

**CHILD NUTRITION PROGRAM NH
STATE WAIVER REQUEST: Delay in the
implementation of the Program Integrity Final Rule**

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.

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

New Hampshire Department of Education (NHED)
Office of Nutrition Programs and Services
Amanda Marshall
25 Hall Street
Concord, NH 03301
603-271-3860
Amanda.a.marshall@doe.nh.gov

2. Region:

Northeast

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

The New Hampshire Education Department

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 is requesting approval for a delay implementation of the following Child Nutrition Program Integrity Final Rule provision by one year to allow additional time to plan and prepare for the significant changes: annual review of sponsoring organization's bank account activity. This additional time will allow the State Agency to develop a comprehensive review and fiscal procedure to ensure compliance with the final rule, and train staff in these procedures.

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

The State Agency is seeking a waiver for the following regulation:

- 7 CFR 226.7(b)(1)(i) to annually review at least one month's bank account activity for all sponsoring organizations.

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

If approved, this request will provide the State Agency to develop a full process and procedures for bank activity review and to train current staff members of this process. The State Agency will review all purchases as a part of the administrative review process.

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 no regulatory barriers at the state level.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

NHED does not anticipate any additional challenges to the State or Sponsors with the implementation of the waiver.

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]:

This Waiver request will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

10/1/2024-10/1/2025

11. Proposed monitoring and review procedures:

NHED will continue to monitor Sponsor compliance per past regulatory requirements. If the waiver is approved, NHED will be creating a process and procedure to ensure that implementation of the Final Rule will be successful.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

The NHED will continue to report as required by federal regulations and provide updates on the progress of the development of the tools and instructions created to ensure compliance with the final rule.

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]:

[Office of Nutrition Programs and Services | Department of Education \(nh.gov\)](#)

The NH Department of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to delay the implementation of 7 CFR 226.7(b)(1)(i) to annually review at least one month’s bank account activity for all sponsoring organizations in the Child and Adult Care Food Program.

14. Signature and title of requesting official:

Title: Administrator

Requesting official’s email address for transmission of response: amanda.a.marshall@doe.nh.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.

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:**