

INDIANA SFSP WAIVER REQUEST
Meal Service Requirements in 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 (CNPs), 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Requirement: 7 CFR 225.16 (c)(1): at least three hours must elapse between the beginning of a meal service, including snacks, and the beginning of another meal service.

Requirement: 7 CFR 225.16 (c)(2): The duration of the meal service shall be limited to two hours for lunch or supper and one hour for breakfast and snacks.

This request is to waive a regulatory meal service requirement that mandates a minimum of 3 hours must lapse between the two approved SFSP meal services. The IDOE requests that there will be no minimum time requirement between meal services, provided that the first meal service is fully completed prior to the start time of the second meal service. In addition, the duration of the meal service may be extended beyond regulatory requirements but only under special circumstances and only on a case-by-case basis. IDOE will require sponsors to still continue establishing meal service times.

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. The following is a partial list of the issues which the requested waiver would resolve:

- Many SFSP sites operate in conjunction with an activity lasting less than three hours. In addition, there are often critical factors outside of the scope of actual meal service that determine the overall time-frame in which SFSP meal service must take place. This includes pre-determined class, camp and transportation schedules that are unrelated to the food service operations. The flexibility previously granted under SFSP 11-2011 and further clarified under SFSP 06-2017 allowed for SFSP sponsors to provide a meal at the beginning and end of scheduled activities lasting less than 3 hours, therefore providing two opportunities for good nutrition. Without this waiver it is likely that one of the meals would be eliminated as schools often do not have additional revenue to keep schools open and staffed in order to allow for the 3 hours to lapse between meal services.
- Increased labor costs to sponsors that must man sites between the meal services. Many program operators prefer to condense two meal services into shorter time frame to reduce both, labor and administrative costs. As a result, the sponsor may decide it is financially unfeasible to operate the program or offer to serve only one meal per day.
- Open sites in public locations such as parks and play-grounds draw and sustain a crowd for a limited period of time. Once a group of children is accustomed to attending a site, their nutritional needs are better met with smaller time period lapsing between the meals while they are still present at the site.
- Older participants, especially middle & high school age students engaged in athletics and therefore having greater nutritional needs, would no longer benefit from the ability to have two consecutive meal services scheduled in close proximity. For

example: a PM snack served to a group of football camp participants 20 minutes after the end of lunch service allows for two meals served less than 3 hours apart, but provides additional nourishment.

- The State Agency will have to modify its application system which currently has the built-in flexibility to schedule meal services within 15 minutes of the end of first to the beginning of next meal service. If the waiver is not approved, it is unlikely that the online system updates will be completed in a timely manner for the start of SFSP application season.
- During kick-offs and special community events, multiple meals are often served in close proximity in order to provide extra nutrition to more children while bringing greater program awareness. In addition, this type of once-in-a-summer special event and community fair are examples of instances where the State Agency requests the right to approve an extended meal service where lunch or supper may be approved for more than 2 hours and breakfast or snack for more than 1 hour. The availability of this option will be reserved only for special events, not for regular daily operating schedule. This will be communicated to sponsors accordingly.

Expected Outcomes if Granted:

- Continued meal service flexibility with no loss in the number of meals served to Indiana's needy children and no loss in the number of sites
- Less time restraints enabling sponsors to provide greater quality programs that drive stronger participation and meet the needs of a local community
- Greater nutritional impact in a shorter timeframe to meet schedule expectations out of the control of food service operations while children are present
- Decreased administrative burden on sponsors
- Continued flexibilities for current mobile site operators, making daily route logistics easier to manage in order to serve two meals back to back, instead of requiring a 3 hour lapse. Mobile units would likely only serve one meal, rather than schedule to return 3 hours later to provide a second meal service.
- Continued flexibility to offer large-scale, high-impact community events that include SFSP meal service(s) to all eligible attendees without current time constraints

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

7CFR 225.16 (c)(1) – At least three hours must elapse between the beginning of a meal service, including snacks, and the beginning of another meal service. At least four hours must elapse between lunch and supper if no snack is served. In no case may the service of supper extend beyond 8 pm.

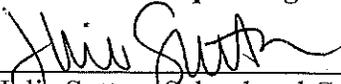
7CFR 225.16 (c)(2) – The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring: The IDOE requests that there be no time lapse requirement from the conclusion of one meal service to the beginning of next meal service. One meal service will not start before the other meal service is completed. Example: Lunch served 12 -1pm, Snack served 1- 1:30 pm. In addition, in limited situations the State Agency may approve an extended meal service beyond the regulatory requirement on a case-by-case basis where the event will draw large crowds. Example: Indy Black Expo Lunch served 12 – 3pm.

The sponsoring agencies are very familiar with the time flexibilities that have been in place prior to this policy rescission. Electronic site applications are currently in place to continue to accommodate these flexibilities. All internal and external program documentation is up-to-date and would not require any modifications or additional cost. On the other hand, last minute denial would pose a significant challenge to our office staff and system programmers with whom the State contracts. Their availability and timely execution of updates may also be an issue since they manage system changes for multiple states. The State perceives no negative impact or changes to state systems or our current monitoring procedures if this waiver is approved.

7. **Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:** 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:** Neither the State or the service providers (sponsors) anticipate any challenges in implementation as a result of the approval of this waiver.
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(I)(1)(A)(iii) of the NSLA]:** The requested waiver has no effect on the overall cost of the program to the State or federal government. Approval of this waiver will not increase the overall cost, as the State has currently been allowing this practice based on the flexibilities offered by previous USDA policies, now rescinded. By not approving this waiver request, USDA can expect a decrease in the overall number of meals served to needy children in Indiana.
10. **Anticipated waiver implementation date and time period:**
Requested State implementation date – March 1, 2020
Duration of the waiver – 5 years, February 29, 2025
11. **Proposed monitoring and review procedures:** The State Agency will continue to carry out current program monitoring procedures which include unannounced site visits throughout the SFSP operating season. As a part of the SFSP meal service monitoring process, the time that lapses between each meal service and the accuracy of pre-approved length of each meal service will be monitored and recorded.
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** Based on the past use of the meal service time flexibility, we anticipate this option to be very popular with sponsors that serve more than one meal per day. 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(I)(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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