

May 6, 2026

Leanne Eko
Chief Nutrition Officer, Child Nutrition Services
Office of Superintendent of Public Instruction
PO Box 47200
Olympia, WA 98504

Dear Leanne Eko:

This letter is in response to the Washington State Office of Superintendent of Public Instruction's (OSPI) March 26, 2026, request to waive the Summer Food Service Program (SFSP) regulations at 7 CFR 225.16(f)(4) to allow signed medical statements from registered dietitians on behalf of participants with disabilities that restrict their diet. OSPI requested this waiver from June 2026 through September 2026. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), FNS approves OSPI's waiver request for the requested time period mentioned above.

OSPI requested a statewide waiver of the requirements at 7 CFR 225.16(f)(4), which require Program operators to provide meal modifications for participants with disabilities only when requests are supported by a written statement from a recognized medical authority. With this waiver, OSPI is requesting to allow registered dietitians to serve as recognized medical authorities. As noted by the State agency, registered dietitians are accepted medical authorities that can sign written medical statements in other Child Nutrition Programs, including the school meal programs (7 CFR 210.10(m)(1)(i), 220.8(m)), and Child and Adult Care Food Program (226.20(g)(1)(i)). According to OSPI, many of the State's SFSP sponsors are school food authorities who carry over documentation from their school meal programs where regulations permit medical statements signed by a registered dietitian. OSPI is concerned that excluding SFSP participants from providing statements signed by registered dietitians may cause additional barriers to participation and documentation compliance for sponsors. OSPI asserts that this waiver will decrease administrative burden for both the State agency and sponsors and will increase program and civil rights compliance by sponsors, resulting in fewer administrative review findings of non-compliance for disability documentation.

FNS agrees with OSPI's assessment of the impact the waiver will have on the Program, and that this waiver will streamline program requirements to facilitate compliance while carrying

out the purpose of the SFSP without increasing the overall cost of the Program. FNS approves OSPI's request to allow registered dietitians to serve as recognized medical authorities that can sign written medical statements on behalf of participants with disabilities that restrict their diet. This waiver is effective June 1, 2026, and valid through September 30, 2026.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2026, OSPI must provide to the FNS Western Regional Office a written report quantifying the impact of the waiver, as described below.

The report must include the following:

- A description of how the waiver impacted meal service operations at participating sites;
- A description of whether the waiver resulted in improved services to children;
- The number of sponsors that utilized this waiver;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program; and
- A summary of benefits and challenges associated with the waiver.

In addition, FNS may request information on the use of the waiver on a more frequent basis.

FNS appreciates OSPI's commitment to work with sponsors to find efficiencies that ensure cost-effective program management and integrity. If you have questions, please contact the Western Regional Office.

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division