



**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
OFFER VERSUS SERVE WAIVER REQUEST  
For Hawaii Child Nutrition Programs**

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 (CNPs), 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 date 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.

**Subject of waiver request:** Summer Food Service Program – Offer versus Serve

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

Hawaii Child Nutrition Programs  
Daniel Sutcharitkul – Program Specialist  
650 Iwilei Road, Ste. 270, Honolulu, HI 96817  
(808) 587-3600  
[Daniel.sutcharitkul@k12.hi.us](mailto:Daniel.sutcharitkul@k12.hi.us)

**2. Region:** Western Region

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

All Summer Food Service Program (SFSP) sponsors approved to



operate the SFSP in the state of Hawaii.

**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]:**

The offer versus serve (OVS) meal service style simplifies Program administration and reduces food waste and costs while maintaining the nutritional integrity of the SFSP meal that is served. In Hawaii in 2019, 2 SFSP sponsors totaling 2 sites served meals using OVS under the OVS waiver. It is expected that food waste at these sites will increase significantly, especially at sites where time and temperature controlled (TCS) foods are served, such as TCS milk, hot entrees, and cut fresh fruits and vegetables. With the increased waste potential of these items, sponsors will be discouraged from serving meals that include these types of items.

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

Hawaii Child Nutrition Programs (HCNP) requests a waiver of regulations at **7 CFR 225.16(f)(1)(ii)**, which allows School Food Authorities (SFAs) to apply an “offer versus serve” (OVS) option in SFSP under the rules followed for the NSLP. This waiver would allow SFA sponsors following the SFSP meal pattern, or non-school sponsors, to use OVS. This request applies to:

- Non-school food authority sponsors in good standing
- School food authority sponsors in good standing serving an SFSP menu

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

HCNP would like to reinstate the OVS waiver granted to Hawaii in PY 2019. HCNP is requesting approval for sponsors to use the SFSP OVS meal pattern requirements as stated in SP 10-2017, SFSP 06-2017. This includes the following requirements:

*Breakfast:*

- The following four food items must be offered:
  - One serving of fruit/vegetable
  - One serving of bread/bread alternate
  - One serving of fluid milk, and
  - One additional serving of fruit/vegetable, bread/bread alternate, or a serving of meat/meat alternate.



- All the food items offered must be different from each other.
- A child must take at least three of any of the four food items offered.

*Lunch or Supper:*

- The following four food components must be offered through at least five different food items:
  - One serving of meat/meat alternate,
  - Two servings of fruit and/or vegetables (two different food items),
  - One serving of bread/bread alternate, and
  - One serving of fluid milk.

Any sponsor, both SFAs and other sponsors, hoping to implement this waiver at a particular site must indicate their intentions on their site application and this must be approved by the state agency prior to implementation. This is the same procedure used by HCNP in PY 2019. Our agency anticipates that the re-establishment of this state-wide waiver will have minimal, if any, impact on Program operations including technology, state systems, and monitoring, since these processes are already in place in our staff and sponsor training, Program materials, and state program application system.

**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]:**

HCNP has not addressed any Program regulatory barriers at the state level. 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:**

HCNP does not anticipate that the re-establishment of the waiver will pose any challenges at the state or sponsor level since this waiver was implemented during PY 2019.

**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 re-establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government because HCNP has existing state-developed training and state-developed Program materials to support implementation of this



waiver and no additional staff hours are needed at the state level to support implementation and monitoring for this waiver. This waiver will also result in less food waste at SFSP sites which reduces unnecessary costs to the Federal Government.

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

Requested Waiver Timeframe: 1 year and 11 months

- Waiver Request Start Date: 5/28/2020
- Waiver Request End Date: 4/30/2020

**11. Proposed monitoring and review procedures:**

All previously established state monitoring and review procedures will remain in place during the waiver period. Sponsors will be required to monitor their own site's implementation of the OVS requirements for the SFSP meal pattern as applicable during the state required monitoring visits already established. State Program monitors will maintain the same state procedures for monitoring sites' implementation of the OVS requirements for the SFSP meal pattern. Components of the state SFSP review form intended to review and document OVS implementation at sites using the SFSP meal pattern will be maintained.

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

HCNP will report the following data points by December 31 each year the waiver is in place:

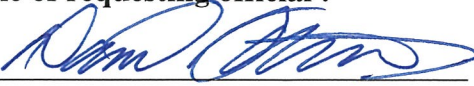
1. Names of sponsors using the waiver.
2. Impact of the waiver on meal service operations, children's access to nutritious meals, and participation in SFSP.
3. Impact of the waiver on the quantity of paperwork necessary to administer the program.
4. Challenges experienced when implementing the waiver.
5. Total number of meals served using the SFSP OVS waiver.

**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]:**

Link to public notice: <https://hcnp.hawaii.gov/overview/sfsp>



**14. Signature and title of requesting official :**

- Signature: 
- Title: Daniel Sutcharitkul, Summer Food Service Program, Program Specialist, Hawaii Child Nutrition Programs

\_\_\_\_\_  
Title: Summer Food Service Program Hawaii

\_\_\_\_\_  
Requesting official's email address for transmission of response:

**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(I)(1)(A)(ii) of the NSLA**

- Link: \_\_\_\_\_
- **Regional Office Analysis and Recommendations:**

- Recommend Approval
- Recommend Denial

**Explanation:**