

**Non-Congregate Meal Service for Outdoor Summer Meal Sites Experiencing
Air Quality Alerts**

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

**Ohio Department of Education
Office of Nutrition
Brigette Hires, Director
25. S. Front St.
Columbus, OH 43215
614-425-9760
Brigette.Hires@education.ohio.gov**

2. **Region:**

Midwest

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

Any Seamless Summer Option or Summer Food Service Program sponsor in good standing approved by the Ohio Department of Education, Office of Nutrition and operating at least one outdoor site in summer 2023.

Sponsors 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 summer 2023, summer sponsors resumed congregated meal operations with the exception of sponsors specifically approved for rural non-congregated meal service. The Ohio Department of Education, Office of Nutrition is requesting this waiver as a precautionary measure for availability if/when air quality alerts where the expected index is over 200 occur in summer 2023 which creates an unsafe environment for children to congregated for meals at approved outside sites that don't have access to alternative gathering sites. Non-congregated meal service shall be permitted only on days when a air quality alert with index over 200 is in effect for the area in which an approved outdoor meal site is located.

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, Office of Nutrition is requesting a waiver to the following regulations and requirements:

The Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(i)(15).

- 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, Office of Nutrition will provide technical assistance to sponsors regarding the specific use of the waiver and that the sponsors must document the air quality alert with an expected index over 200 by printing or obtaining an electronic copy of the air quality alert notice on the public web and maintain the records on file for review.

- 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 sponsors to maintain service to children who would otherwise lose access to meals when air quality is poor and the operation of an outdoor congregate meal site impractical.

- 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:**

Waiver implementation would start the first day of summer operations for any given sponsor and conclude the last day of summer operations for any given sponsor. Most sponsors in Ohio conclude summer meal operations by the end of August.

11. Proposed monitoring and review procedures:

State agency staff in the Office of Nutrition 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]:

<https://education.ohio.gov/Topics/Student-Supports/Food-and-Nutrition/Resources-and-Tools-for-Food-and-Nutrition/Food-and-Nutrition-Waivers>

14. Signature and title of requesting official:



Title: Director

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