



COLORADO
Department of Education

Office of School Nutrition
1580 Logan, Suite 760
Denver, CO 80203

Marcellus Goodwin
Mountain Plains Regional Office
1244 Speer Blvd Suite 903
Denver, CO 80204-3581

December 17, 2019

1. **State agency submitting waiver request and responsible State agency staff contact information:**
Colorado Department of Education (CDE) School Nutrition Unit.
Ashley Moen, moen_a@cde.state.co.us, 303-866-6653.
2. **Region:** Mountain Plains
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**
This waiver request is applicable state-wide for all approved sponsor organizations 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]:
The CDE School Nutrition Unit is requesting a state-wide waiver for Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission*. The impact and challenges faced as a result of the rescinded flexibilities and policies to the CDE School Nutrition Unit and Colorado sponsors are detailed below:

Area Eligibility

FNS extended area eligibility to closed enrolled sites 17 years ago. Out of the total number of closed-enrolled sites, 91 percent (107) utilized area eligibility in Program Year (PY) 2019 in Colorado. Requiring sponsors to process individual income applications unduly increases administrative burden and will likely increase errors in site eligibility determination.

Greeley 6, a school food authority (SFA) that sponsors 38 sites, anticipates losing 4 sites due to administrative burden and lack of complete income application forms to determine site eligibility for those specific closed enrolled sites. Based on PY 2019 average daily participation and average number of operation days, Greeley 6 would serve an average of 17,000 fewer meals to children if those sites are unable to qualify for summer meals. In addition, Greeley 6 stated, "area eligibility provides the opportunity to feed children where they congregate during summer months, such as recreation centers. If area eligibility was eliminated for closed enrolled sites,





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many of these locations would not qualify for summer feeding due to requiring income applications. The discontinuation of area eligibility would also create a huge administrative burden. This burden would result from the processes and documentation needed to secure qualification as an eligible summer feeding location."

The City and County of Denver Office of Children's Affairs (OCA) sponsors 34 sites and anticipates the following challenges:

- OCA currently has three closed-enrolled sites that range from 30 to 115 participants. The families of the youth participants have limited language proficiency, making income eligibility forms difficult to complete.
- In 2012, OCA used income-eligibility forms with two sites and it took multiple reviews and follow-up to have all forms submitted accurately and to meet the requirements to provide SFSP at these two sites. This time-consuming process required approximately 60 hours of sponsor and site staff time.
- 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.
- OCA estimates that in 2020, this process will require approximately 80 to 120 hours of sponsor and site staff time to gather, review, edit and determine income eligibility of each family for three sites.

Food Bank of the Rockies, a sponsor of 70 sites; 18 of those being closed-enrolled, stated "If sites would need to collect and supply eligibility forms with their application we know that many of the sites would not take the time and would not apply. Processing application paperwork would take extra staff time and increased paperwork to file and maintain. During the summer, our staff hours are spent mostly on training, monitoring, meal count collection, and assuring program compliance." In PY 2019, those 18 closed enrolled sites served over 600 kids throughout the summer.





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Hunger Free Colorado, a partner organization leading efforts to connect families and individuals to food resources so no Coloradan goes hungry, supports this waiver. Hunger Free Colorado's letter of support is attached.

In addition to sponsor impact, the CDE School Nutrition Unit's online application system contains school area eligibility data, allowing sponsors to select the correct data for their site location. This significantly streamlines the time it takes to determine site eligibility as well as ensures accurate eligibility percentages are used. If closed-enrolled sites are not able to use area eligibility, the online application system would need to be reconfigured, which would have a significant financial impact on the CDE School Nutrition Unit.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost effective program management and reduce administrative burden for sponsors and the CDE School Nutrition Unit.

Approval of this waiver will allow the CDE School Nutrition Unit and Colorado sponsors to continue implementing streamlined measures for effective program management and operation. In addition, if approved, the CDE School Nutrition Unit will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures.

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

The CDE School Nutrition Unit 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)."





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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:

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, including technology, State systems, and monitoring:

This waiver will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsor organizations to meet the needs of their communities and participating children. The CDE School Nutrition Unit 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 CDE School Nutrition.

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

- Increased costs to the CDE School Nutrition Unit to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
- Significant impact on the CDE School Nutrition Unit staff time and effort and increased cost to update training and technical assistance materials, re-train sponsor and site staff, and monitor compliance with rescinded flexibilities and policies.
- Increased administrative costs for sponsors 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 when 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.





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- These combined impacts will result in a significant decrease in program sponsors and 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 Colorado.

6. **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 administrative burden and create barriers to program access and effective program operation. To address these barriers, the CDE School Nutrition Unit is submitting this waiver. The CDE School Nutrition Unit also utilizes lean principles to implement streamlined measures and continuous process improvement for the program.

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(l)(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 2020 and remain in effect for a period of one year.

11. **Proposed monitoring and review procedures:** Sponsors and sites will continue to be monitored by the CDE School Nutrition Unit as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the CDE School Nutrition Unit 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 CDE School Nutrition Unit will provide FNS with required reports, including review findings and technical assistance provided as well as survey results showing impact on improved services and streamlined administrative requirements. This information will be available annually.





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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:

<http://www.cde.state.co.us/nutrition/nutrisummer>

14.. Signature and title of requesting official:

Name: Ashley Moen, MS, RD, SNS

Title: Summer Meal Programs Supervisor

Requesting official's email address for transmission of response: moen_a@cde.state.co.us





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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:

