CHILD NUTRITION PROGRAM STATE WAIVER REQUEST:
Waiver Request of the Potable Water Requirement at Sites Participating in the National School Lunch Program

1. **State agency submitting waiver request and responsible State agency staff contact information:**
   Kansas State Department of Education (KSDE)
   Child Nutrition & Wellness (CNW)
   900 SW Jackson Street, Suite 251
   Topeka, KS 66612
   Cheryl S Johnson, Director
   csjohnson@ksde.org
   785-224-8479 (cell)

2. **Region:**
   Mountain Plains (MPRO)

3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**
   The Kansas State Department of Education (KSDE) is requesting the waiver on behalf of all National School Lunch Program (NSLP) sponsors determined to be in good standing in the State of Kansas operating during the ongoing COVID-19 outbreak.

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 regulatory requirement for potable water in the NSLP in non-cafeteria feeding sites, including non-congregate sites, remote learning, or blended hybrid scenarios due to the COVID-19 outbreak.

   Requirement under section 9(a) of the Richard B. Russell National School Lunch Act 42 USC 1758(a), 7 CFR 210.10(a)(i): NSLP meals must make potable water available to children at no charge in the place where lunch meals are served during the meal service.

   Challenges Without the Waiver
   - If the waiver is denied, there could be a huge financial impact on the Program Operations for the NSLP sponsors. Cost of providing water outside of the meal service area(s) would be a severe financial hardship to the schools.
   - If schools use off-site remote learning in the school year because of COVID-19 concerns, students would not be on site and able to consume traditional school meals and snacks where potable water would normally be supplied. Schools would be required to send potable water home with the meals.
   - If meals are served outside of the cafeteria because of social distancing plans, there may not be access to potable water because many schools are not allowing use of water fountains for safety reasons.
   - While providing potable water in the classroom is definitely a recommended practice, it may pose a financial hardship and logistical challenge.
Goal of Waiver to Improve Services

- Reduce the burden on the school meals program to provide potable water when meals are served in non-cafeteria locations.

Expected Outcomes of Waiver

- Students eating at home would have their own potable water supply.
- School nutrition employees would have less items to transport and serve with meals outside of the cafeteria.
- Schools would only be required to provide potable water when meals are consumed in the regular meal service area.

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

<table>
<thead>
<tr>
<th>NSLA Citations</th>
<th>7 CFR Citations</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 USC 1758(a)</td>
<td>210.10(a)(i)</td>
<td>Make potable water available where lunch meals are served during meal service</td>
</tr>
</tbody>
</table>

6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**
   There are no expected impacts on procedures, 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 no regulatory barriers at the State level to provide the requested waiver.

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:**
   There are no anticipated challenges at the State and sponsor level.

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:**
    Implementation date requested: August 1, 2020.
    Time period requested: June 30, 2021.

11. **Proposed monitoring and review procedures:**
    Current NSLP monitoring of sponsors is included in the administrative review. This practice will continue as it is consistent with 7 CFR 210.18 requirements.

12. **Proposed reporting requirements (include type of data and due date(s) to FNS):**
    No later than December 31, 2021, KSDE will report to USDA the number of sponsors and sites 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]:
   Notice is posted at www.kn-eat.org, School Nutrition Programs, What’s New.

14. Signature and title of requesting official:

   Cheryl S. Johnson, MS, RD, LD
   Director, Child Nutrition & Wellness, Kansas State Department of Education
   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: