

December 31, 2018

Waiver for Closed Enrolled Sites

Vermont Agency of Education Child Nutrition Programs is submitting this waiver request to continue the rescinded waiver originally offered through *Summer Food Service Program (SFSP) Waiver for Closed Enrolled Sites*, November 17, 2002. This waiver would allow closed enrolled sites to be determined eligible to offer free meals to all participating children if they are located in areas where 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.

- 1. State agency submitting waiver request and responsible State agency staff contact information:** Vermont Agency of Education, Child Nutrition Programs, Jamie Curley Jamie.curley@vermont.gov 802-479-1207
- 2. Region:** Northeast
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Vermont is requesting a state-wide waiver. As of summer 2018, Vermont had 66 closed-enrolled sites using area eligible data. All of these sites 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:** Vermont is requesting a waiver for extending area eligibility to closed enrolled sites. Many of our summer sponsors operate closed sites because of childcare licensing requirements, which limit the number of children that can be served within a space. When these locations are located within area eligible locations, collecting applications for short summer sessions is duplicative and unnecessarily burdensome for sponsors, and is a participation barrier for eligible families. Organizations must be licensed to provide care to children in the State of Vermont. Licensing is overseen by a separate state agency, the Vermont Agency of Human Services Department of Children and Families. Licensed organizations may also receive payments through the Child Care Financial Assistance Program operated by the Vermont Agency of Human Services Department for Children and Families. This helps eligible families with the cost of childcare. Payments are made directly to childcare providers. Because of the legal requirement and financial incentive to adhere to the licensing regulations limiting the number of

children served within each space, we believe that these sponsors will not choose to become open sites, and many will drop the SFSP program rather than taking on the administrative burden of collecting and approving applications. Without this waiver, fewer children in low-income locations will have access to meals through the Summer Food Service Program.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(l)(2)(A)(i) of the NSLA]: Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III), and 7 CFR 225.15(F)
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Area eligibility data will be used to determine that the population served is low-income, instead of collecting individual family applications. Area eligibility data comes from census information or from Free & Reduced information of the schools located within the area. USDA has found that these sources of information are an appropriate proxy for income information when applied to open sites, and we believe that these are also an appropriate proxy for closed-enrolled sites. The State Agency will continue to verify area-eligibility of each closed-enrolled site before approving operation. The state will continue to speak with sponsors about their reasons for choosing to be a closed enrolled site and will continue to encourage them to consider being an open site wherever feasible. The anticipated impact of requiring all closed enrolled sponsors within area eligible locations to collect applications is that many sites will choose to drop the program rather than collect applications. This will reduce the number of participating sites in low-income areas where the need is greatest.
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]: Vermont has used this flexibility in the past only after thoroughly discussing with sponsors why they wish to operate a closed-enrolled site. Sponsors are encouraged to operate open sites in area eligible locations whenever feasible. Approval of closed enrolled sites that are area eligible is only given if there is a justifiable reason, typically, licensing and security concerns.
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** As this waiver request is to continue a past-approved flexibility, we do not foresee any additional challenges

implementing it; it would be more of a challenge to remove it. Without the waiver, there will be decreased access to the SFSP for children in low-income areas.

- 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]:** As this is a continuing waiver, we do not foresee any additional costs in extending it.
- 10. Anticipated waiver implementation date and time period:** Summer 2019 (June through September) with the option of extending to future summers if allowable.
- 11. Proposed monitoring and review procedures:** Vermont would continue monitoring per regulatory requirements. Before approval of area eligible closed enrolled sites, Vermont will encourage the sites to be open, discuss why they wish to operate as closed enrolled, and discuss any hesitancy to operating as open sites and troubleshoot solutions. The state agency will also continue to track site eligibility on an annual basis.
- 12. Proposed reporting requirements (include type of data and due date(s) to FNS):** Vermont would continue to report as required by federal regulations. We can report the number of closed-enrolled sites in area eligible locations at the end of each summer.
- 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]:** posted on Agency of Education website
- 14. Signature and title of requesting official:** Jamie Curley, Summer and School Meals Consultant

Title: Summer and School Meals Consultant

Requesting official's email address for transmission of response:

Jamie.curley@vermont.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 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(l)(1)(A)(ii) of the NSLA**
- **Regional Office Analysis and Recommendations:**