



# Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

September 4, 2024

Brigette Hires

Administrator

Ohio Department of Education and Workforce

25 S. Front Street

Columbus, OH 43215

Dear Brigette Hires:

This letter is in response to the Ohio Department of Education and Workforce's (ODEW) August 30, 2024, request to waive the annual Community Eligibility Provision (CEP) election deadline for school year (SY) 2024-2025. Pursuant to section 12(l) of the National School Lunch Act (42 U.S.C. 1760(l)), FNS approves ODEW's waiver request to allow eligible LEAs to extend the CEP election deadline from June 30, 2024, to September 16, 2024, for SY 2024-2025.

In its request, ODEW explained that schools took additional time to review the opportunity to participate in CEP for SY 2024-2025 following USDA's final rule, *Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools*, that lowered the minimum identified student percentage (ISP) needed to elect CEP to 25 percent. After better understanding the benefits of CEP, and strong community interest, schools have decided that CEP is an option that can best support their students and families. ODEW is requesting a waiver of section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a(a), and FNS regulations at 7 CFR 245.9(f)(4)(i), which state that LEAs that intend to elect CEP in the following school year must notify the State agency not later than June 30 of the current school year.

After reviewing the waiver request and confirming ODEW has met the statutory requirements, FNS has determined that approval of this waiver request would facilitate the ability of the State and LEAs to carry out the purpose of the Programs. Therefore, pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the statutory and regulatory requirements at Section 11(a)(1)(F)(x)(l) of the NSLA, 42 U.S.C. 1759a(a), and FNS regulations at 7 CFR 245.9(f)(4)(i) for SY 2024-2025, that require LEAs electing CEP for the subsequent school year to notify the State agency by June 30. The waiver will allow ODEW to extend the CEP election date to September 16, 2024, as requested. Going forward, FNS expects that ODEW will work diligently with eligible LEAs to ensure all requirements, including those for electing CEP, are met by established deadlines.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or Program operator that was granted a waiver. Therefore, by December 31, 2024, ODEW must provide to the FNS Midwest Regional Office a report quantifying the impact of the waiver as described below.

The report must include the following:

1. The number of LEAs that used the waiver; and
2. A description of how the waiver impacted National School Lunch Program and School Breakfast Program operations in LEAs implementing CEP.

If you have questions, please contact the FNS Midwest Regional Office.

Sincerely,

Andrea Farmer

Director

School Meals Policy Division