

Community Eligibility Provision Dates Waiver

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

Ohio Department of Education
Office of Nutrition
Brigette Hires, Director
25. S. Front St.
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:**

Any School Food Authority in good standing approved by the Ohio Department of Education, Office of Nutrition who is eligible for a Community Eligibility Provision base year establishment in School Year 2022-2023.

School food authorities that would fall under this waiver would follow USDA and Ohio Department of Education guidance.

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]:**

In school year 2022-2023, school food authorities will be resuming traditional school meal program operations after participating in the Seamless Summer Option for school year 2021-2022. The Ohio Department of Education, Office of Nutrition anticipates an increase in School Food Authorities meeting the Community Eligibility Program criteria interested in establishing a base year in school year 2022-2023 but may need additional time to collect the necessary data and make a decision to elect.

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, Office of Nutrition is requesting a waiver to the following regulations and requirements:

- **ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), (f)(4)(viii), and (f)(4)(ix)**
- **LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)**
- **State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)**
- **State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)**
- **June 30 election date under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a and FNS regulations at 7 CFR 245.9(f)(4)(i)**

The Office is requesting the following amended dates:

CEP Requirement	Annual Deadline	Requested Waiver Deadline
Data Used to Calculate ISP	April 1	Anytime between July 1, 2021, and June 30, 2022
LEA Notification	April 15	June 30, 2022
State Agency Notification	April 15	June 30, 2022
State Agency Publication	May 1	June 30, 2022
Elect CEP for SY 2022-2023	June 30	September 30, 2022

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, Office of Nutrition will provide technical assistance to school food authorities interested in establishing a Community Eligibility Provision base year in 2022-2023 on the updated electing dates and deadlines.

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 establishment of this state-wide waiver at the state or sponsor level. Rather, it is anticipated the waiver will allow school food authorities to have time to thoughtfully collect data and consider election into the Community Eligibility Provision instead of making a uninformed decision the current election dates would require.

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 Nutrition 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 all requested data for the waiver in the timelines required by 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]:

<https://education.ohio.gov/Topics/Student-Supports/Food-and-Nutrition/Resources-and-Tools-for-Food-and-Nutrition/Food-and-Nutrition-Waivers>

14. Signature and title of requesting official:



Title: Director

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