

Waiver Request to Continue Closed Enrolled Site Area Eligibility Qualification

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

State Agency: Hawaii Department of Education - Hawaii Child Nutrition Programs

State Agency Staff: Daniel Sutcharitkul – SFSP Program Specialist

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Phone: (808) 587-3600

2. Region: Western Regional Office

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

All Summer Food Service Program (SFSP) sponsors approved to operate the SFSP in the state of Hawaii.

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]:

Challenge:

Many SFSP sponsors in Hawaii report challenges they face collecting income applications or a validated roster from the appropriate school district to determine a closed-enrolled site's eligibility to participate in the SFSP. Historically, many enrolled, non-school sites that would like to operate as closed enrolled sites due to the nature of their programs or for security or safety purposes are located in areas that could be potentially identified as area eligible.

In summer 2018, 9 sites operated as closed enrolled sites in Hawaii, all of which were established as eligible sites using area eligibility (as previously permitted under the waived statutory provision of Section 13(a)(1)(A)(i)(III) of NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites). It is expected that the rescission of the waived statutory provision of Section 13(a)(1)(A)(i)(III) of NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, will significantly increase the state agency and SFSP sponsor staff hours required during the SFSP application, training, and administrative review processes.

Goal:

Minimize the administrative burden on both SFSP sponsors and state agency SFSP staff.

Expected Outcomes:

By extending the option to use area eligibility to determine SFSP site eligibility for closed-enrolled sites, this would greatly minimize the administrative burden on both SFSP sponsors with closed enrolled sites and SFSP state agency staff in time needed for the application process, training, and administrative reviews.

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

Hawaii Child Nutrition Programs (HCNP) requests to waive statutory provision of Section 13(a)(1)(A)(i)(III) of NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, to extend the option to establish site eligibility using area eligibility to closed enrolled sites.

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

During the application process, any allowable closed enrolled sites (non-SFAs) will be given the option to use census data or school data to determine site eligibility within their SFSP site application. Like with open SFSP sites, closed enrolled sites will be permitted to retain site area eligibility for up to five years, or if shorter, the duration this waiver is in effect in Hawaii. Our existing SFSP application technology system already lists census data and school data as options for closed enrolled sites to select and provide documentation to establish eligibility. Implementation of this waiver is expected to greatly reduce administrative burden on SFSP sponsors and state agency staff due to the simplified process of evaluating area eligibility versus income applications or school certified roster verification.

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]:

HCNP had not addressed any Program regulatory barriers at the State level. There are currently no State level regulatory barriers related to this specific issue.

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

Our agency does not anticipate that the establishment of this state-wide waiver will pose any challenges at the state or sponsor level since this option was already well established in state and sponsor operations prior to the SFSP waiver rescission for SP 10-2017, SFSP 06-2017.

Alternatively, we anticipate this waiver will reduce challenges faced by closed

enrolled sites with establishing eligible sites and reduce the state agency's administrative burden evaluating income eligibility applications and district certified rosters while completing administrative reviews for sponsors with closed enrolled sites.

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]:

The establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government because HCNP has existing state-developed training and state-developed Program materials to support implementation of this waiver and no additional staff hours are needed at the state level to support implementation and monitoring for this waiver.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is April 1, 2019 and the waiver is to remain in place through March 31st, 2020.

11. Proposed monitoring and review procedures:

Implementation of this waiver will be monitored by state agency staff during the application process. HCNP will continue to promote the value of open SFSP sites when they can be established as area eligible, but we understand some unique barriers that may be present that warrant the establishment of closed enrolled sites in area eligible locations. Whenever any sponsor uses area eligibility to establish eligibility at a SFSP site, HCNP staff will verify the eligibility of sites using available current school data and census maps prior to site approval.

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

HCNP will annually report to FNS the following information by March 31st, each year the waiver is in place:

- Number of closed enrolled sites that used area eligibility to establish site eligibility in 2019

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]:

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]: <http://hcnp.hawaii.gov/overview/sfsp/>

14. Signature and title of requesting official: Daniel Sutcharitkul, Summer Food Service Program Specialist for Hawaii



Title: Summer Food Service Program Hawaii

Requesting official's email address for transmission of response:

Daniel_Sutcharitkul@notes.k12.hi.us

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(I)(1)(A)(ii) of the NSLA

- **Regional Office Analysis and Recommendations:**