

**CHILD NUTRITION PROGRAM  
WAIVER REQUEST**

**Submitted December 13, 2021**

**REQUEST TO WAIVE THE DEFINITION OF UNANTICIPATED SCHOOL CLOSURE**

**Meal service Start Date: December 14, 2021**

**1. STATE AGENCY AND PNP (Private Non-Profit Sponsor) SUBMITTING WAIVER REQUEST AND RESPONSIBLE STATE AGENCY STAFF CONTACT INFORMATION:**

Kentucky Department of Education, Lauren Moore-Director (502-564-5625, lauren.moore2@education.ky.gov), School and Community Nutrition, on behalf of UMCFood Ministry, Lawrence Karow, CEO ([Ceo@umcfood.org](mailto:Ceo@umcfood.org), 859-757-5416)

**2. REGION**

Southeast

**3. ELIGIBLE SERVICE PROVIDERS PARTICIPATING IN WAIVER AND AFFIRMATION THAT THEY ARE IN GOOD STANDING**

The eligible service provider participating in the waiver is UMCFood Ministry. This provider is confirmed to be in good standing with the Kentucky Department of Education, Division of School and Community Nutrition.

**4. DESCRIPTION OF THE CHALLENGE THE SPONSOR IS SEEKING TO SOLVE, THE GOAL OF THE WAIVER TO IMPROVE SERVICES UNDER THE PROGRAM, AND THE EXPECTED OUTCOMES IF THE WAIVER IS GRANTED**

UMCFOOD is requesting that the U.S. Department of Agriculture (USDA) waive the definition of unanticipated school closures that considers a school open if a school plans to offer virtual learning or a mix of in-person classes and virtual learning if a school is located in an area that has been declared an EMERGENCY DISASTER AREA. UMCFOOD is requesting that USDA permit the operation of the SFSP program to students residing in any of the counties covered by the EMERGENCY DECLARATION OF A DISASTER AREA by the President of the United States on December 11, 2021. USDA memo [SP 04-2020](#), [CACFP 03-2020](#), and [SFSP 03-2020](#): *Meal Service During unanticipated School Closures*, issued November 5, 2019, defines unanticipated school closures as “Unanticipated school closures prevent children from receiving educational instruction and the nutritious meals they would normally receive.” Clearly, even if schools in the area are able to return to some type of virtual learning, the need for nutritious meals will be great in the areas affected by the Presidential EMERGENCY DECLARATION.

On December 11, 2021, a massive tornado ravaged Western Kentucky. On December 12, 2021, the President of the United States, Joseph R. Biden, declared the Kentucky Counties of Breckenridge, Bullitt, Caldwell, Fulton, Graves, Grayson, Hickman, Hopkins, Lyon, Meade, Muhlenberg, Ohio, Shelby, Spencer and Warren an EMERGENCY DISASTER AREA which

permitted the Federal Emergency Management Agency to provide all disaster relief efforts to alleviate the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance, to save lives, to protect property, public health and safety, and to lessen or avert the threat of a catastrophe in the named counties.. On December 12, 2021,, the President declared a MAJOR FEDERAL DISASTER for the counties Caldwell, Fulton, Graves, Hopkins, Marshall, Muhlenberg, Taylor, and Warren, which permitted FEMA to provide aid including grants for temporary housing and home repairs, loans to cover uninjured property losses, and other programs to help individuals and business owners recover from the affects of the disaster.

By allowing meals to be served under SFSP by SSO's and Non-Profit Sponsors in areas covered by the EMERGENCY DISASTER DECLARATION, children will be assured of obtaining meals that meet the meal pattern requirement, and continue the ability of children to receive healthy, nutritious meals when their schools are unable to provide congregate meals during the EMERGENCY DECLARATION.

**5. SPECIFIC PROGRAM REQUIREMENTS TO BE WAIVED:**

The waiver is to request allowing the definition of an unanticipated school closure under [42 USC 1761\(c\)\(1\)](#), to include providing meals during the Federal Declaration of the identified Kentucky Counties as an EMERGENCY DISASTER AREA. UMCFOOD is requesting that all other currently available COVID-19 waivers for SFSP be extended to include not only Unanticipated School Closures, but also allow the current non congregate, parental pickup and meal time waivers be extended during the period of the EMERGENCY DECLARATION for the specific counties in Kentucky.

**6. DETAILED DESCRIPTION OF ALTERNATIVE PROCEDURES AND ANTICIPATED IMPACT ON PROGRAM OPERATION, INCLUDING TECHNOLOGY, STATE SYSTEMS AND MONITORING.**

UMCFood will continue to train all staff and volunteers on the proper distribution and counting of meals served under this waiver. The Sponsor is an ongoing concern that has been reviewed by the State Agency Annually and has been shown to be a sponsor who complies with the regulations and policies of this program. The State Agency will continue its normal monitoring process of the Sponsor.

**7. DESCRIPTION OF ANY STEPS THE STATE HAS TAKEN TO ADDRESS REGULATORY BARRIERS AT THE STATE LEVEL**

There are no State level regulatory barriers for this request in SFSP.

**8. ANTICIPATED CHALLENGES STATE OR ELIGIBLE SERVICE PROVIDERS MAY FACE WITH THE WAIVER IMPLEMENTATION:**

Coordination of other service providers in the area, and assuring that there is no duplication of services are challenges which the Sponsor has already dealt with during the Covid-19 emergency, and will continue to implement during the EMERGENCY DECLARATION to eliminate

or minimize the potential of children receiving duplicate meals from other program operators, including SSO's.

**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**

Use of this waiver simply moves the meal expense that would have been incurred from SFA's operating the Seamless Summer Option to the SFSP regular program. The reimbursement rates remain the same, and so it will not increase the cost of meals to the Child Nutrition Programs.

**10. ANTICIPATED WAIVER IMPLEMENTATION DATE AND TIME PERIOD:**

Implementation date: December 14, 2021

Time period: December 14, 2021 – May 30, 2022

**11. PROPOSED MONITORING AND REVIEW PROCEEDURS:**

UMCFood will continue to monitor its sites on a regular basis for program integrity as part of the SFSP sponsor reviews. UMCFood is reviewed on a regular basis by the State Agency.

**12. PROPOSED REPORTING REQUIREMENTS (INCLUDE TYPE OF DATA AND DUE DATES TO FNS)**

UMCFood is willing to report data to FNS as requested. Suggested data to report: Number of sites with UMCFood utilizing the SFSP program during the Emergency Declaration. Suggested date: September 15 annually.

**13. LINK TO OR A COPY OF THE PUBIC NOTICE INFORMING THE PUBLIC ABOUT THE PROPOSED WAIVER**

**14. SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**

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Rev. Dr. Lawrence Karow, CEO

UMCFood Ministry

Requesting official's email address for transmission of response: [Ceo@umcfood.org](mailto:Ceo@umcfood.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(1)(1)(a)(ii) of the NSLA

Regional office Analysis and Recommendation