CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

1. **State agency submitting waiver request and responsible State agency staff contact information:** Ohio Department of Education

2. **Region:** Midwest

3. **Eligible service providers participating in waiver and affirmation that they are in good standing:** Educational Service Center of Lake Erie West, IRN 048199

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]:** I am writing to request a waiver so that I may apply for CEP with the direct certification list obtained on 9/30/2022. Our challenge was that during the 22-23 school year, the individual responsible for pulling Direct Certifications did so but deleted the columns that showed the match and type of support (SNAP, OWA). Therefore, none of the Direct Certification reports counted. We have a new staff member who will be pulling the information and a process in place to ensure accuracy and completion. The expected outcome is that all students in the program (all students with disabilities) would benefit from this waiver by having access to school breakfast and lunches each day.

5. **Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: 7 CRF 245.9(f)(4)(i)** I am requesting to apply with CEP documentation obtained after 6/30/2022. Direct certification match lists from 2021-2022 are not available.

6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** If we are not approved, we will not only continue with a count for each lunch and breakfast served to those who qualify, but we will begin to invoice all others. Our organization would set up an invoicing system online and the payments would be monitored through our finance department. The impact will be on these families who are experiencing the effects of inflation, but who also have other barriers. The students we serve are identified with emotional disturbances so sometimes, getting them to school including eating breakfast at home or packing lunches is a challenge. Many of these families are in crisis as they deal with their child or children. Families without access or with limited knowledge of technology may have a difficult time accessing the system on their own. Some families don't have standard bank accounts and would have to work from temporary debit cards, etc.

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]:**

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** We do not anticipate additional challenges with the waiver implementation. We will complete Direct Certification pulls monthly to ensure ongoing compliance. We will also collect required documentation (court records, etc. as applicable). Our goal will be to make sure that we don't have to apply for a waiver again.

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]:** We have qualified for CEP for years, so continuing this process will not increase the overall cost of the Program to the Federal Government.

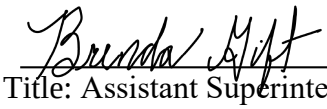
10. **Anticipated waiver implementation date and time period:** The ESC of Lake Erie West would like to begin waiver implementation effective August 18, 2022.

11. **Proposed monitoring and review procedures:** Direct Certification reports will be pulled monthly and shared with both the Bridge Program Director and the Assistant Superintendent, Student Services and Special Programs. A calendar reminder will be shared between the administrative assistant pulling the reports and the administrators. All reports will be shared in a drive accessible to all parties. It will be the expectation that the electronic spreadsheet will not be edited in any way.

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

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]: https://www.esclakeeriewest.org/MealProgram.aspx**

14. Signature and title of requesting official:



Title: Assistant Superintendent, Student Services and Special Programs

bgift@esclakeeriewest.org

Requesting official's email address for transmission of response:

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:**