

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Second Harvest Food Bank of New Orleans and Acadiana
Child Nutrition Programs
Natalie Jayroe, President and CEO
njayroe@secondharvest.org
700 Edwards Ave.
New Orleans, LA 70123
504-729-2825

2. Region: Southwest Region

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

Second Harvest Food Bank waiver request for all participating SFSP facilities. Second Harvest Food Bank is in good standing.

4. Description of the challenge the eligible service provider 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]:

Second Harvest Food Bank is requesting a for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within SFSP SP 10-2017, SFSP 06-2017, [Meal Service Requirements in the Summer Meals Programs, with Questions and Answers - Revised](#) December 5, 2016. The waiver of program regulations at 7 CFR 225.16(c)(1) for meal time as originally published in SFSP 11-2011, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011.

The waiver of meal time restrictions allows Second Harvest Food Bank to serve meals at times that align with program activities and meet the needs of children. If meal time restrictions are implemented, the number of nutritious meals served to children through Second Harvest Food Bank will significantly decrease.

Second Harvest Food Banks operates many open sites at community recreation centers, libraries, and large community spaces. Sites have found that they can serve more children with a longer serving time. This allows families who often have barriers with transportation more time to get to a location in the summer to receive a meal. As a result many locations many not have the three hour window needed to be able to provide children more than one meals. This will results in many Louisiana children losing a meal during a critical time when supplemental meals through school are not available.

Second Harvest Food Bank always adapts to the needs of communities by establishing meal service times in coordination with space, activities and site's needs. This framework has increased access to healthy meals across South Louisiana.

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

Second Harvest Food Bank is requesting to waive the meal time restriction on the amount of time that must elapse between meal services, the time restrictions associated with supper, and the amount of time limited for each meal/snack service.

7 CFR 225.16(c)(1) Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps.

7 CFR 225.16(c)(2) The duration of the meal service shall be limited to two hours for

lunch or supper and one hour for all other meals.

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

Second Harvest Food Bank will not place time limits on the duration of a meal service and will have no requirements pertaining to the amount of time that must elapse between the beginning of one meal service and the beginning of the next. Second Harvest Food Bank will continue to establish accurate meal times for each site and provide this information to in the online site application. Second Harvest will keep meal times and types current in the online site application.

7. Description of any steps the eligible service provider has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

Previously, Second Harvest Food Bank has not needed to address any regulatory barriers as these flexibilities were in place.

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

Second Harvest Food Bank does not anticipate these waivers will present any challenges because these flexibilities have already been implemented and are in place. This waiver will decrease the challenges faced by Second Harvest Food Bank.

The challenges Second Harvest Food Bank may face if the waiver is not approved include:

- Increased cost to update training materials, re-train site staff, and monitor compliance for the rescinded flexibility
- Decrease number of meals offered at sites due to meal time restrictions.

These combined impacts will result in a significant decrease in access to the program, a decrease in meals served to children and ultimately an increase in childhood hunger in Louisiana.

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(I)(1)(A)(iii) of the NSLA]:

Second Harvest Food Bank does not anticipate this waiver will increase the overall cost of the program to the Federal government. The waiver will continue to Second Harvest Food Bank to ensure access to meal service sites.

10. Anticipated waiver implementation date and time period:

To be effective with the start of FY 2019 and approved for a period of three years. If FNS chooses not to grant waivers for more than one or two years, that would be acceptable.

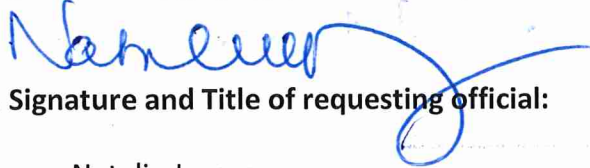
11. Proposed monitoring and review procedures:

Second Harvest Food Bank will continue to follow their standard SFSP review procedures.

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

Second Harvest Food Bank will provide FNS with required reports, including review finding and technical assistance provided and surveys showing impact of Second Harvest Food Bank Summer Food Service Program. This information will be available annually.

13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:



14. Signature and Title of requesting official:

Name: Natalie Jayroe

Title: President and CEO, Second Harvest Food Bank of New Orleans and Acadiana

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the eligible service provider 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(I)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**