



"Fighting Hunger... Feeding Hope"™

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

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in good standing under our sponsorship for Summer Food Service Program (SFSP) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 Summer Food Service Program Memoranda Recission. The impact and challenges faced as a result of the rescinded flexibilities and policies to the Regional Food Bank of Oklahoma are detailed below.

Meal Time Restrictions

Sixteen years ago FNS granted state agencies the authority to waive meal time restrictions in an effort to simplify program management. The waiver of meal time restrictions allows sponsors to serve meals at times that align with program activities and meet the needs of children and families. If meal time restrictions are implemented, the number of nutritious meals served to children in Oklahoma will significantly decrease.

The Regional Food Bank in 2018 served as the sponsor for 131 SFSP sites across our 53-county service area. Oklahoma ranks 51st 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. Relieving the Regional Food Bank of Oklahoma of the requirement to maintain three hours between the start of service times of meals and snacks will allow us to provide more nutrition support for students who are accessing the program. Since the federal regulations require all meals to be consumed on-site, extending the time between meals makes it more likely a child would not be able to access both options. Shortening the time allows a child to receive more nutritional sustenance and provides an added incentive to stay at a site and participate in activities and enrichment..



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We have seen how this waiver has benefitted the children we serve through these programs and feel that losing the ability to serve snacks and meals closer together than four hours would adversely affect the children who this program is designed to benefit. The Regional Food Bank's sites are predominantly open sites at recreation centers, libraries, and churches where children and youth participate in a combination of structured and non-structured activities. Because times when children and youth arrive at open sites ebbs and flows, site staff find they serve more children when they have longer serving windows. Last summer the majority of the Regional Food Bank's sites had longer serving windows than would be allowed if the restrictions remain in place. Mealtime restrictions would prevent hundreds of children from receiving a healthy meal. Families rely on these meals. They also rely on public transportation to get to meal sites, and therefore it is essential to have longer meal times to accommodate families. To serve meals that meet needs of the children and youth in the community, sites need flexibility to accommodate a variety of factors, such as space to serve meals and class and activity schedules.

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: 7CFR 225.16(c)(1) and (2) "Time restrictions for meal service. (1) Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps. (2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals."



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

Description of Alternative Procedures:

To simplify program management, accommodate operational requirements and meet needs of participating children, time limits will not be placed on the duration of a meal service or the amount of time that must elapse between the beginning of one meal service and the beginning of the next. Sponsors must continue to establish meal times for each site and provide this information to the Regional Food Bank to ensure effective oversight. The Regional Food Bank will have discretion to determine the length of supper meal service and if meals served outside of the approved meal service may still be claimed for reimbursement in the case of an unanticipated event.

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:

- A decrease in the number of meals offered at sites due to meal time restrictions. The restrictions hinder sites serving meals at times that align with site activities and needs of participating children. This will lead to a loss of reimbursement revenue.
- Increased operational labor costs for sponsors due to the amount of time that must be placed between meals.

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(l)(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.



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

There are no anticipated challenges with waiver 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(I)(1)(A)(iii) of the NSLA]:

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

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(I)(1)(A)(ii) of the NSLA]: The public notice is located at:

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



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14. Signature and title of requesting official :

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

Name: Ryan Abernathy

Title: Senior Director of Health Programming

Requesting official's email address for transmission of response: rabernathy@rfbo.org