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NEW MEXICO

Early Childhood
Education & Care Department

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Child Nutrition Program Waiver Request

Date: May 1, 2023

Non-congregate waiver for sites without alternative options when experiencing excessive heat during Summer Food Service Program for Children (SFSP)

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

Loren Miller, Bureau Chief
NM Early Childhood Education and Care Department (NM ECECD)
Early Childhood Education and Nutrition
Family Nutrition Bureau
505-660-0864
loren.milller@ececd.nm.gov

2. Region: Southwest

3. Eligible service providers participating in waiver and affirmation that they are in good standing: This waiver will only be applicable to non-temperature controlled meal sites operated by Summer Food Service Program for Children (SFSP) sponsors that are in good standing with the Program and that provide the required documentation from the National Weather Service (NWS) that an Excessive Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch has been issued on the days and for the area in which an approved outdoor meal site is located.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

NM ECECD is seeking to request a statewide waiver for SFSP flexibility allowing non-congregate meal service to sponsors on days when the area the site is located in experiences excessive heat. The intent of this waiver is to maintain service to children who would otherwise lose access to meals when excessive heat makes the operation of a non-temperature controlled congregate feeding site alternative site impractical and potentially harmful to children. The challenges that the State Agency and SFSP sponsor organizations is seeking to resolve is loss of meal access for participants and loss of sponsor reimbursement revenues for meals as the requirement to eat on-site outdoors during times when there is excessive heat may compel participants to not partake in SFSP services and potentially lead to site closures due to insufficient participation.

5. Specific Program requirements to be waived (include statutory and regulatory citations).

[Section 12(1)(2)(A)(i) of the NSLA]:

The specific requirements to be waived are the regulatory requirements at 7 CFR 225.6 (i)(15), "Maintain children on site while meals are consumed..."

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6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring: Interested sponsors must notify the SFSP Program Manager of their interest to participate in the waiver. Sponsors must identify those outdoor congregate meal sites lacking temperature controlled alternative sites that would be included in the waiver prior to initiating the waiver. Upon notifying the SFSP Manager of sites that will utilize this waiver, the sponsor must provide an electronic copy of the NWS excessive heat advisory, warning or watch on days when the waiver is being utilized and before non-congregate meal service is implemented. Meals taken off site may only be claimed on days for which documentation is provided. Approved outdoor sites must comply with the congregate meal requirements on all other days of operation when the NWS has not issued any excessive heat advisory, warning, or watch.

The State agency does not anticipate any negative impact to the program in the areas of site operations, technologies, state systems and monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

New Mexico has not state level regulatory barriers that would prevent the implementation of this waiver

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

The state agency does not anticipate any challenges in implementing this waiver.

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(I)(1)(A)(iii) of the NSLA]:

The waiver will not increase the overall costs of the Program to the Federal Government. The proposed excessive-heat-non-congregate-meal waiver will allow continued meal service access to children who are accustomed to receiving the meals in person at the affected sites.

10. Anticipated waiver implementation date and time period:

The requested waiver implementation date is July 24, 2023. The NM State Agency requests that the waiver be valid through September 30, 2023.

11. Proposed monitoring and review procedures:

NMECECD staff will provide monitoring and oversight of all approved waivers using already established review procedures based on applicable program requirements.

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

Reporting requirements established by USDA upon its approval of this request will be provided by the State agency no later than September 30, 2023

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

14. Signature and title of requesting official:

 Bureau Chief Family Nutrition Bureau

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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: