

STATE WAIVER REQUEST TEMPLATE

CHILD NUTRITION PROGRAM

State agencies are encouraged to use this form to submit waiver requests to the Food and Nutrition Service (FNS) Regional Offices. States should consult with FNS when developing waiver requests to ensure an accurate, thorough request is submitted. States are encouraged to submit waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving program requirements, refer to SP 27-2017, CACFP 12-2017, SFSP 08-2017; Child Nutrition Program Waiver Request Guidance and Protocol, April 26, 2017.

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

State agency: California Department of Education (CDE) Nutrition Services Division

State agency staff: Jeannine Cook, Staff Services Manager I, Summer Meals Unit

Phone: 916-322-2146

Email: jcook@cde.ca.gov

2. Region

Western Region

3. Program operator(s) participating in waiver and affirmation that they are in good standing

The CDE asks that this waiver request apply to program operators that are in good standing but unable to immediately comply with the rescinded waivers published by the U.S. Department of Agriculture (USDA) Policy Memorandum SFSP 01-2019. Program operators have been notified of the rescinded waivers but will be required to request approval from the CDE on a case-by-case basis if they are unable to operationally implement procedures to conform to the regulations. The CDE is requesting authority to grant approval to the affected program operators starting with program year (PY) 2019–20 through PY 2023–2024.

4. Description of the challenge the state agency is seeking to solve

On October 11, 2018, the USDA issued Policy Memo SFSP 01-2019, which rescinded the previously issued waiver of SFSP 12-2011, Waiver of Site Monitoring Requirements in the Summer Food Service Program (SFSP), SP 07-2013, SFSP

04-2013—Revised, Seamless Summer Option (SSO) for School Food Authorities (SFA), and SP 06-2014, SFSP 06-2014, CACFP 03-2014, Available Flexibilities for Child and Adult Care Food Program (CACFP) At-risk Sponsors and Centers Transitioning to SFSP, which waived the regulatory requirement for program operators to conduct site visits during the first week of program operations for returning sites that operated successfully during the previous summer and had no serious deficiency findings.

Most program operators in California will be able to comply with the regulatory requirement to complete site visits during the first week of program operations. However, California anticipates a number of program operators with multiple sites will not have the resources and staffing available to complete all site visits within the first week of operation during this transitional year. If these program operators do not have the available fiscal resources for additional staff, they will be forced to reduce the number of sites which they now service which will reduced the number of meals provided to California's most vulnerable populations.

5. Specific program requirements to be waived (include regulatory citations)

Title 7, *Code of Federal Regulations*, Section 225.15(d)(2), states:

Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.

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

- Program operators will need to request waivers from the CDE at least 30 days before the start of the meal service. The CDE will evaluate each waiver according to the following criteria:
- Program operator is in good standing
- Program operator has no significant administrative review (AR) findings from the prior year
- Site operated successfully during the previous summer and claims were submitted within the previous 12 months under SFSP or SSO, whichever program may apply
- For SFAs, a lapse of no more than 30 days between the end of the National School Lunch Program service and the beginning of the SFSP or SSO service at school sites
- Site supervisor has at least one program year of experience managing an SFSP or SSO site

- Program operator must provide site supervisor training dates
- Program operator must provide an explanation of fiscal and logistical burden of completing the visit within the first week of operation and provide a plan for fully implementing the site visit requirements by the end of the waiver period.
- Expected date the site visit will be made
- The CDE will retain a centralized list of all approved waivers. The CDE will require program operators to submit completed site visit review forms and will regularly follow up with program operators until the forms are received.

7. Description of any steps the state has taken to address regulatory barriers at the state level

No regulatory barriers at the state level.

8. Anticipated challenges with waiver implementation

No anticipated challenges.

9. Anticipated impact on federal administrative costs and assurance that any increases in federal administrative costs will be paid from nonfederal funds

No impact on federal administrative costs.

10. Anticipated implementation date and time period

Implementation date: March 1, 2019—program operators will need to request a waiver each year.

Time period CDE is requesting authority to waive regulatory requirements: March 1, 2019–September 30, 2022. This will be a four year period and align with our administrative review schedule so that we can ensure all program operators are compliant.

11. Proposed monitoring and review procedures

The CDE will require program operators to submit complete site visit review forms for all sites which receive approval for the waived first week visit when the review visits are completed. The Field Services Unit will continue to monitor first week visits, including any approved waivers, during the SFSP AR process. The CDE will also retain a centralized list of all approved waivers to ensure that a completed site visit review form is received.

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

The CDE will send a report to FNS by October 31 of each year reporting the name of each program operator approved for this waiver, number of sites included in the waiver, all criteria used to determine program operator's waiver approval, dates the sites were open, and date the first site visit was completed.

The following links to the public notice informs the public about the proposed waiver:

SFSP waiver request to be posted to the CDE SFSP Information web page on the Announcements tab at <https://www.cde.ca.gov/ls/nu/sf/sfspinfo.asp>.

SSO waiver request to be posted to the SSO web page at <https://www.cde.ca.gov/ls/nu/sn/ssfo.asp>.

13. Signature and title of requesting official

Title: Staff Services Manager I

Requesting official's email address for transmission of response: jcook@cde.ca.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 your knowledge, experience and work with the State.

- **Date request was received at Regional Office:**
- **Regional Office recommendations:**