



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

Child Nutrition Program Waiver Request

Date: May 1, 2023

Non-congregate waiver for sites without alternative options when experiencing excessive heat during Summer Food Service Program/Seamless Summer Option (SFSP/SSO)

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

information: Indiana Department of Education

Julie Sutton, Director

317-232-0845

jsutton@doe.in.gov

2. Region: Midwest

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

standing: This waiver will be applicable to sites operated by Summer Food Service Program and Seamless Summer Program (SFSP/SSO) sponsors good standing. This waiver will require documentation from the National Weather Service that an Excessive Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch has been issued on the days and for the area in which an approved outdoor meal site is located. Sponsors that have outdoor sites without temperature controlled alternative sites must request this flexibility from the state agency for their sites prior to implementation.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

The Indiana State Agency is seeking to request a statewide waiver for SFSP/SSO flexibility regarding allowing non-congregate meal service to sponsors on days when the area the site is located in experiences excessive heat or other exceptional circumstances. The intent of this waiver is to maintain service to children who would otherwise lose access to meals when excessive heat makes the operation of a congregate feeding site lacking a temperature controlled alternative site impractical.

The challenges that the State Agency and SFSP/SSO sponsor organizations is seeking to resolve is loss of meal access for participants and loss of reimbursement revenues for meals and snacks as the requirement to eat outdoors on excessive heat days may force SFSP/SSO sponsors to not operate meals/snacks on those days.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The specific requirements to be waived are the regulatory requirements at 7 CFR 225.6 (i)(15), "Maintain children on site while meals are consumed."



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- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Interested sponsors must notify their assigned field specialist at the start of their approved SFSP/SSO program of their intent to participate in the waiver. Sponsors must identify those outdoor congregate meal sites lacking temperature controlled alternative sites that would be included in the waiver prior to initiating the waiver. Upon notifying field specialist of sites that will utilize this waiver, to claim meals under this waiver:

 - a) Sponsors must print or obtain an electronic copy of the NWS notice on the public web found at <http://www.weather.gov/> on the day the Excessive Heat Advisory, Excessive Heat Warning, or Excessive Heat Watch is issued, and email a copy to their assigned field specialist the day the waiver is being utilized.
 - b) Meals taken off site may only be claimed on days for which documentation is maintained.
 - c) Approved outdoor sites must comply with the congregate meal requirements on all other days of operation.

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

No state level regulatory barriers impact implementation of this waiver and the state agency has encouraged all sites to have a plan regarding extreme weather conditions in order to address this issue.

- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

The state agency does not anticipate any challenges in implementing this waiver.

- 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]:**

The waiver will not increase the overall costs of the Program to the Federal Government. The proposed excessive heat non-congregate meal waiver will allow meals to children who are accustomed to receiving the meals in person at those specific sites.

- 10. Anticipated waiver implementation date and time period:**

The requested waiver implementation date is May 19, 2023. The Indiana State Agency requests that the waiver be valid through September 30, 2023.



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11. Proposed monitoring and review procedures:

Indiana School and Community Nutrition staff will provide monitoring and oversight of all approved waivers using already established review procedures based on applicable program requirements.

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

Reporting requirements established in the approval by the USDA will be met.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]: https://www.in.gov/doi/nutrition/#Federal_Waivers

14. Signature and title of requesting official:

Julie Sutton

Title: Director, Indiana Department of Education, School and Community Nutrition

Requesting official's email address for transmission of response: jsutton@doe.in.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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: