



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, Office of Integrated Student Supports (hereby known as the State Agency). Brigette Hires, Child Nutrition Program Manager

- 2. Region:** Midwest

- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** The State Agency is requesting the waiver on behalf of all SFSP sponsors determined to be in good standing in the State of Ohio.

- 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 [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:** The State Agency requests a waiver in response to the rescinded waivers listed in USDA policy memo SFSP 01-2019. Specifically the State Agency requests waiver of the following provision:

Extended area eligibility for closed enrolled sites as previously described in USDA policy on November 17, 2002. After the waiver rescission in October 2018, closed

5. enrolled sites may use individual applications or CEP data, according to the USDA FAQ distributed following the rescinded waiver memo. The State Agency requests a waiver to reinstate the inclusion of non-CEP school data and census data in determining closed enrolled site eligibility. In Ohio, a significant percentage (12% in 2018) used area eligibility for closed enrolled sites. Without the waiver, sites using school or census data have the burden of distributing and reviewing income eligibility applications. The goal of the waiver is to reduce unnecessary burden to sponsors and allow sites to continue operation without interruption in services that application collection would cause.

5. Specific Program requirements to be waived (include statutory and regulatory citations).
[Section 12(I)(2)(A)(i) of the NSLA]: 7 CFR 225.16(f)

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring: Minimal impact on technology. Major impact on ability to monitor in that sponsors will have more times to monitor sites effectively and focus on program expansion and increased child participation while the State Agency will have more time to monitor program integrity.

7. Description of any steps the State has taken to address regulatory barriers at the State level**[Section 12(I)(2)(A)(ii) of the NSLA]:** The State Agency has no regulatory barriers at the state level.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: No challenges anticipated. The waiver would allow the State Agency and SFSP sponsors to utilize resources in an efficient manner to complete program expansion and increase participation. Furthermore, the SFSP sponsors could continue best practices from the preceding program year without interruption.

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(I)(1)(A)(iii) of the NSLA]:** No increases in costs anticipated. An anticipated decrease in costs is possible by allowing more efficient allocation of resources as found through best practices developed when the rescinded waivers were still in place.

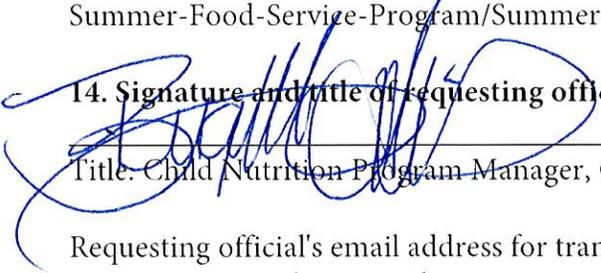
10. Anticipated waiver implementation date and time period: The State Agency has a waiver approved through April 30, 2020. The State Agency is requesting a one year waiver starting May 1, 2020.

11. Proposed monitoring and review procedures: The State Agency will not need to change current review procedures under the requested waiver. Through regular compliance reviews, the State Agency will continue to monitor site and sponsor compliance. The Claims Reimbursement and Reporting System, the State Agency software housing the application, review and claims modules, already contains necessary questions and business rules to implement the waiver effective immediately.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): On December 23, 2019, the State Agency submitted data related to the 2019 approved program year waiver to the USDA Midwest Regional Office. Based on feedback from the office, the State Agency will revise reporting procedures if necessary and maintain all waiver reporting deadlines.

13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:<http://education.ohio.gov/Topics/Student-Supports/Food-and-Nutrition/Summer-Food-Service-Program/Summer-Food-Service-Program-Component>

14. Signature and title of requesting official:


Title: Child Nutrition Program Manager, Office of Integrated Student Supports

Requesting official's email address for transmission of response:
Brigette.Hires@education.ohio.gov

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.

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: