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

Regional Food Bank of Oklahoma, Ryan Abernathy, [rabernathy@rfbo.org](mailto:rabernathy@rfbo.org), 405-600-3151

**2. Region:** Southwest

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

This waiver request is applicable for all returning sites sponsored by the Regional Food Bank of Oklahoma who are in good standing

**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]:**

The Regional Food Bank of Oklahoma is requesting a waiver for all returning sites in good standing under our sponsorship for Summer Food Service Program (SFSP) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 Summer Food Service Program Memoranda Recission. The impact and challenges faced as a result of the rescinded flexibilities and policies to the Regional Food Bank of Oklahoma are detailed below.

**Area Eligibility**

FNS extended area eligibility to closed enrolled sites 16 years ago. Requiring sites to collect and sponsors to process individual income applications unduly increases administrative burden and will likely increase errors in site eligibility determination.

Relieving the Regional Food Bank of Oklahoma of the requirement to receive individual enrollment applications and allowing the Regional Food Bank to instead use area eligibility for closed enrolled sites would provide greater efficiency and use fewer administrative dollars, in addition to providing better customer service for sites serving our most vulnerable populations. Requiring closed enrolled sites to provide additional documentation for their children participating in the program creates an additional barrier for their participation and requires additional administrative oversight on the part of the Regional Food Bank.

The Regional Food Bank in 2018 served as the sponsor for 131 SFSP sites across our 53-county service area. Oklahoma ranks 51<sup>st</sup> in the nation in SFSP participation, and the Regional Food Bank is the largest sponsor in the state, with a goal of continuing to expand our services. To maintain this level of



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service, the Regional Food Bank, at our own cost, hires over a dozen seasonal employees to monitor sites, administrate the program, and prepare the meals served to children at these sites. The personnel resources necessary to process additional paperwork for closed enrolled sites would require the Regional Food Bank to hire additional staff placing a greater economic burden on the organization and would lower or eliminate the sponsoring of sites that operate as closed. Since these sites are primarily serving homeless children or children in organizations protecting them from abuse (such as the YWCA) this would put these children at greater risk of being nutritionally deprived due to their circumstances.

In addition, the Regional Food Bank anticipates the following challenges:

- Site staff typically do not have time to complete these forms, nor the technical expertise required to accurately assist families with these detailed applications. As in the past, applications will likely have missing or incorrect information.
- Eligible families may be resistant to completing applications due to the time it takes to complete as well as the information gathered.
- The Regional Food Bank estimates that in 2019, this process will require approximately 40 to 60 hours of sponsor and site staff time to gather and process.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost effective program management and reduce the administrative and financial burden on the Regional Food Bank.

Approval of this waiver will allow the Regional Food Bank to continue implementing streamlined measures for effective program management and operation. In addition, if approved, the Regional Food Bank will not be required to spend additional funds and staff time to update site training and review procedures.

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

The Regional Food Bank of Oklahoma is requesting all flexibilities and policies rescinded in SFSP 01-2019 be reinstated. The individual regulations to be waived are outlined below:

Current regulation to be waived: 7 CFR 225.2 "*closed enrolled site means a site which is open to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with 225.15(f).*"

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



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**Description of Alternative Procedures:**

Area eligibility will be extended to closed enrolled sites. Closed enrolled sites could be determined eligible if located in areas where at least 50 percent of the children residing in the area are eligible for free and reduced price meals under the National School Lunch Program and School Breakfast Program, thereby waiving the requirement that individual eligibility determinations be made by submitting individual household income applications. Area eligibility will extend to closed enrolled sites that serve children that live in the area in which the site is located.

**Anticipated impact on Program operations**

This waiver will significantly decrease administrative burden and allow for efficient and effective oversight of program operations. The Regional Food Bank will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of this waiver. Approval of this waiver will be cost neutral for the Regional Food Bank.

If this waiver is **not** implemented, the following impact on program operations will likely occur:

- Increased administrative costs for the Regional Food Bank related to collecting and processing income applications for closed enrolled sites located in areas already determined eligible based on school and census data.
- Increased risk for administrative error determining eligibility through income applications.
- Loss of closed-enrolled sites due to increased administrative burden to process individual household income applications as well as a decrease in families completing applications.

These combined impacts will result in a significant decrease in program sites due to increased administrative burden. This will result in decreased access to the program, a decrease in meals served to children and ultimately an increase in childhood hunger in Oklahoma

**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]:**

The flexibilities and policies rescinded by the USDA FNS on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission* will increase financial burden and create barriers to program access and effective program operation. To address these barriers, the Regional Food Bank is submitting this waiver. In addition, the Regional Food Bank works closely with the Oklahoma State Department of Education (OKSDE) to ensure sponsors operating both SFSP and CACFP are in good standing.

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



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There are no anticipated challenges with wavier implementation. Internal processes and procedures are already in place to ensure program integrity.

**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]:**

There is no anticipated impact on Federal administrative costs for State Agency oversight with implementation of this wavier.

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

This waiver will be implemented immediately upon approval for program year 2019 and remain in effect for a period of five years.

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

Sites will continue to be monitored by the Regional Food Bank as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the Regional Food Bank will implement a corrective action plan and conduct follow-up reviews, as needed.

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

The Regional Food Bank will provide FNS with required reports, including review findings and technical assistance provided and survey results showing impact on improved services and streamlined administrative requirements. This information will be available annually.

**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]:** The public notice is located at:

<https://www.regionalfoodbank.org/programs/summer-feeding>

**14. Signature and title of requesting official :**

A handwritten signature in black ink, appearing to read "Ryan Abernathy". The signature is written over a horizontal line.

Name: Ryan Abernathy

Title: Senior Director of Health Programming

Requesting official's email address for transmission of response: [rabernathy@rfo.org](mailto:rabernathy@rfo.org)