

INDIANA SFSP WAIVER REQUEST
Area Eligibility in Closed Enrolled Sites for SFSP

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 (CNP), 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.

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

Indiana Department of Education
Office of School and Community Nutrition
115 W Washington St, South Tower, Suite 600
Indianapolis, IN 46204

Marcia Yurczyk, School & Summer Monitoring Programs Coordinator
Ph. (317) 232-0852, myurczyk@doe.in.gov

Tina Skinner, SFSP Specialist
Ph. (317) 232-0855, tskinner@doe.in.gov

2. Region: Midwest

3. Eligible service providers participating in waiver and affirmation that they are in good standing: Indiana Department of Education (IDOE) is requesting a waiver on behalf of all SFSP sponsors determined to be in good standing in the State of Indiana.

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 Indiana Department of Education School & Community Nutrition Programs (IDOE SCNP) is requesting a statewide waiver for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within *SFSP Summer Food Service Program (SFSP) Waiver for Closed Enrolled Sites*, November 17, 2002 and extended area eligibility to closed enrolled sites. This waived the statutory provision of Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, which required eligibility determinations to be made by submitting applications in accordance with 7 CFR 225.15(f). Under this waiver, closed enrolled sites could be determined eligible if located in areas where 50 percent or more of the children residing in the area are eligible for free and reduced-price meals under the National School Lunch Program and School Breakfast Program. This FNS waiver will benefit Indiana SFSP sponsors by helping them to efficiently operate the SFSP in a more cost-effective manner. Not being required to collect and/or make income eligibility determinations for children located in areas already deemed needy based on area eligibility reduces labor costs. Indiana has a very short summer season with some schools not out until mid-June and then starting back in late July or early August. This flexibility will allow IDOE SCNP to focus its resources on providing targeted technical assistance regarding program operations and meal quality to sponsoring organizations. SFSP sponsors will also be able to focus resources on other areas of operations such as meal quality, outreach, and effective procurement to increase access to higher quality meals.

Goals to Improve Services:

The overall goal of the program is to provide nutritious meals to the children who are otherwise at risk of being underserved or going without food during the school breaks. Likewise, sponsors need to be able to operate sites without risk of financial loss.

This waiver is requested in order to facilitate and ensure the sponsors' ability to provide nutritious meals during summer break to children in areas of need without the need for determining individual eligibility of participants if located in areas where 50 percent or more of the children residing in the area are eligible for free and reduced-price meals under the National School Lunch Program and School Breakfast Program. The following is a partial list of the issues which the requested waiver would resolve:

Expected Outcomes if Granted:

- Closed enrolled site approval flexibility with no loss in the number of meals served to Indiana's needy children and no loss in the number of sites

- Decreased administrative burden on sponsors, especially with the already short summer season
- Decreased burden on state agency staff to provide training on collecting enrollment rosters, eligibility information, and processing meal benefit applications
- Increased participation in areas of need that were unable to participate in PY 2019 because the sponsor could not get individual eligibility data in time for site approval.

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

IDOE SCNP is requesting a waiver to extend the use of area eligibility to closed enrolled sites operating in needy areas where 50 percent or more of the children residing in the area are eligible for free and reduced price meals under the National School Lunch Program and School Breakfast program, thereby waiving the requirement that individual eligibility determinations be made by submitting and approving applications:

42 USC 1761(a)(1)(A)(i)(III) an area— (aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and (bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);
7 CFR 225.15(f) Application for free Program meals—(1) Purpose of application form. The application is used to determine the eligibility of children attending camps and the eligibility of sites that are not open sites as defined in paragraph (a) of the definition of “areas in which poor economic conditions exist”, in §225.2. In these situations, parents or guardians of children enrolled in camps or these other sites must be given application forms to provide information described in paragraph (f)(2) or (f)(3) of this section, as applicable. Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites.

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

Any site located in an area in which at least 50% of the children are from households eligible for free/reduced price meals will be eligible for SFSP reimbursement for all meals served to eligible children, regardless of whether the sites serves an identified group of children or is open to the community.

If approved, this request will waive the requirement that closed enrolled sites make individual eligibility determinations based on income applications. Instead, closed enrolled sites would be permitted to qualify as area eligible using the data sources outlined in policy memorandum SFSP 03-2017: *Area Eligibility in Child Nutrition Programs*, to verify that a site is located in an eligible area.

Our technology in our CNPweb system currently can determine if a site is eligible by drawing from the eligibility percentage of the nearest school. This

helps cut down on state agency staff time during site approvals. If the site cannot be approved using school data, state agency staff can use census data to make site eligibility determinations. By using these two techniques, it significantly reduces the amount of time spent helping sponsors determine site eligibility. When sponsors have to collect and approve individual household information, it can be quite time consuming and usually results in errors.

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]:

Previously, IDOE SCNP has not needed to address any regulatory barriers as these flexibilities were in place. However, after the 2019 SFSP season when we did not have this flexibility, we had several sites that were unable to obtain enough information to confirm that 50% of the enrollment had met the eligibility requirements, thus not being able to claim meals on SFSP. Households were unwilling to complete income applications, sites had not collected information on where the participants attended school and therefore could not reach out to the school corporations to see if they had eligibility information. The lack of not having this waiver was very frustrating to the sponsors who had used it previously. This greatly affected our participation for those sites who previously used this flexibility. Our state agency staff did everything possible to support sites and assist them with eligibility information when and where we could, but the regulatory restriction was the main barrier to sponsors and sites.

Indiana does not have any state statutory or regulatory barriers that apply to this waiver request.

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

IDOE SCNP does not anticipate these waivers will present any challenges to the SA or SFSP sponsors because these flexibilities were previously in place, except for this past year. In fact, obtaining this waiver will decrease the challenges faced by SFSP sponsors. The challenges IDOE SCNP and SFSP sponsors may face if the waiver is *not* approved include:

- Increased burden to update training materials, time involved to re-train sponsors and staff, and additional monitoring time for sites not able to use the rescinded flexibility
- Increased administrative labor costs for SFSP sponsor staff in collecting and/or making income eligibility determinations for children located in areas already deemed needy based on area eligibility.
- Continued decline in SFSP participation statewide at sites that previously used this flexibility.

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]:

IDOE CNP does not anticipate this waiver will increase the overall cost of the program to the Federal government because the prior waiver has been in place for a number of years. The waiver will continue to assist the SFSP sponsors and IDOE CNP to streamline and control SFSP sponsor administrative costs.

10. Anticipated waiver implementation date and time period:

Requested State implementation date – March 1, 2020

Duration of the waiver – 5 years, January 31, 2025, however, we are willing to resubmit this request annually if necessary.

11. Proposed monitoring and review procedures:

IDOE SCNP will continue to follow standard SFSP review procedures. Sponsors with sites desiring to operate as closed enrolled will always first be encouraged to consider operating as an Open site. Sponsors found to have non-compliance issues as related to this waiver will work with the state agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

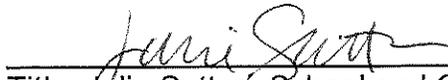
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

IDOE SCNP will report to FNS the successes or any compliance issues noted with the usage of this waiver flexibility by December 15 each year. If the waiver is approved by FNS, the State will provide the appropriate data of the use of this waiver as outlined in USDA Policy Memo SP15-2018, CACFP 12-2018, SFSP 05-2018

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]:

<https://www.doe.in.gov/nutrition/summer-food-service-program>

14. Signature and title of requesting official :



Title: Julie Sutton, School and Community Nutrition Director

Requesting official's email address for transmission of response:

jsutton@doe.in.gov

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

• Regional Office Analysis and Recommendations:

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- (1) *mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;*
- (2) *fax: (202) 690-7442; or*
- (3) *email: program.intake@usda.gov.*

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