



Office of School Nutrition  
1580 Logan, Suite 760  
Denver, CO 80203

Meghan Squires  
USDA MPRO  
1244 Speer Blvd, Ste. 903  
Denver, CO 80204

January 17, 2020

1. State agency submitting waiver request and responsible State agency staff contact information:  
Colorado Department of Education (CDE) School Nutrition Unit  
McKenna Pullen, [pullen\\_m@cde.state.co.us](mailto:pullen_m@cde.state.co.us); 720-644-7259
2. Region: Mountain Plains
3. Eligible service providers participating in waiver and affirmation that they are in good standing:  
This waiver request is applicable state-wide for all approved sponsors 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:  
The CDE School Nutrition Unit is requesting a state-wide waiver for the Seamless Summer Option (SSO) flexibility that was rescinded by the USDA Food and Nutrition Services (FNS) on November 5, 2019 through SP 04-2020, CACFP 03-2020, SFSP 03-2020 *Meal Service During Unanticipated School Closures*.

Requiring sponsors to serve meals at non-school sites during unanticipated school closures when the school is otherwise safe would deny children access to nutritious meals. Additionally, this requirement would increase administrative and financial burden on sponsors by requiring them to find an eligible location for meal service and transporting meals to serve at that location. The current flexibilities allow for streamlined program operations for sponsors. Continuing to allow meal service at school sites during unanticipated school closures would ensure access to child nutrition programs and reduce administrative and financial burden on sponsors during an already trying situation. Sponsors would continue to serve reimbursable meals to children at area eligible schools

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during unanticipated school closures, given that the school is determined to be a safe location. An example would be a labor dispute. In this case, all school buildings are safe and equipped to serve meals at eligible school sites even though the district has cancelled classes due to the labor dispute. Another example would be a snow day. For example, the district may cancel school due to snow in the morning, but by lunch time snow is melted and schools would be safe to enter. CDE will approve sponsors to serve meals at school sites as needed and deemed safe. This would ensure that children have access to meals during the school day as normal.

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

The CDE School Nutrition Unit is requesting that requirements are waived under 7 CFR 225.6(d)(1)(iv) "If it is a site proposed to operate during an unanticipated school closure, it is a non-school site".

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

**Description of alternative procedures:** Sponsors will be allowed to serve meals at school sites during unanticipated school closures as long as the State agency determines the school site to be a safe location for meal service. All other SFSP and SSO regulations will be followed.

**Description of anticipated impact on Program operations, including technology, State systems, and monitoring:** This waiver will allow for streamlined program operations and reduced administrative burden for sponsors as they would not have to locate alternative eligible sites to serve meals during an unanticipated closure. Additionally, this waiver will ensure access to meals for children as they will not have to travel to a new location to receive a meal during the school day. Without this waiver, there would be an increase in administrative burden for the CDE School Nutrition Unit to

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update the technology system and internal guidance to accommodate the change. Additional costs would be incurred to re-train sponsors and CDE School Nutrition Unit staff on new requirements. The CDE School Nutrition Unit will continue to ensure program integrity through an application approval process. As outlined in 7 CFR 225.7(d)(1)(i) pre-approval visits of sponsors operating the program during an unanticipated school closure will be conducted at the discretion of the State agency. Sponsors will continue to be monitored according to regulation (7 CFR 225.7(d)) and no changes will need to be made to the current technology system. Approval of this waiver will be cost neutral for CDE School Nutrition.

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 flexibility rescinded by the USDA FNS on November 5, 2019 through SP 04-2020, CACFP 03-2020, SFSP 03-2020 *Meal Service During Unanticipated School Closures* will create barriers to program access and effective program operation. To address this barrier, the CDE School Nutrition Unit is submitting this waiver.

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

There are no anticipated challenges with wavier implementation. Internal processes and procedures are already in place to ensure program integrity.

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]:

There is no anticipated impact on Federal administrative costs for State agency oversight with implementation of this wavier.

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10. Anticipated waiver implementation date and time period:

This waiver will be implemented immediately upon approval and remain in effect for a period of three years.

11. Proposed monitoring and review procedures:

Sponsors will continue to be monitored by the CDE School Nutrition Unit as outlined in 7 CFR 225.7 (2)(ii). Standard review procedures will continue to be followed; if noncompliance is identified, the CDE School Nutrition Unit will implement a corrective action plan and conduct follow-up reviews, as needed.

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

CDE will provide FNS with any required reports, including review findings and technical assistance provided. This information will be available as needed.

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.cde.state.co.us/nutrition/nutriemergencyfeeding>

14. Signature and title of requesting official:

Name: McKenna Pullen, MPH, SNS

Title: Nutrition Programs Senior Consultant

Requesting official's email address for transmission of response:

[pullen\\_m@cde.state.co.us](mailto:pullen_m@cde.state.co.us)

Signature: 



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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:

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