

SECTION F

Waivers

FFY 2009 FOOD STAMP NUTRITION EDUCATION (FSNE) WAIVER REQUEST

1. **Waiver serial number:**
2. **Type of request:** Initial
3. **Primary regulation citation:** 7 CFR 272.2 (d) (2) (iii)
4. **Secondary regulation citation:** Not applicable
5. **State:** California
6. **Region:** Western Region
7. **Regulatory requirements:** 7 CFR 272.2 (d) (2) (iii) requires that federal matching funds be used for programs conducted exclusively for the benefit of food stamp applicants and recipients.
8. **Proposed alternative procedures:**

For Social Marketing— FSNE activities by the California Department of Public Health's *Network for a Healthy California (Network)* will be targeted to food stamp eligibles and aligned as closely as possible with food stamp recipient demographics. The Network designs and implements FSNE programs and interventions using scientific, data driven approaches that maximize the number of recipients reached who are eligible or likely to be eligible for the Food Stamp Program. Using the data methods described in Section F. (*Network Tab*), *Network's* Waiver for Targeting – FFY 2009, targeting methods are meticulously reviewed to assure FSNE is provided to persons who are food stamp eligible as defined by the USDA's FSNE Guidance definitions.

For Direct Education--FSNE activities by the University of California at Davis' Food Stamp Nutrition Education Program (UC-FSNEP) will be targeted to food stamp eligibles and aligned as closely as possible with food stamp recipient demographics. For UC-FSNEP Adult Program audiences, staff will recruit clients at eligible community locations, including: low-income housing and community centers, Head Start Centers, emergency food banks, public health clinics serving low-income families, local departments of social services, as well as other locations where food stamp eligibles have previously been enrolled. In addition, UC-FSNEP has a referral system through which clinics and community agencies request FSNEP staff to teach classes. The UC-FSNEP Youth Program will recruit teachers at eligible schools ($\geq 50\%$ of students receive free or reduced-price meals) to be trained to deliver the nutrition education lessons in their classrooms. Despite these targeting methods it is possible that some (less than 50%) low-income families (at or below 185% poverty level) may attend and benefit from the classes.

9. **Justification for request:**

For Social Marketing— See Section B. a. (Local Project Summaries) for income targeting data sources for each local project and Section F, for intervention site income targeting data, Fruit, Vegetable and Physical Activity Campaign targeting data, Regional Nutrition Network impression data and media targeting data.

For Direct Education—When FSNE activities are offered in public locations (such as a low-income housing center) it is not possible to limit participation or appropriate to try to separate out food stamp eligibles so that they can be taught separately. See Section B.a. (Local Project Summaries) for targeting data.

10. **Anticipated impact on households and State agency operations:** Approval of this waiver will expand the potential venues and social marketing channels for reaching and providing FSNE services to food stamp eligibles. Denial will preclude the use of venues and social marketing channels that have proven to be effective, thereby reducing the number of participants served.
11. **Caseload information, including percent, characteristics and quality control error rate for affected portion:** All activities are designed to reach food stamp eligibles. The size of the caseload varies with the specific design of the educational program and the location. The quality control error rate does not apply.
12. **Anticipated implementation date and time period for which waiver is needed:** Federal Fiscal Year 2009--October 1, 2008 to September 30, 2009.
13. **Proposed quality control review procedures:** Not applicable.
14. **Signature and title of requesting official:**


Richton Yee, Chief
Food Stamp Program Branch
15. **Date of request:**

SECTION F: NETWORK'S PROPOSED WAIVER FOR TARGETING – FY 2009

The *Network* designs and implements FSNE programs and interventions using scientific, data driven approaches that maximize the number of recipients reached who are eligible or likely to be eligible for the Food Stamp program. Using the data services below, targeting site specific income information is meticulously reviewed to assure FSNE is provided to persons that are certified eligibles or likely eligibles by the 2009 USDA Guidance definitions.

As identified by USDA in the FSNE Plan Guidance for FY 2009, it is often not possible or practical to separate out FSP eligibles and/or identify program eligibility¹. Many low-income people that are eligible for the Food Stamp Program do not apply, have not gone through the formal FSP certification process, and are not easy to identify. Targeted interventions that are designed to meet the needs of FSP eligibles may inadvertently reach other low-income populations who may not be eligible for the Food Stamp Program when it is not possible to ascertain FSP eligibility. In order to address this issue, and deliver interventions efficiently at minimum financial cost a waiver is requested to allow services to be provided in community venues and sites that serve low-income populations at or below 185 percent of the Federal Poverty Level. All FSNE interventions and programs developed by the *Network* delivered to this audience will be designed to meet the needs of FSP eligibles.

The following are lists of criteria that are required for *Network* projects to employ when identifying individuals and communities they serve and targeting their interventions. It is important to note that the criteria for services and selection of projects are based on the agencies' ability to serve Food Stamp eligible populations, those with household incomes at or below 185 percent of the Federal Poverty Level, and schools that have 50 percent or greater free and reduced-price meal participation.

Community-based Interventions

Nutrition education programs and interventions held in community settings are conducted and targeted in locations and at events where there are high percentages greater than 50 percent of Food Stamp eligible adults and children. Geographically, programs target low-income areas or work with other programs that serve Food Stamp eligible individuals using census data or other data sets, which provide more specific information. Various criteria are used to assist projects in assuring they are appropriately targeting households with incomes at or below 185 percent of the federal poverty level. Data sources for targeting may include the following:

- 2000 census data
- California Department of Education – Dataquest <http://data1.cde.ca.gov/dataquest/> can locate schools with 50 percent rates for free and reduced-price meal participation and provides a demographic profile of schools participation
- Food Stamp recipients
- Percentage of Food Stamp eligibles and likely eligibles within a region/census tract (e.g., at least 50 percent of resident in a census tract are at or below 185 percent of the Federal Poverty Level)
- County Department of Social Service Data (Welfare CalWorks)
- SSI data: even though California cashes out our SSI/SSP population, we consider the assistance we give them in cash to be in lieu of FS benefits.
- Health Department, community and rural health clinic data, such as
LA County Epidemiology Unit <http://lapublichealth.org/epi/index.htm>
LA County Health Assessment Unit <http://lapublichealth.org/ha/index.htm>

¹ USDA. *Food Stamp Nutrition Education Plan Guidance, Federal Fiscal Year 2009*. USDA Food and Nutrition Service. February 2006.

- Other public assistance program data
 1. School grants/subsidies/financial assistance
 2. Health program requirements - goes up to 250% FPL;
 3. WIC
 4. Agency specific data goes up to 200% FPL ;
 5. Community Development Block Grants
 6. Head Start
 7. Public housing data
 - United Way Resource Center
<http://www.unitedwayla.com./pages/uwresources/UWResource.html>

In addition to these data sources, there are methods that can be used to validate the targeting approach. For example, *Network* projects like the *Latino Campaign* and *African American Campaign* administer consumer surveys to a sample of adults who participate in selected community interventions. The survey captures annual household income, family size, use of social services, and other variables. As such, the findings of the survey verify that the interventions reached FSP eligible adults.

Geographic Information System (GIS)

The *Network's* GIS was developed by the California Department of Health Services to identify potential intervention sites and ensure effective targeting of FSNE interventions to eligible populations. GIS systems have been used for decades to manage and analyze geographic spatial data. GIS allows users to identify the demographic characteristics of low-income populations and map them with other indicators by plotting this information on a map. It can be plotted for the entire state to the level of a specific census block. The system allows users to apply data layers of geographic, demographic, and community data to create a map containing many sources of data. The data layers may include demographic indicators such as, the percentage of Food Stamp recipients within a defined geographic area, schools with greater than 50 percent free and reduced price school meal participation, race/ethnic and income breakdowns of specific areas and census tracts that are FSNE eligible. This may be plotted against Food Stamp offices, schools, health clinics, WIC agencies, farmers markets, and food retailers etc. GIS provides users with the ability to target their programs to locations that best meet the profile of the targeted groups.

Network Projects

Network for a Healthy California Fruit, Vegetable, and Physical Activity Campaigns & Regional Networks for a Healthy California

As part of the *Regional Networks*, the Fruit, Vegetable, and Physical Activity Campaigns rely on the GIS to ensure proper targeting of FSP eligible families at community interventions (see Section F, Attachment #1, *Fruit, Vegetable, and Physical Activity Campaigns Targeting Data*). Moreover, the *Retail Program* will target authorized retailers located outside the FSNE eligible census tracts, but having average monthly FSP redemptions of \$50,000 or more (see FSNE Plan Guidance Category 3). Per FSP Administrative Notice 08-19 (5/8/08), the *Network* is coordinating with CDSS to receive a list of FSNE eligible retailers meeting this redemption threshold. There are a variety of intervention channels that are used by the *Network* projects to reach FSP eligible adults and children. The Fruit, Vegetable, and Physical Activity Campaigns represent five targeted initiatives including the *Children's Power Play! Campaign*, *Latino Campaign*, *African American Campaign*, *Retail Program*, and *Worksite Program*. The campaigns and programs reach FSP eligible families through schools; community youth organizations; supermarkets, small chain and independent grocery stores; farmers' markets and flea markets; direct health service provider organizations and community clinics; churches; low-wage worksites; community events like festivals and health fairs; and the media. These channels work together to surround FSP

eligible families with nutrition education experiences that drive fruit and vegetable consumption and physical activity. The campaigns and programs are carried out in large part by the 11 *Regional Networks*, which coordinate regional campaigns, initiatives and activities designed for the benefit of FSP eligible populations. In the event that an intervention site falls in a non qualifying census tract (below 50% FSNE eligible) staff will conduct a minimum of 30 surveys to verify that the target population is present at this particular site.

Local Incentive Awardees

All incentive awardees are required to target their activities and intervention sites to food stamp eligibles per the annual USDA Guidance. The intervention sites where nutrition education programs conducted directly and indirectly to food stamp eligibles vary by project and target audience. The locations are selected based on an agency's ability to best serve the food stamp eligible audience. By using the income data sources listed above, the programs are able to serve consumers the majority of which are food stamp eligible. See Section A, Attachment #5, California FSNE Schools, 50% Free/Reduced Price Meals, by County, and Section B, A. Local Project Summaries for Intervention Site Targeting Data on each contractor. Intervention sites for direct contacts can include: community centers, county food stamp offices, community based organizations, community health centers/ clinics, domestic violence centers, faith organizations, grocery stores, homeless/transition homes, housing projects, job training sites, parks, schools, and other locations where significant numbers of food stamp eligible or low-income people congregate. Activities are selected on past success, best practices from the field, and local and cultural appropriateness.

The specific "channels" for incentive awardees include:

Children and Families Commissions, city governments, public colleges/universities, county offices of education, Indian tribal organizations, local health departments, nonprofits (health clinics, food banks), parks and recreation, school districts, state level programs, and University of California Cooperative Extensions.

Food stamp eligibles are also reached and influenced by interventions targeting intermediaries of this population. These activities are necessary to build the capacity and infrastructure of the agencies to deliver FSNE directly to food stamp eligibles. Such interventions include: train-the-trainers, peer education, promotoras, workshops for allied health professionals, etc. Such activities improve the institutional systems that support the food stamp eligible population in accessing food, improving their diet, increasing regular physical activity and fruit and vegetable consumption.

Nonprofit Incentive Awardees

This waiver requests that the Food Stamp Nutrition Education programs administered by California Department of Public Health to allow four nonprofit organization to use private cash donations as part of the State's expenditures for which FNS will reimburse 50% (Section 7CFR 277 4 (c) Cash Contributions and 4(d)). The projects are California Association of Food Banks, operating in member food banks, soup kitchens and food pantries; Central Valley Health Network operating in 13 community-based health centers in 18 counties; and CSU Chico Research Foundation, comprised of 36 community and school partners in six north state counties.

California Association of Food Banks includes 15 subcontracting food banks and 6 community based organizations serving 18 California counties: Alameda, Calaveras, Contra Costa, Fresno, Humboldt, Imperial, Lake, Los Angeles, Nevada, Orange, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma and Ventura. Food banks are desirable FSNE venues, serving 130% of the Federal Poverty Level and leveraging only qualifying nutrition education activities.

Central Valley Health Network (CVHN) includes 13 participating health centers that provide general nutrition education at 114 clinic locations to 150,000 patients in 18 counties. As USDA expressed concerns about contracting with healthcare organizations, please note that CVHN is leveraging only FSNE-allowable nutrition education activities and funds. In addition, 1) CVHN does not use in-kind contributions to meet state share costs; 2) Neither the *Network* nor CVHN are aware of any applicable procurement regulations in California; 3) Seventy-seven percent of CVHN's patients have incomes at or below 100 percent of the Federal Poverty Level and CVHN is careful to only conduct primary prevention activities and to adhere to the FSNE guidelines; and 4) CVHN's FSNE state share comes from non-Federal sources including foundation grants, patient fees, and state funds. Health centers and clinics are located in the following California counties: Alameda, Butte, Colusa, Fresno, Glenn, Kern, Kings, Inyo, Merced, San Bernardino, San Joaquin, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba.

The CSU Chico Research Foundation, Sierra Cascade Nutrition and Activity Consortium (SCNAC) is comprised of 67 schools and school partners in six north state counties. SCNAC serves a diverse population throughout the Sierra Cascade region including Caucasians, Hispanics, Asians, Native Americans, African Americans, and Pacific Islanders ranging in age from 2 to 60. The Consortium reaches 67 schools, 14 preschools, 2 afterschool programs, 13 Community Based Organizations, 4 Public/Community Health Centers, 10 Community Centers, 5 Indian Tribal Organizations, 1 Community College/University, 1 Park and Recreation Center, as well as additional sites serving FSNE-eligible families. SCNAC's programs emphasize strategies for increasing fruit and vegetable consumption and daily physical activity and provide both the funding resources and training for rural communities to better meet the dietary needs of their residents. Examples of SCNAC activities include the school library based "Smart Bodies" – Smart Minds program integrating nutrition education related children's books using the Harvest of the Month resources, the "Lunch Leagues" program where university students provide lunchtime nutrition education in the cafeteria and promote physical activity afterwards on the playground, peer mediated teaching with high school students providing nutrition education to K-6 students, "Treats for Trade" holiday candy exchange for nutrition education reinforcement items; promotion of school and community vegetable gardens, community based nutrition education programs via county public health departments, nutrition education support for FSNE eligible families provided by Public Health Nursing, and culturally appropriate nutrition education and physical activity promotion services for Sierra Cascade region Native Americans.

San Francisco General Hospital

The Network for a Healthy California - Chinese Project continues to develop partnerships with over 20 community agency partners, to plan and implement project activities to food stamp eligible populations in San Francisco County, including but not limited to the Chinese speaking communities. Chinatown Public Health Center is a subcontractor of the fiscal agent and provides the entire state share. Partners include the American Cancer Society, American Heart Association, Chinese Community Health Resource Center, City College of San Francisco, Kai Ming Head Start, San Francisco WIC Program, Self Help for the Elderly, Wu Yee Children's Services, YMCA Chinatown, Chinatown Child Development Center, Asian Family Support Center, Chinese Hospital, Commodore Stockton Child Development Center, NICOS Chinese Health Coalition, On-Lok Senior Health Services, Newcomers Health Program, University of California Cooperative Extension, Community Youth Center, Excelsior Family Connections, Chinatown Beacon Center, and numerous community based organizations. Project activities include nutrition classes, community workshops, in-service training for professionals, participation in 1-2 State media promotional campaigns or statewide initiatives, media interviews and press releases. In addition, the project will provide resources, along with technical assistance for partnering agencies to promote nutrition and physical activity when planning and conducting summer camp activities. Project staff will participate in regional trainings and meetings such as the Bay Area Nutrition and Physical Activity Collaborative (BANPAC) and Annual Network Conference. Project will also identify "Champions for Change" in the

Chinese community in accordance with the established Network guidelines and feature them in success stories for sharing with the community.

The California Department of Public Health assures that for California Association of Food Banks, Central Valley Health Network, CSU Chico Research Foundation and San Francisco General Hospital Foundation that: 1) no endorsements of donors or product will be given in connection with nutrition education activities, 2) no funds will revert back to donor or benefit the donor, 3) funds are donated without restriction on use for specific persons, institutions or facilities, and 4) funds will be under the State's administrative control.

Local Food and Nutrition Education Projects

The same criteria used to qualify projects in the Local Incentive Awardee process are used for Local Food and Nutrition Education (LFNE) projects. The LFNE projects however, are selected through a Request for Application (RFA) competitive process and do not provide State Share. The LFNE projects are awarded funding based on the following criteria: they must be non-profit, community-based organizations that demonstrate knowledge and capacity to provide FSNE-eligible individuals and families with nutrition education interventions; promote access to healthy food; and promote participation in the Food Stamp Program. In addition, the LFNE projects collaborate with other *Network*-funded projects to increase expertise and resource sharing, and provide examples of promising practices via the Local Food and Nutrition Education Action Committee meetings, and other *Network*-sponsored trainings and meetings. They provide both direct and indirect nutrition education services to FSNE-eligible populations and their intermediaries.

Food Banks

Most food bank clients are food stamp eligible and under the 130% of Federal Poverty Level. California Association of Food Banks coordinates food banks in the following counties: Alameda, Calaveras, Contra Costa and Solano, Fresno, Humboldt, Lake, Los Angeles, Nevada, Orange, Santa Clara and San Mateo, Santa Cruz and San Benito, Sonoma, Stockton and San Joaquin, and Ventura.

Community Health Care Providers and MediCal Managed Health Plans

As allowed by USDA in the FSNE Plan Guidance for FY 2009, the *Network* targets health care providers serving low-income communities to provide general briefings on FSNE services in the community^[1]. Health care providers will not provide medical nutrition therapy and are not paid for their services. The adult eligibility for MediCal is 130 percent of the Federal Poverty Level. Beyond this group, the *Network* will ensure effective targeting by identifying physicians with a majority of patients at 130 to 185 percent of the Federal Poverty Level or less using the following criteria: 1) using GIS to identify physicians in census tracts where at least 50 percent of the population are at 185 percent of the Federal Poverty Level; and 2) using DHCS MediCal data to measure counts of eligible low-income patients served by health care providers and those providers with a high volume of low-income patients participating in MediCal Health plans. In addition, as necessary, participating medical providers will complete documentation confirming that at least 50 percent of their patients meet the necessary FSNE income eligibility.

Media

Media placement will be targeted primarily to California women with children, living in households $\leq 185\%$ FPL. Using the results from Scarborough Research that was used for the 2006 media plan, as well as the *Network's* Geographic Information System (GIS), a media plan was formulated for 2009 that ensures over 50% of impressions generated in each market will be received by individuals living in $\leq 185\%$ households.

Scarborough Research is the leading national provider of local market TV and radio audience data. Detailed data in the report include TV and radio impressions delivery by market, by station and by time of day, for adults living in households $\leq 185\%$ FPL. Scarborough was able to correlate its audience database to the $\leq 185\%$ FPL eligibility grid for families of one to six persons, thus rendering an accurate reflection of the *Network's* target and assuring compliance with USDA's requirements.

Modeling TV and Radio Impressions

Using the *Network's* 2004 purchased TV and radio schedules as a model, impressions for the $\leq 185\%$ FPL audience were derived using the Scarborough data and expressed as a percentage of total impressions. These factors were then used to formulate the TV and radio portion of the 2009 media plan that ensures over 50% impressions delivery to $\leq 185\%$ FPL households. For an example of a TV and radio model worksheet, refer to Section F, Attachment 2a, LA TV Worksheet and 2b, Radio Worksheet.

Modeling Outdoor Impressions

Using the *Network's* 2004 purchased outdoor buy as a model, the physical location of each outdoor board was plotted on the *Network's* GIS system to determine the census tract and correlating percent of households $\leq 185\%$ FPL. Census tract percentages by market were then averaged, rendering factors for application to the 2009 media plan. For an example of an outdoor model worksheet, refer to Section F, Attachment 2c, LA Outdoor worksheet.

Section F, Attachment 2d, 2009 Media Plan provides an overview of the proposed 2009 media plan. Overall, 58% of total impressions will be received by individuals living in $\leq 185\%$ FPL households.

(Note: Prior approval from USDA WRO will be required for any local contractor requesting to change targeting sites approved by USDA WRO in the annual plan. Requests for targeting site changes from local contractors will be submitted on a monthly basis to DSS / USDA WRO using the same forms submitted with the annual plan. Interventions will not begin in the new/changed targeting sites until USDA WRO approval is provided.)

APPENDIX I: Targeting for Waiver Request Information

General: This waiver assures that FSNEP in California will be conducted exclusively for the benefit of Food Stamp eligibles.

In California, we use the FSNEP enrollment form for all Adult Enrollees in the FSNEP Community Nutrition Program. This form collects data on Food Stamp participation. Only Food Stamp eligibles are enrolled in FSNEP in California. This enrollment form (Attachment IA) documents that all participants enrolled in FSNEP are either receiving food stamps currently, have received food stamps in the current year, have applied for food stamps, or are eligible for Food Stamps.

The targeting plans provided for each county program extender contains the list of organizations and sites for Adult FSNEP and the list of eligible schools for Youth FSNEP.

We are collecting documents from all agency sites and letters of agreements from all school districts. We have instructions and forms in order to comply with the required MOU's. Below are the instructions (on our website) for all the requirements and a copy of each of the 5 forms listed. FSNEP Federal, State and local share activities/funds will not be used to supplant or duplicate any existing nutrition education efforts or be counted by another nutrition education program, e.g. Network project, EFNEP, WIC, HeadStart.

(A) Instructions for Youth FSNEP Agreement Letter

Instructions for the letter and Memorandum of Understanding with Youth FSNEP:

The reason for the agreement between schools, UC-FSNEP, and USDA is due to a USDA requirement.

1. The Memorandum of Understanding with Youth FSNEP letter is to be used either at a district, principal, or teacher level. Because of the "hold harmless" clause (indemnity language), the district might be the easiest site for signature. This will vary by county and school district.
2. The County Director is the county person who will sign for Cooperative Extension.
3. For letters signed by teachers or principals, please be sure to put the name of the school on the letter.
4. If a letter is signed by the school district it must allow FSNEP to work at any agreed upon school within the district. Please be sure to put the name of the school district on the letter.

(B) Instructions for Adult FSNEP Documentation Form

The FSNEP documentation form for the Adult Program is not an "agreement letter". This is a form that provides documentation that the program site is allowable under USDA Guidelines. The agency/organization/site person signs the letter only to certify that they keep records of program eligibility. Thus, this is not an agreement and does not need any "hold harmless" clause.

(C) Instructions for State Share Letter and Other Share Form

The FSNEP "sample" letter is used to provide documentation that an outside agency/organization/site is providing state share for FSNEP. This letter will need to be signed by authorizing persons in both the county/campus/agency site. Please be sure to find out locally

who can sign this letter. In most cases, the letter can be signed by the project PI and the agency director which indicates they are willing to provide documentation for using the state share.