

**CHILD NUTRITION PROGRAM  
WAIVER REQUEST – KENTUCKY DEPARTMENT OF EDUCATION**

**Meal Pattern Waiver Request during COVID-19 Closure**

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

Kentucky Department of Education, Division of School and Community Nutrition  
Address: 300 Sower Boulevard, Frankfort, KY 40601  
Contact: Lauren E. Moore, [lauren.moore2@education.ky.gov](mailto:lauren.moore2@education.ky.gov)

- 2. Region:** Southeast
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

Any Child Nutrition Program sponsor approved by KDE to operate food services during a COVID-19 outbreak. Sponsors that would fall under this waiver are operating in areas that are experiencing closures in connection with a COVID-19 outbreak and would follow USDA and KDE guidance.

- 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]:**

Kentucky sponsors of Child Nutrition Programs operating in areas that are experiencing closures due to COVID-19 may experience limited inventories. It is anticipated that the limited inventory may affect the meal pattern due to shortages of certain meal components and minimum daily/weekly serving sizes. The goal is to allow sponsors in good standing to provide food to eligible participants in a manner that best utilizes available food inventories. We are seeking approval for alternative meal serving models that include the provision of shelf-stable foods when available with the focus on not having children go hungry. If allowed, children would continue to be fed much needed meals that otherwise are not available due to a school closure and ensures children receive food assistance when needed during an emergency.

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

The Kentucky Department of Education requests a waiver of regulations 7 CFR 210.10 (c); 7 CFR 220.8 (c); 7 CFR 225.16(d); 7 CFR 226.20.

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

KDE will provide technical assistance to sponsors on processes and procedures for planning and preparing meals/snacks and documenting food inventory and usage. There are no impacts on 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.

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

At this time, the KDE does not anticipate challenges from the establishment of this state-wide waiver at the state or sponsor level. Rather, it is anticipated the waiver will reduce challenges to sponsor sites that are experiencing unanticipated school closure because of COVID-19. Hungry children will benefit from the alternative meal service and schools will be able to utilize encumbered resource

**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]:**

Due to the fact that the impacted sponsors meals service will be operating as it normally would, but with limited resources, the establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government.

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

Start date: upon approval of waiver through June 30, 2020. and would be applied as needed on a case by case basis.

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

State agency staff in the Kentucky Department of Education, Division of School and Community will monitor implementation of this waiver. Reviews will include a review of the use of this waiver.

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

The number of sites, meals affected and sponsors utilizing this waiver will be reported annually by December 31 of each year the waiver is in effect.

**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://education.ky.gov/federal/SCN/Pages/USDARequiredReports.aspx>

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



Lauren E. Moore

Title: Director, Division of School and Community Nutrition

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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:**