

School Year 20-21 Waiver of the Activity Requirement in Afterschool Care Child Nutrition Programs During Online Instruction or 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 school food authority or Child and Adult Care Food Program (CACFP) sponsor in good standing approved by the Ohio Department of Education, Office of Integrated Student Supports who will operate either the National School Lunch Program afterschool snack program or the at-risk afterschool meals and snacks in the Child and Adult Care Food Program. The waiver is for operation during an unanticipated school closure due to COVID-19 or for schools with students that are required to have their school day instruction online to minimize exposure to COVID-19.

School food authorities and sponsors falling 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 may have an unanticipated school closure due to a COVID -19 outbreak or students scheduled for at least some school days with online instruction to help minimize exposure to COVID-19. The Ohio Department of Education is requesting this waiver to support school food authorities and CACFP sponsors operating the National School Lunch Program afterschool care snack program or the at-risk afterschool meals and snacks in the

Child and Adult Care Food Program to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

- 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 requirements under sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766a(a)(2)(C), respectively, where afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose and FNS regulations at 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii) stating eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity.

- 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 and CACFP sponsors on waiver of the educational component. 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 and CACFP sponsors to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

- 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 the 20-21 school year in a school has students in online instruction 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