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MICHELLE LUJAN GRISHAM
GOVERNOR

June 18, 2024

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

New Mexico Public Education Department, Child Nutrition Programs
Michael Chavez, Child Nutrition Director
MichaelA.Chavez@state.nm.us
505-699-4562

2. Region:
Southwest

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

The New Mexico Public Education Department (NMPED) is seeking to address the urgent food insecurity faced by school-aged children in Ruidoso due to the South Fork Fire. The wildfire, which has necessitated the immediate evacuation of residents and disrupted the community's power supply, poses a significant barrier to accessing regular meal services. The emergency conditions have created an immediate need for flexible, accessible food assistance to ensure that children, who are particularly vulnerable during such crises, receive adequate nutrition.

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.

Description of Challenge: The current regulations under section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced at 42 USC 1761(a)(1)(A)(i); 42 USC 1753(b)(1)(A), 42 USC 1761(a)(1)(D); and 42 USC 1761(f)(3); overseeing program regulations and requirements under the Seamless Summer Operations, limit the need for immediate emergency assistance to families being evacuated from their homes and community.

Goal of the Waiver: The primary goal of the requested waiver is to allow Ruidoso Municipal School and the Roswell Independent School District the flexibility to provide emergency food assistance through the Seamless Summer Option (SSO) despite the wildfire's impact. The waiver aims to:

- 1. Allow Parent Pick-Up for SSO:** Enable parents or guardians to pick up meals on behalf of their children, facilitating continued meal distribution without requiring children to be present, which is critical during evacuation and displacement.
- 2. Permit Non-Congregate Meal Service for SSO:** Authorize the distribution of meals in non-congregate settings to accommodate the disruption caused by the evacuation, ensuring children can still receive meals without needing to gather in traditional meal service locations.

3. **Waive Meal Time Restrictions for SSO:** Meal times will be waived during the Governor’s Executive Order to accommodate the needs of the community by allowing parent PickUp outside of regularly scheduled meal times.

Expected Outcomes if the Waiver is Granted:

If the waiver is granted, the expected outcomes include:

1. **Continuous Access to Nutritious Meals:** Children in Ruidoso will continue to have access to nutritious meals despite the wildfire and evacuation. This will help mitigate the risk of food insecurity during the emergency.
2. **Increased Flexibility and Safety:** Allowing parent pick-up and non-congregate meal service will ensure meals can be distributed safely and efficiently, respecting the emergency conditions and minimizing the need for children to congregate or travel.
3. **Enhanced Support for Displaced Families:** Extending meal service times and delivery models will provide critical support to families who may be staying in temporary accommodations outside their usual areas, ensuring they can still access necessary food resources.

Overall, the waiver will enable the NMPED to provide vital nutritional support to children in the midst of the wildfire emergency, ensuring their well-being and health are maintained during this critical time.

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

Non-Congregate for SSO:	The requirements at 42 USC 1753(b)(1)(A), 42 USC 1761(a)(1)(D) and 7 CFR 225.6(e)(15) to serve meals through in a congregate setting for summer operations for SSO settings.
Parent PickUp for SSO:	The requirements at 42 USC 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast) and 7 CFR 220.8(a), 7 CFR 225.2 (defining Meals), and 7 CFR 225.9(d)(7) that meals may only be served directly to children. Program operators with an approved waiver allowing non-congregate meal distribution SSO operations may distribute meals to a parent or guardian to take home to their children for the duration of this waiver.
Meal Service Times	The meal service requirements, including meal service times [7 CFR 225.16(c)(1), (2), and (3)]

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

No impact anticipated for NMPED.

7. Description of any steps the State has taken to address regulatory barriers at the State level:

No regulatory barriers at the State level are expected.

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

No challenges are anticipated.

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.:

We anticipate that the requested waiver will result in an increase in SSO reimbursement to the SFAs providing meals due to an increase of total meals served. However, we do not anticipate an increase in the overall cost of the Program to the USDA.

10. Anticipated waiver implementation date and time period:

We anticipate the duration of the waiver implementation will begin once the waiver is approved by the USDA through the end of the evacuation period, which is unknown at this time.

11. Proposed monitoring and review procedures:

Under the requested waiver, School Food Authorities (SFAs) will continue to follow the standard procedures for participation in the Seamless Summer Options (SSO) program, along with meal counting and claiming of non-congregate meals, and pick-up meals. SFAs operating SSO sites will do their best to continue meeting meal pattern requirements when possible. Processes, documentation requirements, and monitoring will remain unchanged.

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

SFAs providing SSO meals during this waiver period will continue reporting to the NMPED the number of meals served by the 10th of every month in the Student Nutrition Portal. NMPED will continue to approve and process claims for reimbursement in a timely manner.

13. Link to or a copy of the public notice informing the public about the proposed waiver:

<https://webnew.ped.state.nm.us/waivers/>

14. Signature and title of requesting official:

A handwritten signature in black ink that reads "Michael Chavez". The signature is written in a cursive, flowing style.

Michael Chavez, Director Child Nutrition Programs