food services during a COVID-19 outbreak.

SFAs that would fall under this waiver are operating in areas that are experiencing closures in connection with a COVID-19 outbreak and 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]:**

All schools in Ohio are closed starting March 16 through at least April 3 per the office of Governor Mike DeWine.

Ohio has several SFAs with sites not meeting area eligibility requirements under SFSP/SSO regulations. These sites have no option for Federal feeding programs without a Federal declaration of disaster. Ohio is determining how best to continue Child Nutrition Program operations to feed children during an emergency due to COVID-19.

The goal is to allow Non-Area Eligible SFA's in good standing to feed students under Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option.

If allowed, children would continue to be fed much needed meals that otherwise are not available due to a school closure because they are located in a designated non-needy area. Unfortunately all of these designated "non-needy" schools, have students who need program meals.

In addition, this waiver would allow SFA's experiencing school closure to operate under it and utilize perishable foods that were encumbered for use in school meals programs. Otherwise, there is a potential for a high amount of food waste.

- 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 requests a waiver of regulations 7 CFR 225.14 (3) that state "conducting a food service for children from areas in which poor economic conditions exist."

- 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 review and verify the requesting sponsor is located in an area where schools have been closed due to COVID-19. 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 reduce challenges to school sites that are experiencing unanticipated school closure because of COVID-19. Children will benefit from the alternative meal service and schools will be able to utilize encumbered resources.

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]:

Due to the fact that the impacted school's meal service will be operating as it normally would, the establishment of this state-wide 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: As soon as approved. All schools in Ohio are required to close March 16 – April 3rd per order of Governor Mike DeWine. Waiver will remain in effect through June 30, 2020.

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>

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