

PUBLIC NOTICE OF:  
CHILD NUTRITION PROGRAM STATE WAIVER REQUEST  
OVS Requirements in the Lee County School District

The Mississippi Department of Education-Office of Child Nutrition is requesting a waiver of:

requirement to implement Offer Versus Serve (OVS) at Belden Improvement Center (Lee County Schools)

The full waiver request is attached.

For any questions, please contact Scott Clements at [sclements@mdek12.org](mailto:sclements@mdek12.org).

Posted: 7/11/24



## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Mississippi Department of Education  
Office of Child Nutrition  
Scott Clements, State Director  
sclements@mdek12.org  
601-576-5000  
500 Greymont Ave, Jackson, MS 39202

### **2. Region:**

Southeast (SERO)

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

The SA requests a waiver for the Lee County School District. The SA confirms that this operator is 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 Belden Improvement Center is an alternative school with high variability in day-to-day attendance. It is a satellite kitchen located 20 miles from the nearest production kitchen. The low participation and the cost to operate the satellite site means that the SFA typically operates the site at a loss - and cannot dedicate additional staff hours to implement a full service line at the site. This means that meals are packaged at the production kitchen to decrease the financial, administrative, and labor burden on the SFA. Implementation of OVS requires that the student pre-order their meals which is difficult due to fluctuations in daily attendance and preference changes between the time the meal is ordered and when it arrives on site. The LEA has had to contend with verbal and physical altercations caused by students changing their order once it arrives; and for this reason the LEA does not support implementation of OVS (meal ordering).

For all the aforementioned reasons, it is an undue hardship on the SFA to implement OVS at this satellite site. Lee County School District seeks a waiver for the site in order to serve all required components and pre-package the meals at the production kitchen. If this waiver is approved, staff at the satellite and production kitchen would be able to communicate one piece of information - the total number of meals needed - which would be relayed in the morning and confirmed before delivery. This would ensure that all students in attendance would have access to reimbursable meals without causing additional burden on the CN department.

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

7 CFR 210.10(e) which states that senior high schools must participate in OVS in the NSLP

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

There will be no impact on technology or state systems. Program operations will be impacted at this one site (Belden Improvement Center) because the operator will be able to package all meal components. The SA will conduct monitoring as necessary to ensure compliance with regulations and implementation of this waiver, once approved.

**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 state is unable to grant the SFA's request to waive the federal requirement that senior high schools implement OVS in the NSLP.

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

There are no anticipated challenges. The SA will provide TA on proper implementation of pre-packaged meals and emphasize to the operator that the requirement to provide a variety of fluid milk (7 CFR 210.10(d)(1)(i)) has not been waived.

**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]:**

Implementation of this waiver at the Belden Improvement Center should have no effect on the number of meals claimed by the Lee County School District.

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

Implementation will begin immediately upon approval of this waiver and remain in effect through June 30, 2025.

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

The SFA will self monitor implementation of this waiver. The SA will provide training, technical assistance and complete compliance reviews as required by USDA requirements.


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

The SFA and SA will retain all documentation related to the waiver and monitoring procedures and will provide it to USDA as required and upon request.

**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]:**

<https://www.mdek12.org/OCN/New-USDA-Waivers-and-Extensions>

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

  
\_\_\_\_\_  
Signature

State Director  
\_\_\_\_\_  
Title

sclements@mdek12.org  
\_\_\_\_\_  
Requesting official's email address for transmission of response

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

**• Regional Office Analysis and Recommendations:**