

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST**

PROSPECTIVE WAIVER REQUEST SY 2023/2024 FOR NATIONAL SCHOOL LUNCH PROGRAM (NSLP), SCHOOL BREAKFAST PROGRAM(SBP), SEAMLESS SUMMER OPTION(SSO), SUMMER FOOD SERVICE PROGRAMS(SFSP), CHILD ADULT CARE FEEDING PROGRAMS(CACFP)

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 15-2018, CACFP 12-2018, SFSP 05-2018](#), *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

Subject of waiver request: National School Lunch Program, Summer Food Service Program, Seamless Summer Option, and Child and Adult Care Food Program - Flexibility when school buildings are closed, with and without virtual classes being offered during a natural disaster.

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 NSLP/SBP/SSO/SFSP/CACFP participants, in good standing, to provide flexibility when school buildings/facilities are closed, with and without virtual classes being offered during a natural disaster.

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]:

Hawaii requests this waiver so we may respond in a timely manner to program recipients to ensure children continue to receive healthy nutritious meals during these events. We also request flexibility for our preschool operators who have experienced loss of facilities due to natural disasters. While we understand the waivers offered for CACFP are primarily for the at-risk afterschool component, we would like the flexibility to offer these waivers to our preschool (CACFP at-risk providers) who provide service in area-eligible locations. Such events as listed below may create an unanticipated school closure, but the State Agency in discussion with the Western Regional Office will determine if other events that arise would allow for the use of this waiver.

- Natural disasters
- Unscheduled major building repairs
- Court orders related to school safety or other issues
- Labor management disputes

Goal of Waiver to Improve Services

- If approved to utilize this waiver, for SY 23-24, this waiver will allow our sponsors to continue to provide services to their students. It will also relieve some administrative burdens on sponsors and families. Allow sponsors to focus on providing meals without the additional worries of having to comply with every federal regulations during a disaster.
- During disaster periods children have a high propensity to be food insecure. It is a social responsibility to ensure our most vulnerable population are provided nutritious meals so that they can continue to survive during these difficult times. In addition, providing nutritious meals will alleviate a major concern for families already dealing with a traumatic and devastating event.

Expected Outcome of Waiver

- Use of the waiver will allow students to receive healthy nutritious meals during a natural disaster.
- The waivers will minimize hunger and food insecurity during a natural disaster.
- Allow families to focus on rebuilding their lives to get back to normal.
- Allow sponsors to concentrate on providing meals under difficult situations without the added complication of congregate feeding regulations.

- Simplify program administration for the sponsors so they can focus on the highest priority needs of their program/sites.

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

SFSP and SSO Unanticipated School Closures (School buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 *Code of Federal Regulations (CFR) 225.6(i)(15)*]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 *CFR* 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 *CFR*
 - 225.16(c)(1), (2), and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 *CFR* 225.6(h)(1)(iv)]

National School Lunch Program and School Breakfast Program (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support school food authorities (SFA) in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 *CFR* 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 *CFR* 210.10(a), 220.2 (Breakfast), and 220.8(a)] Serve [42 U.S.C. 1758(a)(3) and 7 *CFR* 210.10(e)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 *CFR* 210.10(e)]

Child and Adult Care Food Program The waivers in this section will apply to the at-risk afterschool component of CACFP only. These waivers are intended to provide needed flexibility to support at-risk afterschool centers in continuing to offer nutritious meals during unanticipated school closures. These waivers are effective

through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B), and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

- SFAs and Sponsors who would like to participate in these waivers during unanticipated school closure may submit a request to HCNP to utilize any of these waivers.
- The SA will continue to provide technical assistance to program operators on applicable regulatory and operational aspects of the meal programs and to clarify the flexibilities that are available in response to unanticipated school closures.
- The SA does not expect any challenges from program operators in implementing these waivers as similar flexibilities were utilized in response to the COVID-19 pandemic. We also anticipate no adverse impact on other program operations, including technology, state systems or monitoring.

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 any challenges in implementing this waiver as we successfully operated under similar waivers throughout the COVID-19 pandemic.

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 disaster situation.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is immediately and is to remain in effect through June 30, 2024.

11. Proposed monitoring and review procedures:

HCNP will approve written requests to implement the waiver from SFAs/ Sponsors. HCNP will provide technical assistance, oversight, and monitoring of sponsor's performance under the requested waivers and will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements.

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

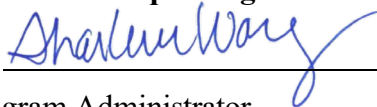
HCNP will report the following data points:

- 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
- A summary of findings associated with the waiver
- No later than September 1, 2024, HCNP will report to FNS Western Regional Office (WRO) the number of sponsors that used this 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/wp-content/uploads/2023/09/Signed-HI-Waiver-for-Unanticipated-Closure-23-24-request-VerB.pdf>

14. Signature and title of requesting official :

- Signature:  _____
- Title: Program Administrator_____

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

- **Regional Office Analysis and Recommendations:**
 - Recommend Approval
 - Recommend Denial

Explanation: