

**INDIANA Non-Congregate Meal Service Waiver for Outdoor Summer Meal Sites
Experiencing Poor Air Quality**

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

Indiana Department of Education
Office of School and Community Nutrition
Julie Sutton, Director
100 N Senate Avenue, 9th Floor IGN
Indianapolis, IN 46204

2. Region: Midwest

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

Any Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) sponsor in good standing and approved for participation in summer 2023 by the Indiana Department of Education, Office of School and Community Nutrition who are operating at least one outdoor site with no alternative indoor facilities.

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]:

In summer 2023, sponsors operating SSO and/or SFSP resumed congregated meal operations apart from sponsors specifically approved for rural non-congregated meal service. The Indiana Department of Education, Office of School & Community Nutrition is requesting this waiver as a precautionary measure for the availability of approved sponsor use if/when the air quality measures indicate an unsafe environment for children to congregate for meals at approved outside sites that do not have access to alternative indoor locations. Non-congregated meal service shall be permitted only on days documented when an air quality index is equal to or over 151 for the area in which an approved outdoor meal site with no alternative indoor location is located. Sponsors with sites qualifying for the use of this waiver would be required to utilize the AirNow.gov air quality indicator found here: [AirNow.gov](https://www.airnow.gov), retaining a printout for program files.

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

The Indiana Department of Education, Office of School & Community Nutrition is requesting a waiver to the following regulations and requirements: The Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(i)(15).

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

If approved, technical assistance will be provided to SSO/SFSP sponsors regarding the specific requirements for the use of the waiver. Sponsors opting to use the waiver must document that the air quality meets the requirement by printing or obtaining an electronic copy of the air quality measurement from the [AirNow.gov](https://www.airnow.gov) website, and notify their assigned field specialist on the day used along with reported meal counts.

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 currently no State level regulatory barriers related to this specific issue.

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

At the present time there are no anticipated challenges from the establishment of this statewide waiver for the state or sponsor level. It is anticipated that this waiver will allow sponsors to maintain service to children who would otherwise lose access to meals when air quality is poor and the operation of an outdoor congregate meal site is impractical and even dangerous for the health of site participants and site staff.

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]:

The establishment of this waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Implementation of this waiver would normally start on the first day of summer operations for any given sponsor and conclude the last day of summer operations for any given sponsor. For Indiana sponsors in 2023, this waiver would be in effect upon USDA approval through the end of the summer season no later than August 31, 2023.

11. Proposed monitoring and review procedures:

School and Summer Program field specialists will monitor the implementation of this waiver through the communication with sponsors and the review of site documentation of waiver usage.

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

The Indiana Department of Education, Office of School & Community Nutrition will meet all reporting requirements and timelines as requested by FNS.

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]:

[DOE: Nutrition \(in.gov\)](http://doe.in.gov)

14. Signature and title of requesting official:



Julie Sutton, Director

Requesting official's email address for transmission of response:

jsutton@doe.in.gov

317-232-0845

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:

Date Received:.....

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- 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: