

MARCH 20, 1998

SUBJECT: Summer Food Service Program (SFSP) Policy Memorandum # 6-98:
Waiver of Site Limits For Private Nonprofit Organization Sponsors

TO: Regional Directors
Child Nutrition Programs
All Regions

This memorandum provides regional offices authority, for the 1998 SFSP, to grant waivers of the limits placed on the numbers of participants and sites that private nonprofit organization sponsors may be approved to operate. As you are aware, private nonprofit organization sponsors are restricted by current law, at section 13(a)(7)(B)(i) of the National School Lunch Act (NSLA), and sections 225.6(b)(6)(ii) and 225.14(d)(7)(ii) of the regulations, to providing meal service to up to 300 children (or up to 500 children with State approval) at any one site, and up to 2,500 children each day, at no more than 5 urban sites or 20 rural sites or 20 total sites.

Since November 1994, when Public Law 103-448 granted waiver authority to the Department, we have approved a number of State agency waiver requests allowing private nonprofit organization sponsors to expand their meal service to additional sites when no other organizations were available to sponsor the program. Based on the waiver requirements set out by Congress and our experience with this process, we are providing guidance on what regional offices should consider when reviewing these requests. Please note that this memorandum on waivers of site limits differs somewhat from the general waiver guidance, *Public Law 104-193 Changes to Applications for Waivers in the Child Nutrition Programs*, which we issued on December 2, 1996.

Eligibility

The State agency is expected to demonstrate that it has made a systematic effort to find schools or other eligible sponsors. Waiver requests should also provide assurance that each private nonprofit organization sponsor approved to expand meal service is capable of administering the program in accordance with SFSP regulations. The sponsor's staffing plan and administrative budget should show that the sponsor will devote adequate resources to supervise and monitor program compliance at all of its sites. Finally, the State agency should ensure that the sponsor will not duplicate coverage of areas served by another sponsor.

Training, Technical Assistance, and Monitoring

The State agency is expected to give advice and technical assistance to the sponsor, as necessary. State agencies should not submit waiver requests on behalf of sponsors if they cannot fully support them. The State agency should provide additional technical

assistance and monitoring to help the sponsor in its administration of new program sites, particularly if the waiver is requested on behalf of a new sponsor.

Application Requirements

At a minimum, applications should:

- (1) identify the sponsor for which the waiver is being sought, including its name and address, and a general description of the size and scope of any child nutrition program in which it participates.
- (2) explain the circumstances that resulted in the request for waiver, including the efforts made to recruit schools and other sponsors and a description of the size and scope of the new sites the sponsor proposes to operate; and
- (3) describe the State's expectation as to how the waiver will improve services and the expected outcomes if the waiver is granted.

Reporting

We are required to monitor the operation of waivers granted to States and approved sponsors, and to submit a report on waiver activity to Congress. To assist us in completing our report, please provide us with a list of waivers of site limits for private nonprofit organization sponsors that you approve this year, by October 1, 1998. Please identify the States and sponsors approved for waivers, the number of sites approved under each sponsor, and the total increase in the number of children. Along with this list, we request that you also provide us with a description of how these waivers resulted in improved service to children.

We will evaluate the waiver process, based on regional office feedback and any changes that result from the upcoming reauthorization of the program, to determine whether to extend this authority beyond the 1998 SFSP. If you have any questions concerning any of the issues addressed in this memorandum, please contact Ed Morawetz or Susan Ponemon.

/ORIGINAL SIGNED/

STANLEY C. GARNETT
Director
Child Nutrition Division