



## **Montana School Nutrition Programs 2022 Notice of Proposed School Nutrition Program Regulation Waiver Request**

The Office of Public Instruction School Nutrition Programs submitted a waiver request to the U.S. Department of Agriculture for the program requirements listed below. For more information, please contact Christine Emerson at [cemerson@mt.gov](mailto:cemerson@mt.gov).

### **Summer 2022 and SY 2022-23 Child Nutrition Programs Waiver Request**

#### **Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):**

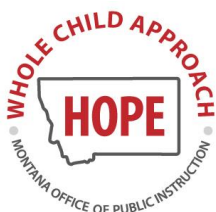
The waivers in this section apply to SFSP and SSO for summer 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (May 1, 2022-September 30, 2022)

Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)] (May 1, 2022-September 30, 2022)

#### **National School Lunch Program (NSLP) and School Breakfast Program (SBP):**

The following waivers are intended to provide needed flexibility to support school food authorities (SFAs). FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.



Waiver 3: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)] (July 1, 2022 – June 30, 2023)

Waiver 4: Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)] (July 1, 2022 – June 30, 2023)

Waiver 5: Meal Service Times [7 CFR 210.10(l) and 220.8(l)] (July 1, 2022 – June 30, 2023)

Waiver 6: Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)] (July 1, 2022 – June 30, 2023)

### **School Year Administration (NSLP/SBP/SFSP):**

The following waivers allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

Waiver 7: Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)] (July 1, 2022 – June 30, 2023)

Waiver 8: Food Service Management Company (FSMC) contract duration [7 CFR 210.16(d), 7 CFR 225.6(h)(7)] (July 1, 2022 – June 30, 2023)

Waiver 9: Administrative Review Onsite Requirements [7 CFR 210.18] (End of PHE\*\* – June 30, 2023)

- Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)] (End of PHE\*\* – June 30, 2023)

- Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)] (End of PHE\*\* – June 30, 2023)

- Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)] (End of PHE\*\* – June 30, 2023)

**Reporting Requirements (NSLP):**

The following waivers allow State and local Program operators to appropriately allocate their limited staffing resources to meal service to best ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.

Waiver 10: FNS-874 Second (Independent) Review of Applications [42 U.S.C. 1796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)] (July 1, 2022 – June 30, 2023)

Waiver 11: FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)] (July 1, 2022 – June 30, 2023)

**Special Milk Program (SMP):**

The following waivers are intended to provide needed flexibility to support schools and institutions in continuing to offer milk. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate milk service is limited by the COVID-19 pandemic.

Waiver 12: Non-Congregate Milk Service [42 U.S.C. 1772(a)(1) and 7 CFR 215.1] (July 1, 2022 – June 30, 2023)

Waiver 13: Parent/Guardian Milk Pickup [42 U.S.C. 1772(a)(7), 7 CFR 215.7(d)(2)(i), and 7 CFR 215.13a(a)] (July 1, 2022 – June 30, 2023)

**Fresh Fruit and Vegetable Program (FFVP):**

The following waivers are intended to provide needed flexibility to support schools in continuing to participate in the FFVP. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when the FFVP elementary school is closed for in person instruction and congregate meal service is limited by the COVID-19 pandemic.

Waiver 14: Parent/Guardian FFVP Pickup [42 U.S.C. 1769a] (July 1, 2022 – June 30, 2023)

Waiver 15: Alternate Site [42 U.S.C. 1769a(a)] (July 1, 2022 – June 30, 2023)

**Unanticipated School Closures:**

The waivers in this section apply to SFSP and SSO during unanticipated school closures. FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (October 1, 2022 – April 30, 2023)

Waiver 17: Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)] (October 1, 2022 – April 30, 2023)

Waiver 18: Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)] (October 1, 2022 – April 30, 2023)

Waiver 19: Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)] (October 1, 2022 – April 30, 2023)

**Additional Flexibilities (NSLP/SBP):**

The following waivers provide needed flexibility and allow State and local Program operators to overcome challenges resulting from COVID-19. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

Waiver 25: Paid Lunch Equity [42 U.S.C. 1760(p)(2) and 7 CFR 210.14(e)] (July 1, 2022 – June 30, 2023)

Waiver 26: Use of Prior Year Eligibility Determinations for School Year 2022-2023 Carryover [42 U.S.C. 1758(b)(C) and 7 CFR 245.6(c)(2)] (July 1, 2022- June 30, 2023)

\*\* Current nationwide waivers of onsite monitoring for NSLP, SBP, and CACFP remain in effect until 30 days after the end of the Public Health Emergency (PHE). The end of the PHE will be declared by the U.S. Department of Health and Human Services.

## **Nondiscrimination Statement:**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program complaint of discrimination, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**1. mail:**

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

**2. fax:**

(833) 256-1665 or (202) 690-7442; or

**3. email:**

[program.intake@usda.gov](mailto:program.intake@usda.gov).