



United States Department of Agriculture

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 (CNP), 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:

MS Department of Education
Scott Clements
State Director
601-576-5000
sclements@mdek12.org
500 Greymont Ave, Jackson, MS, 39202

2. Region:

Southeast (SERO)

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

The MS Department of Education (MDE) is requesting the waiver on behalf of all National School Lunch Program (NSLP) and School Breakfast Program (SBP) sponsors that are participating in Provision 2 special assistance certification alternative and reimbursement alternative during the COVID-19 pandemic. All sponsors are in good standing.

The purpose of the waiver is to annualize base year calculations using only the months that participating children were counted and claimed by eligibility under SBP and/or NSLP meals prior to school closures due to COVID19. The SA seeks to solve the challenge of insufficient end of year claiming data by requesting a waiver to annualize the available valid claiming data for SFAs who had elected to establish a Provision 2 base year during SY2019-2020. An approved waiver would also help the SA improve services under the program by avoiding the potential burden of data validation if an SFA is faced with reduced claiming percentages that resulted from the unanticipated school closures. Expected outcomes of the waiver include reduced financial impact to Provision 2 school meal programs and reduced administrative burden for SFAs in communities where students benefit from implementation of Provision programs. This impacts one LEA that conducted a Provision 2 base year during SY 2019-2020.

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 MDE acknowledges that School Food Authorities (SFAs) conducting a Provision 2 base year in school year 2019-2020 were not able to complete the process due to COVID-19 school closures. As of March 18, 2020, schools were closed due to COVID-19 pandemic. Therefore, only seven months were indicative of normal meal counting and claiming.

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

The MDE realizes that conducting a new base year may not be beneficial or administratively feasible for all schools, especially during this upcoming schoolyear. School districts have opened the school year 2020-21 with varied educational options as well, which has further impeded the option of establishing another base year. Therefore, MDE requests to waive the requirements in 7 C.F.R.245.9(b)(3)(ii).

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

Because most eligibility determinations were made at the beginning of SY2019-2020, MDE requests that schools be able to use the months from SY2019-2020, when schools were in full operation, for determining their claiming percentages Provision 2.

7. Description of any steps the State has taken to address regulatory

Attachment A

Title: State Director, MDE Office of Child Nutrition

Requesting official's email address for transmission of response:

sclements@mdek12.org

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:

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:**