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February 11, 2019

Waiver of Meal Time Requirements

Vermont Agency of Education Child Nutrition Programs is submitting this waiver request to continue the rescinded waiver originally offered through SP 10-2017, SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016. This would waive the regulations that require that three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must elapse between lunch and supper if no snack is served. This would also waive the regulation that the duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

- 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 had 59 sponsors and 290 sites. 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]:** Vermont is requesting a waiver for program regulation 7 CFR 225.16(c)(1), which places a meal time restriction on the SFSP, and a waiver for program regulation 7 CFR 225.16(c)(2), which limits the duration of the meal service to two hours for lunch or supper and one hour for all other meals. There are many sponsors in Vermont who have used the prior waivers to have longer meal services and shorter durations between meal services. Loosing this flexibility could have a significant impact on program operations and participation. The structure of their programming and staffing capacity dictates their optimal meal service times. Loosing this flexibility would also create much confusion for sponsors who do not currently have time restrictions between meals. Many of our summer sponsors have planned activities or educational opportunities between meals. The flexibility in the timing of meals is important so the program can operate smoothly and reach as many eligible participants as possible. Staff cost is often a concern and placing this restriction could lead to a higher cost to operate the program due to additional hours of staff time to be paid. Sponsors may decide to offer fewer meals or drop the program altogether rather than alter their activity schedules, reducing access to the program. In our rural state, longer meal times with less time between meals affords greater opportunity for all children of all age groups and transportation situations to access meals. Finally, building in an edit check into Vermont Agency of Education Child Nutrition Program's Colyar application and claiming system to flag sufficient times between meal services would cost the state agency money and staff time to implement and to test the provision.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(l)(2)(A)(i) of the NSLA]: 7 CFR 225.16(c)(1) and 7 CFR 225.16(c)(2)
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** The state agency currently checks to ensure that meal times are not overlapping. In addition, the state agency checks during monitoring to ensure that meals are offered only during the service times indicated on the program application. Granting this waiver is not expected to have a significant impact on program operations. If the waiver is not granted, the state agency will incur additional expense to update and test its application system.
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 removed the time restriction requirements as a result of the past waiver given. It would be burdensome for the state agency and sponsors to implement a mealtime restriction after being trained for many years that they did not have to consider that barrier.
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** As this waiver request is to continue a past-approved flexibility, we do not foresee any additional challenges implementing it; it would be more of a challenge to remove it. It would require a lot of additional training and could lead to more findings during SFSP administrative reviews.
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]: As this is a continuing waiver, we do not foresee any additional costs as a result of implementation. As time restrictions have not been in place in Vermont, continuing the flexibility may also uphold program integrity.
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:** Vermont would continue monitoring per regulatory requirements.
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** Vermont would continue to report site locations and times of operation as required by federal regulations. This is part of the weekly data that we submit to USDA to populate the Summer Meals Site Finder.
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]:
<https://education.vermont.gov/student-support/nutrition>

14. Signature and title of requesting official:

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Child Nutrition Programs
Vermont Agency of Education
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Mailing Address: 219 North Main Street, Suite 402, Barre, VT 05641
Email: Mary.Krueger@Vermont.gov

Title: Assistant Director

Requesting official's email address for transmission of response: Mary.Krueger@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(I)(1)(A)(ii) of the NSLA**