

PUBLIC NOTICE OF:

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

Waiver of OVS & Congregate meal requirements at Mendenhall High School in the Simpson County School District

The Mississippi Department of Education-Office of Child Nutrition is requesting a waiver of:

OVS and Congregate meal requirements for Mendenhall High School in the Simpson County School District due to remodeling and serving meals at an alternate location approved by the SA

The full waiver request is attached.

For any questions, please contact Scott Clements at sclements@mdek12.org.

Posted: 3/6/23



CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Mississippi Department of Education
Office of Child Nutrition
Scott Clements, State Director
sclements@mdek12.org
601-576-5000
500 Greymont Ave, Jackson, MS 39202

2. Region:

Southeast (SERO)

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

Simpson County School District

SA affirms that this SFA is 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Simpson Co School is seeking to waive that requirement that Offer vs Serve be implemented at a High School Site, specifically the Mendenhall High School campus, due to remodeling from March 3, 2023-July 31, 2023.

During the remodel, meals will be served at an alternate location. This alternate location has been made known to the SA and approved by the State Department of Health. Staff at the SFA do not have the capacity to implement OVS at this alternate location (due to physical space restraints and the configuration of the serving line) and will be forced to provide pre-plated meals that include all components to meet or exceed minimum daily quantities.

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

Congregate Meals: National School Lunch Act, 42 USC 1753(b)(1)(A), the Child Nutrition Act, 42 USC 1773(b)(1)(A);

OVS requirement for High Schools: 7 CFR 210.10(e)

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

Program operations at the site are impacted by the remodel, which is why the SFA is requesting this waiver. Program staff will be trained on what constitutes a reimbursable meal at the high school level when OVS is not implemented so that the SFA can ensure that all meals served have the required components and quantities.

Not implementing OVS will not have any impact on technology or state systems and only a minimal impact on monitoring, in that SFA and SA monitoring staff will be required to ensure that all pre-packaged meals served are reimbursable.

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]:

The SA is unable to waive the OVS requirement for High School sites implementing the NSLP

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

There could be confusion among SFA site staff who will be required to transition from implementation of OVS to implementation of "Straight Plate" (all required components).

Program staff will be trained on what constitutes a reimbursable meal at the high school level when OVS is not implemented so that the SFA can ensure that all pre-packaged meals served have the required components and quantities.

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 SFA's implementation of "Straight Plate" (all components), as opposed to OVS, will not have any impact on the federal reimbursement received the site for the provision of those meals.

10. Anticipated waiver implementation date and time period:

March 3, 2023- July 31, 2023

11. Proposed monitoring and review procedures:

The SA will provide training, technical assistance and complete compliance reviews as required by USDA requirements.

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

The SA will retain all documentation related to the waiver and monitoring procedures and will provide it to USDA as required and upon request.

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]:

<https://www.mdek12.org/OCN/New-USDA-Waivers-and-Extensions>

14. Signature and title of requesting official:



Signature

State Director

Title

sclements@mdek12.org

Requesting official's email address for transmission of response

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

• Regional Office Analysis and Recommendations: