



## Child Nutrition & Wellness

Kansas State Department of Education  
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November 26, 2018

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

Kansas State Department of Education  
Cheryl Johnson, Director  
900 SW Jackson, Suite 251  
Topeka, Kansas 66612  
[csjohnson@ksde.org](mailto:csjohnson@ksde.org)

**2. Region:** Mountain Plains

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

Statewide waiver request for all participating SFSP sponsor organizations.

**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The State agency is seeking to request a statewide waiver for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within [SP 10-2017, SFSP 06-2017](#), *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016. The waiver of program regulations at 7 CFR 225.16(c)(1) for meal times as originally published in SFSP 11-2011, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011. Regulations require that three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must elapse between lunch and supper if no snack is served. This policy waived these requirements, but maintained that sponsors must continue to establish meal service times.

This FNS waiver has benefitted Kansas SFSP sponsors by helping them efficiently operate the SFSP in a manner that aligns meal service times with the programming needs of each individual site. Since many sites in Kansas are located in rural areas, programming is a crucial

element to drive participation at meal sites. Sponsors adapt to the needs of the communities they serve by establishing meal service times in coordination with programming to better serve their communities and increase access to healthy meals during the summer. By allowing the flexibility, sponsors will have greater ability to meet local needs.

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

We are requesting to waive the meal time restriction on the amount of time that must elapse between meal services, the time restrictions associated with supper, and the amount of time limited for each meal/snack service.

*7 CFR 225.16(c )(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.*

*7 CFR 225.16(c )(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.*

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

The State agency will place no time limits on the duration of a meal service and no requirements pertaining to the amount of time that must elapse between the beginning of one meal service and the beginning of the next. This will provide sponsors with greater flexibility to meet local needs. SFSP sponsors will be required to establish meal times for each site and provide this information to the State agency. Meals must be served within the State-approved meal service times in order to be claimed for reimbursement and for the cost associated with such meals to be covered by Program funds.

**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]:**

Previously, the State agency has not had to address any regulatory barriers as these flexibilities were in place.

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

The State agency does not anticipate that these waivers will present any challenges to the agency or SFSP sponsor organizations as these flexibilities have already been implemented and in place. Implementation of this waiver will decrease the challenges faced by SFSP sponsor organizations.

The challenges that the State Agency and SFSP sponsor organizations may face if the waiver is **NOT** approved include:

- Increased costs to State agency to update software systems to bring into compliance with regulation changes, including application and compliance modules
- Increased burden to State agency to update training materials, re-train SFSP sponsors, and monitor compliance regarding rescinded flexibility
- Loss of reimbursement revenues for meals and snacks as meal time restrictions may force SFSP sponsors to operate meals/snacks that do not align with program activities in place

**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]:**

The State agency does not anticipate that this waiver will increase the overall cost of the Program to the Federal Government. This waiver will continue to assist the SFSP sponsors and the State agency to ensure access to meal service sites that better align with individual site programming in the Summer Food Service Program.

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

To be effective with the start of the 2019 SFSP and approved for a period of one year.

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

The State agency will continue to follow their standard SFSP review procedures. Sponsors found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

The State agency will report to FNS any compliance issues noted with this flexibility during application approvals and reviews by October 1 each year.

**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 [www.kn-eat.org](http://www.kn-eat.org), Summer Food Service Programs, What's New

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



Name: Cheryl Johnson, MS, RD, LD

Title: Director, Child Nutrition & Wellness, KSDE

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

**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:**