

**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST- WISCONSIN (2020)**

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.

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

Wisconsin Department of Public Instruction  
125 S. Webster St,  
Madison, Wisconsin 53707

Amanda Cullen, Director  
Community Nutrition Programs  
608-267-9123  
[amanda.cullen@dpi.wi.gov](mailto:amanda.cullen@dpi.wi.gov)

Jessica Sharkus, Director  
School Nutrition Programs  
608-267-9121  
[jessica.sharkus@dpi.wi.gov](mailto:jessica.sharkus@dpi.wi.gov)

**2. Region:**

Midwest Region

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

The Wisconsin Department of Public Instruction (WDPI) is requesting the waiver on behalf of all SFSP sponsors and SFAs (for SSO) determined to be in good standing in the State of Wisconsin.

**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]:**

This request is to waive the congregate feeding requirement for Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) meals served during unanticipated school closures at school and non-school sites during a public health emergency, such as the novel coronavirus,

when social distancing may be necessary to avoid the spread of the virus. The WDPI has already submitted and received approval from USDA to operate the SFSP at school sites during unanticipated school closures.

**Challenge**

Schools may face unanticipated closures due to natural disasters, unscheduled major building repairs, court orders related to school safety or other issues, labor-management disputes, or, other similar cause. Unanticipated school closures prevent children from receiving educational instruction and the nutritious meals they would normally receive. During unanticipated school closures related specifically to a public health emergency, the congregate feeding requirement does not allow for the social distancing by keeping people from gathering in groups, including keeping children home from school and childcare in order to slow the spread of an infection. Allowing children to take the SFSP and SSO meals off-site provides access to the meals, but provides for the social distancing that may be necessary to avoid spread of the virus.

**Goal to Improve Services**

The goal of the requested waiver is to provide SFSP and SSO sponsors the program flexibility of providing meals in a non-congregate setting when there is unanticipated school closures due to a public health emergency, such as the novel coronavirus.

**Expected Outcomes If Granted**

If granted, it is expected that the waiver will allow SFSP and SSO sponsors to provide nutritious meals to children during unanticipated school closures when due to a public health emergency, such as the novel coronavirus, when congregate feeding is not advised.

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

7 CFR 225 Citations	Requirement
7 CFR 225.6)(e)(15)	Maintain children on site while meals are consumed.
7 CFR 225.6(d)(1)(iv)	If it is a site proposed to operate during an unanticipated school closure, it is a non-school site (SSO, as already obtained for SFSP)

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

**Description**

The alternative procedure would allow SFSP and SSO sponsors in good standing to serve SFSP or SSO meals to children in a non-congregate setting during unanticipated school closures due to a public health emergency, such as novel coronavirus. All other requirements of the SFSP and SSO would apply.

**SFSP:** Agencies seeking to implement the waiver will agree to notify the WDPI of the plan to implement the waiver, by either submitting a SFSP Application and/or updating their current SFSP Application. The Application will provide the locations of meal service, type and times of meal distribution, a description as to how meals will be distributed and counted, a copy of the notification

to local health department of the sponsor's plans to provide non-congregate meals, etc. In addition, WDPI will request a description of how the sponsor will target the meal service to low-income children from the closed schools, how the availability of meals will be communicated to families in the affected community, and any additional changes to the standard meal service operation that will be necessary when serving meals during the school closure.

**SSO:** Agencies seeking to implement the waiver will agree to notify the WDPI of the plan through a Google form. Information collected will include but will not be limited to the following:

- Name of school(s) covered by the waiver request;
- At what point following school dismissal will the meal service through SSO start;
- What meal distribution method(s) will the SFA use and how the waiver will target the children in the dismissed school;
- Time meals will be available;
- A copy of the notification to local health department of the SFAs plans to provide non-congregate meals
- How the meal distribution will target low-income children, if the school does not have 50 percent or more free or reduced price children enrolled; methods for communicating with families about the availability of meals; and how the SFA will ensure proper operation of the program including meal content, meal counts food safety, oversight, etc.

**Impact on Program operations, including technology, State system, and monitoring**

Program operations, including technology, State systems and monitoring will not be affected by the waiver approval, given that the SFSP Application is already available to current and potential sponsors and a Google form for the SSO is easily created. The claim system for both programs allows for year round claiming. The WDPI will assist sponsors with understanding the waiver requirements. Regular monitoring will occur during normal operations, however additional monitoring of the non-congregate meal service will take place, if the WDPI would determine it was warranted.

**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]:**

Wisconsin does not have State statutory or regulatory barriers that apply to this waiver request.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

SFSP: The only foreseeable challenge related to the waiver may be the time needed to inform and train sponsors on how to implement the waiver.

SSO: WDPI has not had any SFAs operating the SSO in over 5 years. We are reviewing the program requirements to ensure SFAs operate the program according to regulations.

**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 requested waiver does not increase the overall cost of the program to the federal government.

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

Implementation date requested: March 15, 2020

SSO: requesting the waiver to be available through the end of the current SY or June 30, 2020.

SFSP: Time period requested: 1 year

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

During administrative reviews, State Agency monitors will confirm whether the waiver has been implemented. If implemented, monitors will collect feedback on how the use of the waiver benefitted the program.

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

SFSP: WDPI will report data about use of the waiver to USDA by December 31, 2020. Data from administrative reviews is collected throughout the summer.

The report will include the following:

1. A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP.
2. A description of how the waiver impacted the quantity of paperwork necessary to administer the program.
3. The number of SFSP sponsors and sites that used the waiver.
4. The number of meals served at sites that used the waiver; and
5. A summary of findings associated with the use of the waiver.

SSO: We will maintain a list of SFAs (through our Google form) that utilized the SSO during an unanticipated school closure due to coronavirus. We will request information related to the following from SFAs and report to USDA if requested:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in the SSO;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The number of SFAs that utilized the SSO waiver;
- The number of meals served at sites that used, the waiver; and
- A summary of findings associated with the use of 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]:**

SFSP: Public notice posted at <https://dpi.wi.gov/community-nutrition/sfsp>

SSO: Public notice posted at <https://dpi.wi.gov/school-nutrition> regarding the request for a waiver. The following was also sent to all of our SFAs via listerv on 3/10/2020:

## SchoolMealsNews Bulletin Special Edition - Coronavirus

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) released Policy Memorandum SP 08-2020 titled *Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks*. Please see attached policy memorandum and Q&A (SP 08-2020 A1).

The Wisconsin School and Community Nutrition Teams will be requesting permission from USDA to waive the requirements for serving meals in a congregate setting and the requirement to serve meals at a non-school site (for COVID-19 related meal service operations) for both the Summer Food Service Program (SFSP) and the National School Lunch's Seamless Summer Option (SSO).

14. Signature and title of requesting officials :

*Amanda Cullen*

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Title: Amanda Cullen, Director  
Community Nutrition Programs

*Jessica Sharkus*

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Title: Jessica Sharkus, Director  
School Nutrition Programs

Requesting official's email address for transmission of response:

[Amanda.cullen@dpi.wi.gov](mailto:Amanda.cullen@dpi.wi.gov)

[jessica.sharkus@dpi.wi.gov](mailto:jessica.sharkus@dpi.wi.gov)

**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:**

**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:**

