



**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
SUMMER FOOD SERVICE PROGRAM/SEAMLESS SUMMER OPTION  
WAIVER REQUEST FOR AREA ELIGIBILITY  
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 (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.

**Subject of waiver request:** Summer Food Service Program and Seamless Summer Option – Area Eligibility Waiver

**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 (SA), Hawaii Child Nutrition Programs (HCNP), requests this waiver for SFSP and Seamless Summer Option (SSO) sponsors/SFAs, in good standing, in the event of an unanticipated school closure to have flexibility regarding serving meals in areas that have less than 50% free and reduced price eligible children, also known as non-area eligible sites.

**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 Hawaii has 77 confirmed cases as of March 23, 2020. The Hawaii Department of Education is already taking steps towards slowing the spread of the virus by closing schools until April 7<sup>th</sup> and the State of Hawaii is encouraging social distancing.

During the emergency school closures, SFSP and SSO participants would like to open as many sites as possible. If a waiver is approved to allow SFSP and SSO participants the ability to operate sites that are non-area eligible, more children will be served meals during this emergency.

**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 requirement found at 7CFR 225.14(c)(3), regarding area eligibility, due to the COVID-19.

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

Sponsors and SFAs who are willing to participate in SFSP and SSO during an unanticipated closure may submit a request to HCNP to serve meals at sites that are non-area eligible. There will be no negative impact to SA program operations. All additional sites can be added through Hawaii Child Nutrition Program's proprietary online application software.

To be approved to operate a non-area eligible site during an unanticipated district wide school closure, participants and SFAs 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]:**



No regulatory barriers at the State level 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 regular sites that experience unanticipated school closures because of COVID -19. 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 should 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. We do not anticipate that participation would be the same as under normal circumstances and that costs would not exceed normal expenditures.

**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 area eligibility feeding for SFSP and SSO participants during an unanticipated school closure until the health emergency has passed and schools are re-opened.

There is currently no foreseeable solution to COVID-19 at this time and HCNP would like to request the authority to allow SFSP and SSO sponsors/SFAs to serve meals at non-area eligible sites.

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

HCNP will track and provide oversight to all SFSP and SSO sponsors/SFAs who are approved to operate during the emergency unanticipated school closures and are approved to serve meals at non-area eligible sites.

SFSP and SSO participants operating non-area eligible sites will operate the same as area eligible sites.

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



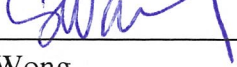
HCNP will report the following data points once the health emergency has passed and schools are re-opened.

- 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 sponsors 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(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: Sharlene Wong

**Program Administrator**

**Hawaii Child Nutrition Programs**

**(808) 587-3600**

Requesting official's email address for transmission of response:

Sharlene.Wong@k12.hi.us

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

- **Regional Office Analysis and Recommendations:**

- ☐ Recommend Approval
- ☐ Recommend Denial

**Explanation:**



United States Department of Agriculture