



Food and
Nutrition
Service

April 8, 2022

Braddock
Metro
Center

Linda Schloer, Director
North Dakota Department of Public Instruction
600 East Boulevard Ave. Dept. 201
Bismarck, ND 58505-0440

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Dear Linda Schloer:

This letter is in response to the North Dakota Department of Public Instruction (ND DPI) March 10, 2022, request to waive first week site visit requirements for sponsors in the Summer Food Service Program (SFSP). ND DPI requested a statewide waiver of SFSP requirements under 7 CFR 225.15(d)(2) for all SFSP sites that have successfully operated the previous year and for sponsors that operate the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP). As discussed below, pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), FNS approves ND DPI's waiver request effective May 1, 2022, through April 30, 2023.

ND DPI requested this statewide waiver that will expire on April 30, 2023, to provide a waiver of first week site visit requirements. ND DPI has fully integrated this waiver into training materials and State technological systems. According to ND DPI, this waiver would streamline processes, control costs, and support program integrity by facilitating in-depth and effective technical assistance for new sites during the first week of operations.

To grant a waiver under Section 12(l) of NSLA (42 U.S.C. 1760(l)), the waiver must facilitate the purpose of the Program, the State or eligible service provider must provide notice and information to the public regarding the proposed waiver, and the waiver must not increase the overall cost of the Program to the Federal Government. FNS finds ND DPI's waiver request does satisfy these statutory requirements.

Accordingly, FNS approves ND DPI's request to waive first week site visit requirements for sites in good standing that have operated successfully in the previous year, and sponsors that successfully participated in the CACFP or the NSLP and are in good standing; this waiver is effective May 1, 2022, through April 30, 2023. Please note that while this waiver extends through part of the 2022-2023 school year, during the school year, SFSP operations are authorized only during unanticipated school closures. This waiver is applicable to regulations at 7 CFR 225.15(d)(2), which require sponsors to visit each of their sites at least once during the first week of operation under the Program, for:

- Sites that have operated successfully in the previous year; and
- Sponsors that successfully participate in the CACFP or the NSLP.

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Sponsors are still required to conduct a full review of food service operations at each site within the first four weeks of operations and maintain a reasonable level of site monitoring, per regulatory requirements at 7 CFR 225.15(d)(3). Sponsors must complete a monitoring form developed by the State agency during the conduct of these reviews. In cases where a site, whether new or returning, only operates for a short period of time, the review of food service operations must be conducted during the period of operation.

The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by September 30, 2023, ND DPI must provide to FNS Mountain Plains Regional Office (MPRO) a written report quantifying the impact of the waiver for the respective Program year, as described below.

The report must include the following:

- A description of how the waiver impacted meal service operations at participating sites;
- A description of whether the waiver resulted in improved services to children;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program; and
- The number of program operators that used the waiver.

FNS appreciates the efforts of ND DPI to ensure that children continue to receive nutritious meals when they are not in school. If you have questions, please contact MPRO.

Sincerely,

For Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division

Electronic Copy: Sabina Velasco, MPRO