

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 (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP/SSO), 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:

**New Hampshire Education Department
(NHED-ONPS) Office of Nutrition
Programs & Services (ONPS)
Kelly A. Rambeau
25 Hall Street
Concord, NH 03301
603-271-3860
kelly.a.rambeau@doe.nh.gov**

2. Region: Northeast Region

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

New Hampshire is requesting a state-wide waiver for all new and returning Summer Food Service (SFSP/SSO) Sponsors. The New Hampshire Education Department as

well as all providers are in good standing with the FNS regional and national offices.

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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

The USDA Food and Nutrition Services published the final rule “Streamlining Program Requirements and Improving Integrity in the Summer Food Service Program and Seamless Summer Option (SFSP/SSO)” in September of 2022. While NHED-ONPS, in general, applauds the steps taken towards streamlining requirements across the Federally funded child nutrition programs and increasing integrity in the SFSP/SSO, our staff has concerns about our ability to effectively adapt our existing processes/systems and train our SFSP/SSO Sponsors on the new requirements outlined within this rule by the upcoming compliance date.

Many of the new requirements outlined in the SFSP/SSO Final Integrity rule would require NHED-ONPS to modify portions of our existing application within our electronic system. It has been our experience with our technology that system modifications, even those that we would consider to be “small”, can cost anywhere from \$2,000 to \$20,000, depending on the scope of the modification. We have a limited budget for our NH FNS system of \$50,000.00 a year.

As a result, NHED-ONPS is requesting a waiver requesting to delay implementation of the *Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule* until January 1, 2024. NHED-ONPS needs to prioritize our limited resources to meet the new provisions for the non-congregate rural areas, which must be met this summer, while implementing the new requirements in the streamlining program requirements and improving integrity in the SFSP/SSO final rule. By delaying the implementation date, NHED-ONPS will be able to spend more time strategically planning training and permanent system changes required to meet the Final Rule.

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

The State agency is seeking a waiver of the compliance date of May 1, 2023, as published in the *Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule*, extended to January 1, 2024.

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

There are no impacts on Program operations, State systems, or monitoring. NHED-ONPS would continue to use existing channels to develop and deliver training, collect, and assess Sponsor applications, and monitor compliance with program requirements. NHED ONPS will ensure that all sponsors are meeting requirements with regard to financial viability, financial

management, administrative capability, in addition to continuing to meet all program integrity measures as outlined in the regulations while utilizing this waiver.

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-ONPS does not anticipate any challenges with waiver implementation at the State or local level.

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 will allow NHED-ONPS and our Sponsors to continue to operate the SFSP/SSO under existing regulations and will not require any changes to our systems, policies, or procedures and will therefore result in no additional cost to the Federal government.

10. Anticipated waiver implementation date and time period:

May 1, 2023 to January 1, 2024

11. Proposed monitoring and review procedures:

NHED-ONPS will continue monitoring per regulatory requirements. Attempts will be made to implement any provisions that do not pose a significant operational challenge in 2023.

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

NH will report the specific provisions of the rule that were delayed as part of this waiver by FNS requested deadline. Additional reporting requirements outlined by FNS will also be met.

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]:

[SFSP Integrity Rule Waiver FY23 - Office of Nutrition Programs and Services | Department of Education \(nh.gov\)](#)

14. Signature and title of requesting official:

Kelly Rambeau

Administrator IV

Requesting official's email address for transmission of response:

kelly.a.rambeau@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:**