

**INDIANA WAIVER EXTENSION REQUEST****Meal Service at Non-Area Eligible Sites during COVID-19 Outbreak**

**Request for extension of original waiver:** Indiana received approval for this waiver request from USDA originally on March 29, 2020. The original waiver request and approval has an expiration date of June 30, 2020. Since that time many SFSP and SSO sponsors have used this request to qualify sites in areas that would normally not qualify for SFSP or SSO, but the areas are now demonstrating ongoing need due to the economic downturn directly related to the effects of COVID 19. By applying for an extension of this waiver, many children will be able to continue to receive the meals they have previously been provided through SFSP and SSO sites. With this request we are seeking approval of the continuation of this waiver, which expires on June 30, 2020, through August 31, 2020, due to the ongoing COVID-19 pandemic.

**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)

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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 and approved to operate any USDA Child Nutrition Program food services during the COVID-10 outbreak. Particularly, SFSP and SSO sponsors that fall under this waiver are operating in areas that are experiencing school closures and economic hardships in connection with a COVID-19 outbreak. All approved SFSP and SSO sponsors following this waiver would comply with 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 have been closed starting March 16 through at least June 30, 2020, per the office of Governor Eric Holcomb.

Indiana has several areas of the state experiencing hardships that normally would not meet the 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 sites to be operated by any SFSP or SSO sponsors in good standing to feed eligible participants (18 and younger) under the provision of the Summer Food Service Program or Seamless Summer Option as long as there is demonstrated targeting of free/reduced households or sites are located within areas defined as pockets of poverty based on housing, busing or census data, within local communities.

If approved, children would continue to be fed much needed meals that otherwise are not available because they are located in a designated non-needy area. Unfortunately all of these designated “non-needy” areas have students who really need and benefit from program meals.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: 7 CFR 225.2 and 7 CFR 225.14**

The Indiana Department of Education requests a waiver of regulations 7 CFR 225.14 (3) that state “conducting a food service for children from areas in which poor economic conditions exist.” Areas in which poor economic conditions exist is described in 7 CFR 225.2 (a) The attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program;

(b) A geographic area where, based on the most recent census data available or information provided from a department of welfare or zoning commission, at least 50 percent of the children residing in that area are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program;

(c) A geographic area where a site demonstrates, based on other approved sources, that at least 50 percent of the children enrolled at the site are eligible for free or reduced-price meals under the National School Lunch Program and the School Breakfast Program; or

(d) A closed enrolled site.

**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 SFSP staff will fully review each site request to ensure that it is located in an area where poor economic conditions exist due to COVID-19 and will verify the requesting sponsor is in good standing. 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 SFSP and SSO sponsors trying to feed hungry children during this unprecedented time. Children and households who depend on meals served at school will have options to still receive meals at approved sites identified as nearly eligible, but not quite meeting the regulatory requirements as specified.

**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 Indiana's SFSP and SSO programs have historically only fed about twenty percent of those actually eligible for participation in these programs, 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 of the original waiver was March 29, 2020.  
Duration of the waiver – August 31, 2020

**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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