

To: Summer Food Service Program Operators  
From: Child Nutrition Program Administration  
Date: February 12, 2024  
Subject: Public Notice: NYSED Seeks Waivers for 2024 SFSP

The New York State Education Department (NYSED) has requested a waiver from the requirements in 42 USC 1761(f)(7), and 7 CFR 225.16(f)(1)(ii) to allow non-school food authority sponsors of the Summer Food Service Program to implement Offer versus Serve meals.

The New York State Education Department (NYSED) has requested a waiver from the requirements in 42 USC 1761(a)(1)(D), and 7 CFR 225.6(i)(15) to allow SFSP sponsors in good standing, that normally operate outdoor meal services at sites without a temperature-controlled alternative, to provide a non-congregate meal service on days when the area experiences excessive heat as defined by the National Weather Service as a Heat Advisory or Excessive Heat Warning.

The New York State Education Department (NYSED) has requested a waiver from the requirements in 42 USC 1761(a)(1)(D), and 7 CFR 225.6(i)(15) to allow SFSP sponsors in good standing, that normally operate outdoor meal services at sites without an alternative indoor location, to provide a non-congregate meal service on days when the area experiences an air quality value of 200 or above as defined by the United States Environmental Protection Agency's Air Quality Index (AQI).

These waivers have not been approved at this time. Further guidance will be made available upon approval.