

Child and Adult Care Food Program Appeal Timeframe Waiver

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

Ohio Department of Education
Office of Integrated Student Supports
Brigette Hires, Child Nutrition Program Manager
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Columbus, OH 43215
614-425-9760
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2. **Region:**

Midwest

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

The Ohio Department of Education is requesting this waiver.

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 Ohio Department of Education is unable to meet the appeals timeframe specified in 7 CFR 226.6(k) requiring an administrative review decision within 60 days of a state agency's request for an administrative review for Columbus Day Care.

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

The Ohio Department of Education staff are currently fully remote employment. The request for an in person administrative review was mailed by the appellant on August 19th and stamped as received at ODE on August 26th. The letter of acknowledgement for the in-person, to be conducted virtually hearing was sent September 3rd. In attempting to schedule the hearing within the 60 calendar days, both the ODE staff and the Ohio Attorney General's office were unavailable for scheduling due to large volume of work and caseloads. The Ohio Department of Education is asking for a one time extension of the appeal decision deadline for 14 additional calendar days to allow for suitable preparation for both parties, and a reasonable timeframe for the hearing officer to make an informed administrative review decision.

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

If approved, the Ohio Department of Education inform the appellant of the hearing date, tentatively to be scheduled the week of October 12th.

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]:

There are currently no State level regulatory barriers related to this specific issue.

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

At this time, the Ohio Department of Education does not anticipate challenges from the waiver. Rather, the waiver will allow all parties to properly prepare for the hearing and allow the hearing officer to have time to make an informed decision.

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 establishment of this waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Waiver implementation would start immediately.

11. Proposed monitoring and review procedures:

State agency staff in the Office of Integrated Student Supports will monitor implementation of this waiver.

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

Ohio Department of Education will report to FNS dates of the hearing and the outcome.

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]:

<http://education.ohio.gov/Topics/Student-Supports/Coronavirus/Supporting-Whole-Child-Nutrition>

14. Signature and title of requesting official:



Title: Child Nutrition Program Manager

Requesting official's email address for transmission of response:

Brigitte.Hires@education.ohio.gov

Phone: 614-466-0522

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:

Date Received:.....

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:

Recommend Approval

Recommend Denial