

## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST**

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

Susan H. McCarron, RD, LDN, Director  
Division of Food and Nutrition Services  
Montgomery County Public Schools  
8401 Turkey Thicket Drive  
Gaithersburg, MD 20879  
301-284-4900  
Susan\_H\_McCarron@mcpsmd.org

### **2. Region: Montgomery County, Maryland**

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

Montgomery County Public Schools. We are in good standing with the Maryland State Department of Education.

### **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]:**

1. Meal Service times: We are seeking a waiver for the meal service time requirements stated in the SFSP 02-19 USDA memo. Without a waiver, the challenges we face will include:
  - A large number of our sites, including our Title I Summer programming, have a high volume of children (600+) and due to limited space for service and program time restrictions, lunch has to be served prior to the three hour window.

If a waiver is implemented, we will be able to continue serving an appropriate amount of nutrition in a timely manner to children.

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

1. *SP 10-2017, SFSP 06-2017, Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised, December 5, 2016*
  - Continued waiver of program regulations at 7 CFR 225.16(c)(1) for meal times as originally published in SFSP 11-2011, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011. Regulations 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 policy waived these requirements, but maintained that sponsors must continue to establish meal service times.

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

If our waiver is implemented, there will be no anticipated impact on Program operations because it will operate as it did in summer 2018.

**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]:**

Maryland State Department of Education said they will not be applying for waivers.

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

We do not foresee any challenges, because waiver implementation would keep our SFSP operations functioning the same as they were in summer 2018.

**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 because they will keep operations the same as they were in summer 2018.

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

June 17, 2019 – August 31, 2019

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

The proposed monitoring and review procedures will be that of the SFSP program in summer 2018, in which all new sites and prior year sites that were found not to be in compliance were reviewed within the first week of operation. There will be no changes due to a waiver being implemented.

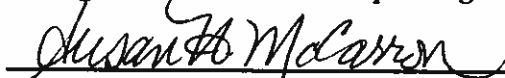
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

The proposed reporting requirement will be the same as the SFSP program in summer 2018.

**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://www.montgomeryschoolsmd.org/departments/food-and-nutrition/programs/>

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



Susan H. McCarron, Director, Montgomery County Public Schools

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#### **Monitoring:**

We are seeking a waiver for the monitoring requirements stated in the SFSP 02-19 USDA memo. Without a waiver, the challenges we face will include:

- a. We will need additional staff members, which we cannot afford with the reimbursement amount. Our current staffing for SFSP may not be adequate to ensure that all sites receive a first week visit. Start dates may have to be staggered to meet this requirement. Students in SFSP would not receive meals the first week of the program. Prioritizing the sites for start-up would be inequitable. Montgomery County Public Schools has been serving students over 32 years during the summer. Our community has relied on us as a source of nutrition in the summer.
- b. Our sites are geographically spread far throughout our serving area. We are unable to physically reach all of the sites in the first week. This means we would have to serve less sites, and therefore, less children.
- c. Due to this regulation, for sites that are operating a short time period, such as the Clifton Park site that serves for one week, we will have to go to that site multiple times in one week. We do not have adequate staff to cover all of those visits.
- d. Some of our sites are only open for a short period of time each day, so it will not be possible for our staff to get to all in one week while the sites are open.
- e. During the first week of July we have over 100 summer sites beginning operation. Due to the regulation it would not be possible to visit all of the sites the first week due to the volume of sites operating.

If a waiver is implemented, we will be able to continue our service in a more efficient way, and we would not have to discontinue meal service in sites we have served previously. Our communities rely on us as a trusted source for nutritious meals in a safe environment that is accessible to them.

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

1. **SFSP 12-2011, *Waiver of Site Monitoring Requirements in the Summer Food Service Program*, April 5, 2011**
  - Waived regulatory requirement at 7 CFR 225.15(d) for sponsors to conduct site visits during the first week of program operations for returning sites that operated successfully during the previous summer and had no serious deficiency findings.
2. **SP 07-2013, SFSP 04-2013 - REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012**
  - Provided State agencies the discretion to waive the first week of operation site visit requirement at 7 CFR 225.15(d) for school food authority sponsors in good standing in the SFSP.

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

If our waiver is implemented, there will be no anticipated impact on Program operations because it will operate as it did in summer 2018.

**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]:**

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**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]:**

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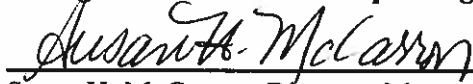
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