



**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
CLOSED ENROLLED SITES WAIVER REQUEST
For Hawaii Child Nutrition Programs**

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.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

Subject of waiver request: Summer Food Service Program – Closed Enrolled Sites

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

Hawaii Child Nutrition Programs
Daniel Sutcharitkul – Program Specialist
650 Iwilei Road, Ste. 270, Honolulu, HI 96817
(808) 587-3600
Daniel.sutcharitkul@k12.hi.us

2. Region: Western Region

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 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Problems that sponsors in Hawaii will face without this waiver include:

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 of 2019, 23 sites operated as closed enrolled sites in Hawaii, all of which were established as eligible sites using the closed enrolled site waiver. 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.

This waiver will help sponsors address these problems by:

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

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

Hawaii Nutrition Programs requests a waiver of regulations at **7 CFR 225.15(f)**, which require closed enrolled sites to collect income eligibility applications to determine that 50 percent of enrolled children are eligible for free or reduced price meals.

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

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.

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 has 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:

HCNP does not anticipate that the establishment of this state-wide waiver will pose any challenges at the state or sponsor level since sponsors used the closed enrolled site waiver in PY 2019.

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 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 again implement this waiver. 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:

Requested Waiver Timeframe: 1 year and 11 months

- Waiver Request Start Date: 5/28/2020
- Waiver Request End Date: 4/30/2022



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 December 31st each year the waiver is in place:

1. Names of sponsors implementing the waiver.
2. Impact of the waiver on meal service operations, children’s access to nutritious meals, and participation in SFSP.
3. Impact of the waiver on the quantity of paperwork necessary to administer the program.
4. Challenges experienced when implementing the waiver.
5. Number of closed enrolled sites that used area eligibility to establish site eligibility in PY 20XX.
6. Total number of meals served at closed enrolled sites that used area eligibility to establish site eligibility in PY 20XX.

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]:

Link to public notice: <https://hcnp.hawaii.gov/overview/sfsp/>

14. Signature and title of requesting official :

- Signature: 
- Title: Daniel Sutcharitkul, Summer Food Service Program, Program Specialist, Hawaii Child Nutrition Programs

Title: Summer Food Service Program Hawaii
Requesting official’s email address for transmission of response:
Daniel.Sutcharitkul@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:

- Date Received: _____

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:**

- Recommend Approval
- Recommend Denial

Explanation: