

December 31, 2018

Waiver Request to continue extension of Offer vs. Serve (OVS) to non-school food authority sponsors

Vermont Agency of Education Child Nutrition Programs is submitting this waiver request to continue the rescinded waiver allowing the use of Offer Versus Serve (OVS) by non-school food authority sponsors as originally published in SFSP 11-2011, *Waiver of Meal time Requirements and Unitized Meal Requirements in the Summer Food Service Program*, October 21, 2011.

- 1. State agency submitting waiver request and responsible State agency staff contact information:** Vermont Agency of Education, Child Nutrition Programs, Jamie Curley, Jamie.curley@vermont.gov, 802-479-1207

- 2. Region:** Northeast

- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Vermont is requesting a statewide waiver. As of summer 2018, Vermont has 23 non-School Food Authority (SFA) sponsors who can or do benefit from OVS, including two hospitals, two Boys & Girls clubs, two senior centers, one city government, and a variety of day and residential camps. All of these sponsors are in good standing.

- 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]:** Offer versus Serve (OVS) allows all Summer Food Service Program (SFSP) sponsors to offer a full meal to children, but only requires that the child take a certain number of components. USDA has found that this method reduces food cost, food waste, and increases the likelihood that children will eat the food that they select. USDA has recognized the benefits of this service method, going so far as to require it for high school aged students in the National School Lunch Program. Given the benefits of this service method, we want to allow all of our summer sponsors to utilize it. Many of our 23 non-SFA sponsors currently use OVS under the rescinded waiver and moving to a new service method will be confusing for both sponsors and participating children. In addition, we believe it will increase both food and waste disposal costs for non-SFA sponsors, which could cause

them to leave the program. Finally, having to train non-SFA sponsors on different service method requirements than SFA sponsors could lead to confusion and a decrease in meal pattern compliance, and will create an additional training burden for our state agency staff.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(l)(2)(A)(i) of the NSLA]: Section 13(F)(6) of the NSLA, 42 USC 1761(F)(6), and 7 CF 225.16(F)(1)(II).
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Vermont Agency of Education Child Nutrition Programs has done training for SFSP sponsors on the proper way to implement OVS during the meal pattern section of the mandatory SFSP annual sponsor training. This section can be strengthened to ensure all sponsors can comply with the OVS requirements. The State Agency will continue to monitor meal pattern and OVS compliance during the required administrative review. We do not think that granting the waiver will have an impact on program operations. If the waiver is not granted, there will be an additional training burden on state agency staff who will need to train SFA and non-SFA sponsors separately.
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]: Vermont has allowed OVS for all SFSP sponsors since the waiver was adopted. Training on OVS has been included in the mandatory annual training sponsors receive. OVS compliance has also been monitored during summer administrative reviews.
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** As the waiver has been in place for years, the state does not foresee any challenges as a result of extending it. As sponsors are used to being able to use OVS, it is anticipated that rescinding the OVS waiver could lead to more meal pattern errors and need for training and corrective action.
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]: By continuing OVS, sponsors may be able to

reduce food waste and decrease overall cost to their program. Since OVS has been allowed for all sponsors in Vermont, continuing the allowance may also uphold program integrity. This is maintaining an existing waiver, and therefore not expected to increase costs.

- 10. Anticipated waiver implementation date and time period:** Summer 2019 (June through September) with the option of extending to future summers if allowable.
- 11. Proposed monitoring and review procedures:** We will continue to train all sponsors on OVS requirements during the annual sponsor training. We continue to ensure that sponsors implementing OVS correctly during administrative reviews.
- 12. Proposed reporting requirements (include type of data and due date(s) to FNS):** We can submit Application Packet data showing which sites opt to implement the OVS provision.
- 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]:** posted on Agency of Education website
- 14. Signature and title of requesting official:** Jamie Curley, Summer and School Meals Consultant for Vermont Agency of Education Child Nutrition Programs

Title: Summer and School Meals Consultant

Requesting official's email address for transmission of response:

Jamie.curley@vermont.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(1)(1)(A)(ii) of the NSLA

- **Regional Office Analysis and Recommendations:**