

Summer Food Service Program Summer

2024 Child Nutrition Programs 12(l) Waiver Checklist

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 USDA authority to waive requirements for State agencies or eligible service providers under certain circumstances.

This optional form is designed to streamline the process for State agencies requesting a waiver of statutory or regulatory requirements for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) for 2024 summer operations (May 1, 2024 – September 30, 2024). The form does not allow States to modify their request to waive additional regulations for those waiver types or to submit other types of waivers.

SFSP and SSO operators may not use this form to submit waivers for their own operation. Operators that wish to apply for a waiver separately from a statewide waiver must contact the State agency to provide them with the necessary information to complete the waiver request on their behalf, also including the required elements in SP 15-2018, CACFP 12-2018, SFSP 05- 2018, Child Nutrition Program Waiver Request Guidance and Protocol - Revised, May 24, 2018.

State agencies should continue to provide notice and information to the public about their application for a waiver in accordance with the requirements at Section 12(l) of the NSLA, even when submitting a waiver through this form.

State Agency: Delaware Department of Education

Name of State Director: Aimee Beam

Date: 07/16/2024

Mailing Address: 35 Commerce Way, Suite 1, Dover, DE 19904

Name and title of person completing this form: Aimee Beam. Director, Nutrition

Only persons who have the authority to make this waiver request on behalf of the State director may complete this form.

- Yes, I have the authority.
 I am the State director.
 No, I do not have the authority.

Region: Mid-Atlantic Regional Office
 Midwest Regional Office

*Longest effective dates are in italics; actual effective dates are contingent on date of approval.

Waivers related to excessive heat:

The waivers in this section apply to SFSP and SSO sponsors, in good standing, to operate approved outdoor meal sites without temperature-controlled alternative sites as non-congregate sites on days when the area is experiencing excessive heat. These waivers are effective *May 1, 2024, through September 30, 2024.*

- Waiver 1:** Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Waiver 2:** Parent/Guardian Meal Pickup 42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)]
- Waiver 3:** Meal Service Times [7 CFR 225.16(c)(1), (2), and (3)]

1. Are the service providers participating in these waivers in good standing?

- Yes
- No

2. To use the meal service times waiver sponsors cannot change meal service times less than 24 hours in advance of the previously scheduled meal service time. In addition, sponsors must provide a printed notice at the site indicating the change in meal service times. Do you acknowledge the limitations of the meal service times waiver?

- Yes
- No

3. What challenges would Program sponsors face without these waivers? Choose all that apply.

- Increased program costs
- Increased food waste

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- Negative Impact on the ability to meet the needs of children and at-risk youth
 - Exposure to excessive heat
 - Other, describe: _____

4. How would these waivers benefit Program sponsors? Choose all that apply.

- Control costs
- Reduce food waste
- Increase in program participation
- Limit exposure to excessive heat conditions
- Allow sponsors to schedule meal service times that are responsive to the community's needs
- Other, describe: _____

5. Describe the program procedures that will be in place under these waivers, if approved. Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring).

It is unsafe for children to participate in outdoor meals and activities on days there are

excessive heat and indoor/air-conditioned facilities are not available. If this waiver request is approved, SFSP and SSO sponsors will be able to request pre-approval from the State agency to serve non-congregate meals (including in areas not eligible to operate rural non-congregate meal service) on days an excessive heat advisory is issued by the National Weather Service. Any sponsor that receives pre-approval and utilizes the non-congregate meal waiver for this purpose will be required to notify the State agency prior to submitting a claim if they utilized the waiver. They will also be required to submit the heat advisory notification from the National Weather Service. The Sponsor must track the number of meals per meal service that are served under this waiver, per day of high heat and submit the tracking to the SA at the end of summer operations.

6. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

No anticipated challenges

Other, describe:

7. What steps will the State agency take to successfully implement these waivers?

Training

Monitoring

Other, describe: Operational Memo with Instructions to Spo

8. Provide a link to the public notice informing the public about the requested Excessive Heat Waiver(s). If no link is available, please email a copy of the notice to your Regional Office.

<https://education.delaware.gov/educators/whole-child-support/nutrition/sfsp/>

Waivers related to air quality advisories:

The waivers in this section apply to SFSP and SSO sponsors, in good standing, to operate approved outdoor meal sites without alternative indoor sites as non-congregate sites on days when the area is experiencing certain air quality advisories. These waivers are effective *May 1, 2024, through September 30, 2024*.

- Waiver 4:** Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]

- Waiver 5:** Parent/Guardian Meal Pickup [42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)]
- Waiver 6:** Meal Service Times [7 CFR 225.16(c)(1), (2), and (3)]

9. Are the service providers participating in these waivers in good standing?

- Yes
 No

10. To use the meal service times waiver sponsors cannot change meal service times less than 24 hours in advance of the previously scheduled meal service time. In addition, sponsors must provide a printed notice at the site indicating the change in meal service times. Do you acknowledge the limitations of the meal service times waiver?

- Yes
 No

11. What challenges would Program sponsors face without these waivers? Choose all that apply.

- Increased costs
 Increased food waste
 Negative Impact on the ability to meet the needs of children and at-risk youth
 Exposure to hazardous air quality
 Other, describe: _____

12. How would these waivers benefit Program sponsors? Choose all that apply.

- Control costs
 Reduce food waste
 Increase Program participation
 Limit exposure to hazardous air quality
 Allow sponsors to schedule meal service times that are responsive to the community's needs
 Other, describe: _____

13. Describe the program procedures that will be in place under these waivers, if approved. Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring).

If this waiver request is approved, SFSP and SSO sponsors will be able to request pre-approval from the State agency to serve non-congregate meals (including in areas not eligible to operate rural non-congregate meal service) on days when an air quality alert is

issued. Any sponsor that receives pre-approval and utilizes the non-congregate meal waiver for this purpose will be required to notify the State agency prior to submitting a claim if they utilized the waiver. They will also be required to submit a copy of the air quality notification from the National Weather Service. The Sponsor must track the number of meals per meal service that are served under this waiver, per day of air quality issues and submit the tracking to the SA at the time of claim submission.

14. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

No anticipated challenges

Other, describe:

15. What steps will the State agency take to successfully implement these waivers?

Training

Monitoring

Other, describe:

16. Provide a link to the public notice informing the public about the requested Air Quality Waiver. If no link is available, please email a copy of the notice to your Regional Office.

<https://education.delaware.gov/educators/whole-child-support/nutrition/sfsp/>

Offer Versus Serve:

The waiver in this section applies to SFSP sponsors, in good standing, to use SFSP offer versus serve meal service parameters by non-school food authority (SFA) sponsors on a case-by-case basis. This waiver is effective *May 1, 2024, through September 30, 2024*.

Waiver 7: Offer Versus Serve [42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(1)(ii)]

17. Are the service providers participating in this waiver in good standing?

- Yes
- No

18. This waiver is only allowed at sites operating congregate meal service. Do you acknowledge that this waiver is only for sites operating congregate meal service?

- Yes
- No

19. What challenges would Program sponsors face without this waiver? Choose all that apply.

- Increased Program costs
- Increased food waste
- Reduction in sponsor participation
- Other, describe:

20. How would this waiver benefit Program sponsors? Choose all that apply.

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- Control costs
 - Reduce food waste
 - Improves meal satisfaction which increases Program participation
 - Streamline processes
 - Other, describe:

21. Describe the program procedures that will be in place under this waiver, if approved. Explain how this waiver will affect program operations (e.g., technology, automated systems, and monitoring).

22. Are there any anticipated challenges that State or eligible service providers may face with implementation of this waiver?

- No anticipated challenges
- Other, describe:

23. What steps will the State agency take to successfully implement this waiver?

- Training
- Monitoring
- Other, describe:

24. Provide a link to the public notice informing the public about the requested Offer Versus Serve Waiver. If no link is available, please email a copy of the notice to your Regional Office.

Waivers related to school closures:

The waivers in this section apply to SFSP and SSO when schools are closed and congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, for a similar unanticipated cause. Upon approval, the waivers in this section will also replace any previously approved SFSP/SSO waivers allowing non-congregate meal service operations for school year 2023-2024 (with no virtual learning), granted to State agencies through April 30, 2024. This applies when school buildings are closed during the instructional year and virtual classes are not offered. These waivers are effective through June 30, 2024.

Waiver 8: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]

Waiver 9: Parent/Guardian Meal Pickup [42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)]

Waiver 10: Meal Service Times [7 CFR 225.16(c)(1), (2), and (3)]

Waiver 11: Service of Meals at School Sites [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

25. Are the service providers participating in these waivers in good standing?

- Yes
 No

26. What challenges would Program sponsors face without these waivers? Choose all that apply.

- Increased Program costs
 Increased food waste
 Negative impact on the ability to meet the needs of participating children
 Other, describe: _____

27. How would these waivers benefit Program sponsors? Choose all that apply.

- Streamline processes
 Control costs
 Allow sponsors to schedule meal service times that are responsive to the community's needs
 Other, describe: _____

28. Describe the program procedures that will be in place under these waivers, if approved.

Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring).

If this waiver request is approved, SFSP and SSO sponsors will be able to request pre-approval from the State agency to serve non-congregate meals (including in areas not eligible to operate rural non-congregate meal service) on days of unanticipated school closures. Any sponsor that receives pre-approval and utilizes the non-congregate meal

waiver for this purpose will be required to notify the State agency prior to submitting a claim if they utilized the waiver. They will also be required to submit justification and documentation of the school closure to the State agency. The Sponsor must track the number of meals per meal service that are served under this waiver, and submit the tracking to the SA at the time of claim submission.

29. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

No anticipated challenges

Other, describe:

30. What steps will the State agency take to successfully implement these waivers?

Training

Monitoring

Other, describe: Operational Memo with Instructions

31. Provide a link to the public notice informing the public about the requested school closure waiver. If no link is available, please email a copy of the notice to your Regional Office.

<https://education.delaware.gov/educators/whole-child-support/nutrition/sfsp/>

By providing a signature, I certify that the following is true and accurate:

- These waivers will not increase the overall costs of the program to the Federal Government, or if there are anticipated increases, the costs will be paid from non-Federal funds.
- My State agency will comply with FNS waiver data reporting requirements, and any additional requirements that will be contained in my waiver approval letter.

Please provide the signature and title of the requesting official. For the purposes of this request, the use of an electronically typed name shall have the same force and effect as an original wet signature.



Aimee F. Beam
Director, Nutrition Programs Workgroup