

CHILD NUTRITION PROGRAM
KENTUCKY STATE WAIVER REQUEST
Meal Service During Unanticipated School Closures: Flexibility to Service
SFSP/SSO Meals at School or Non-School Sites

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

Kentucky Department of Education
Division of School and Community Nutrition
300 Sower Boulevard,
Frankfort, KY 40601
502-564-5625

Lauren Moore, Director, Division of School and Community Nutrition
lauren.moore2@education.ky.gov

2. Region: Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing: Approved Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) sponsors that use school sites.

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]:

Schools may face unanticipated closures due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or other similar causes approved by the State agency. Unanticipated school closures prevent children from receiving education instruction and nutritious meals they normally would receive. School food authorities participating in NSLP (National School Lunch Program), and/or the School Breakfast Program, institutions participating in the CACFP (Child and Adult Care Food Program), and sponsors participating in the Summer Food Service Program are encouraged by the Food and Nutrition Service (FNS) to use flexibilities to ensure the children do not experience a lapse in food security when area schools and childcare facilities close due to unanticipated events. In order to ensure food security, allowing sponsors to serve and claim SFSP or SSO meals served at school as well as non-school sites will increase access to meals. The goal of the waiver is to allow school sites to be used unless doing so would present a safety concern (7 CFR 225.6(d)(1)(iv)). For example, it is possible that schools could be closed due to snow conditions in parking lots and on adjacent sidewalks in the early morning hours, but by lunchtime, the snow has been cleared allowing safe access to school buildings. Therefore, SFSP or SSO meals could be served once the conditions are safe for children to access the site. Often school access is a priority when roads are cleared, especially in rural areas of our state, making school meals sites on weather closing days essential. The expected outcome if the waiver is granted is continued access to nutritious meals by children on days of unanticipated school closure, in order to avoid

a lapse in food security as might occur without NSLP or the School Breakfast Program meals on these days. Allowing schools to act as sites has proven to be a successful way to provide SFSP and/or SSO meals on these days in KY and should be continued.

- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** The requirement to be waived is that which requires that during unanticipated school closures meals are to be served at non-school sites. Section 13(c) of the NLSA (42 U.s.c.1761(C)(1) requires that meals served to children not in school during an unanticipated closure may only be reimbursed by FNS if the meals were served at non-school sites. We request that this requirement be waived for KY and school site meals on days of unanticipated school closure be reimbursed under SFSP and/or SSO.
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** There is no anticipated impact on Program operations if this waiver is approved and no alternative procedures necessary.
- 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 no regulatory barriers at the State level regarding serving SFSP/SSO meals at school sites on days of unanticipated school closure (non-instruction days).
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** The waiver has been in effect for several years prior to federal rescission, and there were no challenges with its application. SA staff follow established procedures to approve sponsors for meal service on days of unanticipated school closure and approve sites, both non-school and school sites. No new challenges are expected with its continued application
- 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 waiver will not increase administrative and operating costs for sponsors and will not increase the overall cost of the program to the Federal Government. Allowing flexibility to establish meal sites at school or non-school sites to meet the needs of area children will help ensure the greatest participation at meal sites and help avoid food insecurity.
- 10. Anticipated waiver implementation date and time period:**
Implementation Date: May 1, 2022 (or earlier if approved)
Time period May 1, 2022-April 30, 2024

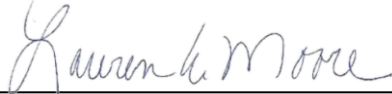
11. Proposed monitoring and review procedures: All site applications are approved by the State Agency. A review of sites at school site applications and meals claimed may be done using the application technology in the state.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): A description of how the waiver impacted meal service operations, children's access to nutritious meals and participation in the SFSP and the SSO will be reported, along with the number of sites, the number of meals affected and sponsors utilizing this waiver will be reported annually. Any findings associated with the waiver will be reported as well. The report will be provided to the FNS Southeast Regional Office by August 31 of each year the waiver is in effect.

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.ky.gov/federal/SCN/Pages/Summer-Food-Service-Program-\(SFSP\).aspx](https://education.ky.gov/federal/SCN/Pages/Summer-Food-Service-Program-(SFSP).aspx)

14. Signature and title of requesting official:



1/10/2022

Title: Director

Requesting official's email address for transmission of response:

lauren.moore2@education.ky.gov

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:**