



**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
SUMMER FOOD SERVICE PROGRAM/SEAMLESS SUMMER OPTION
CONGREGATE FEEDING MEAL TIME 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 should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to [SP 15-018, 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 and Seamless Summer Option - Congregate Feeding Meal Times

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

Name of State agency: Hawaii Child Nutrition Programs
State agency staff contact: Sharlene Wong
Mailing address: 650 Iwilei Road, Suite 270, Honolulu, HI 96817
Telephone number: (808) 587-3600
Email address: Sharlene.Wong@k12.hi.us

2. Region: Western Region

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

The State Agency Hawaii Child Nutrition Programs (HCNP) requests this waiver for SFSP and Seamless Summer Option (SSO) participants, in good standing. This will enable approved sponsors to allow meals to be taken away for multiple days from the



site and consumed elsewhere, thereby allowing for social distancing, limit physical visits and reduce transportation barriers.

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 number of confirmed cases of COVID-19 has continued to grow throughout the country and though Hawaii only has 14 confirmed cases as of March 18, 2020, the Hawaii Department of Education has taken steps towards slowing the spread of the virus by halting all travel both internationally and to the mainland US. Hawaii has one school district and there is a district-wide closure to prevent the spread of COVID-19. The waiver will allow program participants to serve meals for multiple days to students to allow for limiting physical visits and thus exposure to potential COVID 19 and to reduce transportation barriers.

HCNP is requesting a statewide waiver 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. Regulations require that three hours must elapse between meal service, except that four hours must elapse between lunch and supper if no snack is served. This policy waived these requirements, but maintained that sponsors must continue to establish meal service times.

This FNS waiver will benefit SFSP sponsors to operate in a manner that aligns meal service times with the activity and other programming needs of each site. Sponsors adapt to the needs of the communities they serve by establishing meal service times in coordination with space, activities, group size and sites to increase access to nutritious meals. By allowing flexibility, sponsors will have greater ability to meet local needs and work with their own programmatic needs.

During this time of COVID 19 this will allow sponsors to allow for social distancing, limit the number of physical visits, and reduce transportation barriers.

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

HCNP is requesting a waiver of the meal time restriction on the amount of time that must elapse between meal service, the time restrictions associated meals and the amount of time limited for each meal/snack service.

The requirement found at 7CFR 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 requirement found at 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:

Sponsors and School Food Authorities (SFA) who are willing to participate in the SFSP will not have any 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. This will provide the participants with greater flexibility to meet local needs. SSO and SFSP participants will be required to establish accurate meal times for each site and provide this information to HCNP. Participants are required to keep meal times and types current in the online application. Meals must be served within the State approved meal service times in order to be claimed for reimbursement and for the cost associated with such meals to be covered by program funds. This will allow participants to serve multiple meals to limit social contact, limit the number of physical visits, and reduce transportation barriers such as a lack of gasoline.

To be approved for the meal time waiver, participants must:

- Be in good standing
- Be an approved SFSP/SSO participant
- Justify their process and procedures
- Meet the SFSP/SSO meal pattern
- Explain how eligibility will be determined for all students

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 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 establishment of this statewide waiver will pose any challenges at the state or participant level. Since schools operating under the waiver would essentially operate the same as a normal school day. Alternatively, we anticipate this waiver will reduce challenges by participants to comply with COVID -19 recommendations to limit social contact, limit the number of physical visits, and reduce transportation barriers. Children will still benefit from meal service and sites can still use encumbered resources.

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]:



The establishment of this statewide waiver will not increase the overall cost of the program to the federal government. These programs would be operating in a situation where normal USDA Child Nutrition programs are closed due to COVID-19. All meals will be required to meet the federal meal patterns.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is March 13, 2020 to remain in effect through March 31, 2021.

There is currently no foreseeable solution to COVID-19 at this time and HCNP would like to request the authority to waive meal time service for SFSP and SSO participants during an unanticipated school closure until the health emergency has passed and schools are re-opened.

11. Proposed monitoring and review procedures:

HCNP will approve individual school districts/sites written request to implement the waiver. HCNP will track and provide oversight to all SFSP and SSO participants who are approved to operate during the unanticipated school closures and are approved to provide meals with the meal time waiver. HCNP will ensure that all participants approved for the waiver provide evidence of the duration of the waiver.

HCNP will work with all participants to keep documentation of all school closures.

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

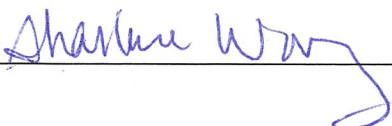
HCNP will report the following data points once the health emergency has passed and schools are re-opened.

- A description of the impact the waiver had on meal service operations, children's access to nutritious meals, and participation in SFSP and SSO
- The number of participants and sites that used the waiver
- The number of meals provided at school sites during unanticipated school closures
- The number of meals provided at non-school sites during unanticipated school closures
- A summary of findings associated with the waiver

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]:

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

14. Signature and title of requesting official :

- Signature: 



United States Department of Agriculture

**Sharlene Wong, SNS
Program Administrator
Hawaii Child Nutrition Programs
(808)587-3600**

Requesting official's email address for transmission of response:
Sharlene.Wong@k12.hi.us

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

- **Regional Office Analysis and Recommendations:**

- ☐ Recommend Approval
- ☐ Recommend Denial

Explanation: