March 9, 2020

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Mountain Plains Regional Office
1244 Speer Blvd, Suite 903
Denver, CO 80204-3581

Subject of Waiver Request:
Waiver to Allow Summer Food Service Program (SFSP) Meals and Seamless Summer Option (SSO) Meals in a Non-Congregate Setting

1. State agency submitting waiver request and responsible State agency staff contact information:
   Name of State agency: Kansas State Department of Education (KSDE)
   State agency staff contact: Cheryl Johnson
   Mailing address: 900 SW Jackson St. Suite 251, Topeka, KS 66612
   Telephone number: 785-296-2276
   Email address: csjohnson@ksde.org

2. Region: Mountain Plains

3. Eligible service providers participating in waiver and affirmation that they are in good standing:
   All Kansas CNP Sponsors 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]:
   KSDE is requesting a statewide waiver to provide flexibility to the regulatory requirement, 7 CFR 225.6(e)(15), that stipulates that sponsors of the SFSP and SSO must maintain children on site while meals are consumed. This waiver would be used in conjunction with the already granted waiver of SFSP requirement 7 CFR 225.6(d)(1)(iv) which allows the state of Kansas to approve the operation of SFSP and SSO meal service at sites during unanticipated school closures. Together these waivers would allow the Kansas Department of Education, Child Nutrition & Wellness team, to approve SFSP and SSO sponsors in good standing to provide meals during an unanticipated school closure in a non-congregate setting.

   With the challenge of the Novel Coronavirus being confirmed in Kansas, waving the requirement to serve congregate meals through the SFSP/SSO would make it possible to continue to provide reimbursable meals to low-income children during school closures related to the novel coronavirus disease.
5. **Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(l)(2)(A)(i) of the NSLA]:
   The Kansas State Department of Education requests a waiver of regulation 7 CFR 225.6(e)(15), which requires SFSP and SSO sponsors to maintain children on site while meals are consumed. If approved this waiver will be applied in conjunction with the waiver for regulation 225.6(d)(1)(iv), which was already approved for KSDE by USDA on, allowing schools to serve as a meal site during an unanticipated school closure.

6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring.**
   If approved, this request will waive the requirement that children remain on site and eat in a congregate setting during unanticipated school closures due to the Coronavirus. Instead, SFSP sites would be permitted to serve grab and go meals if they apply for the waiver notifying KSDE that they intend to serve non-congregate meals during an unanticipated closure due to the Coronavirus and it is approved by KSDE Child Nutrition & Wellness.

   Approval of this waiver will ensure that children have the necessary nutrition needed, assist with conserving other community resources for populations not served through the child nutrition programs, and promote social distancing.

   The state agency will track the number of school sites and sponsors that were approved to utilize the waiver as well as number of meals served during the unanticipated school closure.

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]:
   Previously, the State agency has not taken any steps to address regulatory barriers as this flexibility was not a possibility.

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:**
   The State agency does not anticipate that this waiver will present any challenges to the agency or CNP sponsor organizations. Implementation of this waiver will decrease the challenges faced by sponsoring organizations in feeding children if schools are closed due to the Coronavirus.

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 Waiver will not increase the overall cost of the Program to the Federal Government.

10. **Anticipated waiver implementation date and time period:**
    Requested Waiver Timeframe:
    - Waiver Request Start Date: March 10, 2020 or upon approval of the waiver
    - Waiver Request End Date: June 30, 2020
11. **Proposed monitoring and review procedures:**
The State agency will continue to follow their standard CNP review procedures. Sponsors found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

12. **Proposed reporting requirements (include type of data and due date(s) to FNS):**
The State agency will report to FNS any compliance issues noted with this flexibility during application approvals and reviews by December 31, 2020 or when requested by FNS.

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: [www.kn-eat.org](http://www.kn-eat.org), Summer Food Service Program, What's New

14. **Signature and title of requesting official:**

   [Signature]

   Name: Cheryl Johnson, MS, RD, LD
   Title: Director, Child Nutrition & Wellness, KSDE
   Requesting official's email address for transmission of response: csjohnson@ksde.org

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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:
☐ 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:**