

**INDIANA WAIVER REQUEST****Approval of Meal Service Distribution in Non-Area Eligible Sites due to COVID-19 Outbreak**

**Extenuating Circumstances:** 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.

Not applying for this waiver will leave many Indiana children without the meals they have previously been provided at their local schools. We are seeking approval of this waiver with an effective date as soon as possible due to the COVID-19 Outbreak.

**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

Julie Sutton, Director, Child Nutrition Programs  
Ph. (317) 232-0845, [jsutton@doe.in.gov](mailto:jsutton@doe.in.gov)

Marcia Yurczyk, Assistant Director, School & Summer Monitoring Programs  
Ph. (317) 232-0852, [myurczyk@doe.in.gov](mailto:myurczyk@doe.in.gov)

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

All Indiana Child Nutrition Sponsors currently in good standing approved to operate any USDA Child Nutrition Program food services during the COVID-10 outbreak, specifically Sponsors approved to operate SSO and SFSP. Sponsors using this waiver are operating in areas that are experiencing closures in connection with a COVID-19 outbreak and would follow USDA and Indiana Department of Education guidance.

**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]:**

All schools in Indiana are closed starting March 16 through at least May 1 per the office of Governor Eric Holcomb.

Indiana has several SFAs with sites not meeting area eligibility requirements under SFSP/SSO regulations. These sites have no option for Federal feeding programs without a Federal declaration of disaster. Indiana is determining how best to continue Child Nutrition Program operations to feed children during an emergency due to COVID-19.

The goal is to allow Non-Area Eligible SFA's in good standing to feed students under Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option. Sites will be approved by the State Agency on a case by case basis after Sponsors provide detailed written description as to how they are targeting sites to low income families, either by providing busing data showing the areas targeted are areas where low income families, census data of surrounding areas or email notifications of availability to free/reduced households. Once approved, sites would operate as approved within the program requirements of SSO or SFSP, including the use of all waivers currently in effect due to COVID-19.

If allowed, children would continue to be fed much needed meals that otherwise are not available due to a school closure because they are located in a designated non-needy area. Unfortunately all of these designated "non-needy" schools, have students who need program meals.

In addition, this waiver would allow SFA's experiencing school closure to operate and utilize perishable foods that were encumbered for use in school meals programs. Otherwise, there is a potential for a high amount of food waste.

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

The Indiana Department of Education requests a waiver of regulations 7 CFR 225.14 (c)(3) that state "conducting a food service for children from areas in which poor economic conditions exist."

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

If approved, the Indiana Department of Education will review and verify the requesting sponsor is located in an area where schools have been closed due to COVID-19. State Agency staff will ensure that the approved Sponsors have targeted low income families by asking the SSO/SFSP sponsors to provide written evidence

of the outreach plan. There are no impacts on technology, State systems, or monitoring.

**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]:**

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:**

No challenges for State or sponsoring agencies are anticipated in implementation of this waiver. In fact, implementation of this waiver will decrease the challenges of SFAs trying to feed children during unanticipated closures. Children who depend on meals served at school will have an option to still receive meals at school during unanticipated closures.

**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]:**

Due to the fact that the impacted school's meal service will be operating as it normally would, the establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government.

**10. Anticipated waiver implementation date and time period:**

Requested State implementation date – As soon as possible, March 23, 2020  
Duration of the waiver – June 30, 2022 or until the COVID-19 crisis ends, whichever is sooner.

**11. Proposed monitoring and review procedures:**

The State Agency will continue to carry out current program monitoring and review procedures as directed by USDA. Sponsors found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan and will conduct follow-up reviews scheduled as needed to ensure ongoing compliance.

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

Annually by December 31, the Indiana State Agency will report to FNS the following:

- Number of SFAs applying this waiver to sites using the waiver to qualify during the program year
- Participation data by site

**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 :**

a.   
Title: Julie Sutton, School and Community Nutrition Director

b. Requesting official's email address for transmission of response: [jsutton@doe.in.gov](mailto:jsutton@doe.in.gov)

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**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](mailto:program.intake@usda.gov).

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