

Verification Process and Verification Reporting 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
Brigette.Hires@education.ohio.gov

2. **Region:**

Midwest

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

All Ohio Child Nutrition Local Education Agencies (LEA) in good standing and providing meals under the Summer Food Service Program (SFSP) or Seamless Summer Option (SSO) in school year 2020-2021.

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]:**

COVID-19 has substantially changed the operation of school operations in program year 2020-2021. Due to COVID-19, the majority of schools are operating on hybrid or remote learning models intermittently or throughout the school year. This impacts staffing where staff are quarantined, working from home or have become ill, and caused schools to rethink their meal service to maintain social distancing and decrease exposure to COVID-19.

As such in September 2020, USDA approved the extension of the Summer Food Service Program and Seamless Summer Option and have since approved these programs for the duration of the 2020-2021 school year. At that September transition point, schools focused their attention on the administrative changes from National School Lunch Program to the chosen summer program and less on school meal program application collection which are not relevant to either of these programs. 92% of schools in Ohio have transitioned to either the Seamless Summer Option or Summer Food Service Program. The majority of the remaining schools are Residential Child Care Institutions or schools on the Community Eligibility Provision or Provision 2.

On November 2nd, the USDA SP 04-2021 question and answer document indicates that Verification is a required school year 2020-2021 process. In this question and answer document, FNS recognizes that, during COVID-19, LEAs to complete verification according to standard Program deadlines is burdensome for school officials, and could cause confusion for families with children attending schools operating SFSP/SSO. Additionally, the question and answer document acknowledges that schools have transitioned to SFSP/SSO operations and that verification is continuing primarily because school meal applications were used to establish eligibility for P-EBT.

The P-EBT guidance allows school year 2019-2020 certifications to be used for the 2020-2021 P-EBT program if new applications were not received. Additionally, since USDA P-EBT guidance was just received in November 2020, schools are just starting to collect applications again for certification of students for P-EBT. Under the verification regulations, the verification process and sampling is based on the applications received as of October 1, 2020. As such, the 2020-2021 verification process will not accomplish the task of providing a checkpoint for these newly collected 2020-2021 applications for P-EBT validation.

To provide written notifications and receive household documentation will require LEA staff working remotely to return to school buildings increasing potential health risks and concerns. Households who are currently receiving meal benefits under SFSP/SSO will likely not comply with verification first requests due to confusion. To distribute second written requests according to the required due process for non-compliance timeline will require additional time working at the school building and daily checks for documents received by mail. LEAs may not require households to submit documentation electronically as this places undo burden on the household.

The Ohio Department of Education has no recourse to enforce compliance of LEAs who do not have administrative capability to conduct the verification process or collect verification data for submission of a report. With no assurance of receiving statewide data, the Ohio Department of Education requests a waiver for the process of verification for LEAs that transitioned all school buildings to the Seamless Summer Option and Summer Food Service Program. Schools that remained on the National School Lunch Program would conduct verification as normal, if applicable. As stated previously, the vast majority of Ohio schools that stayed on the National School Lunch Program are Residential Child Care Institutions and Community Eligibility Provision or Provision 2 schools, all of which would be exempt from verification. As such the Ohio Department of Education is requesting a waiver for all LEAs for the verification reporting requirement and asking for a waiver for the submission of the FNS-742 report.

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

7 CFR 210.15 (a) Reporting summary. Participating school food authorities are required to submit forms and reports to the State agency or the distributing agency, as appropriate, to demonstrate compliance with Program requirements.

7 CFR 210.15 (b) Recordkeeping summary. In order to participate in the Program, a school food authority or a school, as applicable, must maintain records to demonstrate compliance with Program requirements.

7 CFR 245.6a (c) Verification requirement—(1) General. The local educational agency must verify eligibility of children in a sample of household applications approved for free and reduced price meal benefits for that school year.

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

The state agency will provide technical assistance to LEAs to encourage them to conduct Verification processes “for cause” as warranted. The waiver will impact program operations by decreasing administrative burden in this unprecedented year. There will be no impact on state systems or technology.

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 decrease the administrative burden on LEAs and allow them to focus on the requirements related to meal service provisions.

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 and expire June 30, 2021.

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 adhere to all reporting requirements as prescribed by the USDA.

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

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