

Waiver request for postponing deadlines for the Community Eligibility Provision (CEP) During COVID-19 pandemic

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

**Kelly Rambeau, MPH
Administrator IV
Bureau of Student Wellness and Nutrition
New Hampshire Department of Education
25 Hall Street
Concord, NH 03301
603-271-3860
Kelly.a.rambeau@doe.nh.gov**

2. **Region:**

Northeast

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

Any New Hampshire Department of Education, Office of Nutrition Programs and Services approved School Administrative Unit (SAU), or Site would be provided the waiver. In addition, the waiver would apply to some requirements on the State agency.

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]:**

SAUs and State agency staff are working around the clock to provide meals during these unprecedented times and to plan for a successful transition back to operating the traditional National School Lunch Program (NSLP) and School Breakfast Program (SBP). If the deadlines are not extended, SAUs, RAs and the New Hampshire State agencies involved with Direct Certification will be redirecting critical resources away from providing meals to children to focus on meeting the CEP deadlines instead.

Challenges the State Agency is Seeking to Solve:

The NH Department of Education is finding that schools and sites will be struggling in many ways to provide meals to those in need.

Goal of the Waiver to Improve Services Under the Program:

The goal of this waiver request is to give more schools the opportunity to qualify for CEP if given an extension until September 30, 2023 to apply to CEP using the data from April to calculate their ISP. The NHED is requesting an extension until September 30, 2023 for SAUs to elect CEP for SY 2023-2024. The waiver will ease administrative burdens for SAUs, sites and also State agency staff, while increasing data and program integrity by extending CEP deadlines.

Expected Outcomes if the Waiver is Granted:

If this waiver is granted, the availability of additional schools and sites to qualify for CEP would enable more students to be able to have the opportunity for free meals that they might not otherwise have the accessibility to.

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

The NHED ONPS requests a waiver of:

- **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).**

CEP Requirement	Annual Deadline	Waiver Deadline
Data Used to Calculate ISP	April 1	April 1st
LEA Notification	April 15	April 15
State Agency Notification	April 15	April 15
State Agency Publication	May 1	May 1
Elect CEP for SY 2023-2024	June 30, 2023	September 30, 2023

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

If approved, the NH Department of Education will notify SAUs of the extended CEP deadlines and provide technical assistance as needed. There are no impacts on technology, State systems, or monitoring.

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 NH Department of Education does not anticipate challenges from the establishment of this state-wide waiver extension.

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]:

Establishing this statewide waiver will not increase the overall cost of the Program to the Federal Government. The waiver will allow State and Local operators the time they need to ensure they are completing all CEP activities in line with Federal regulations. There are no additional staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

Anticipated waiver implementation date is: June 30, 2023, through September 30, 2023

11. Proposed monitoring and review procedures:

State agency staff who approve written requests to implement the waiver from the individual School Administrative Unit will monitor implementation of this waiver.

Procedure:

1. Instruct SAUs regarding the implementation of this waiver.
2. Waivers will be reviewed by State agency staff.
3. When approved, the SAU will implement. All required activities regarding CEP will continue to take place, but on a delay. There will be no changes to the required monitoring and review procedures.
4. The State agency staff that approve the waiver request will monitor the implementation of this waiver.

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

The NH Department of Education will report to FNS the number of Sponsors covered by this waiver no later than one year from implementation.

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]:

This is the link to the public notice: <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/office-of-nutritional-services-and-programs>

The language in the notice is pasted below:

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 support postponing deadlines for the Community Eligibility Provision (CEP) application for the 2023-2024 School Year.

14. Signature and title of requesting official: Kelly Rambeau, Bureau Administrator IV, Office of Nutrition Programs and Services, NH Dept. of Education

 Kelly Rambeau MPH

Title: Bureau Administrator IV

Requesting official's email address for transmission of response:

kelly.a.rambeau@doe.nh.gov

Phone: 603-271-3860

NH Dept. of Education

25 Hall St.

Concord, NH 03301

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: July 14, 2023

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:** NERO reviewed NHED's CEP waiver request to extend the CEP application deadline. LEA's with staffing challenges will be afforded additional time to review requirements and submit the CEP application. The waiver could lead to additional LEA's being able to participate in CEP. NERO recommends approval of NHED's waiver.

Recommend Approval

Recommend Denial

Regional Office Staff Signature: *Rebecca A. Fowler*