



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

December 27, 2024

Lynelle Johnson

CNFD Director

North Dakota Department of Public Instruction

600 East Boulevard Avenue, Dept 201

Bismarck, ND, 58505

Dear Lynelle Johnson,

This letter is in response to the North Dakota Department of Health and Human Services and the North Dakota Department of Public Instruction's (NDHHS & NDDPI) request dated December 16, 2024 regarding the flexibility to defer the January 1, 2025, compliance date for the Coordinated Services Plan (CSP) as codified in the Interim Final Rule (IFR), *Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs* (88 FR 90230), and outlined in Program regulations at 7 CFR 225.3(e) and 7 CFR 292.10.

The Food and Nutrition Service (FNS) appreciates the exceptional efforts by NDHHS & NDDPI to implement the Summer EBT Program and the rural non-congregate option of the Summer Food Service Program. In order to support access to nutritious meals and Summer EBT benefits in Summer 2025, FNS further recognizes the need for NDHHS & NDDPI to focus their resources on the initial implementation and rollout activities that will best support program capacity and integrity.

FNS understands that extended time required for collaboration, writing, approval, and public notification of the CSP is needed. FNS waives the requirements of 7 CFR 225.3(e) and 7 CFR 292.10 and approves NDHHS & NDDPI's request to defer implementation of the CSP to

January 1, 2026.

Please note that, while no CSP requirement is in effect for 2025, it is expected that States will continue to take reasonable steps to coordinate the statewide availability of services offered through the Summer EBT Program and the Summer Food Service Program.

FNS's authority to issue statewide waivers is established under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l). In accordance with the NSLA, a waiver must facilitate the purpose of the program, provide public notice and information regarding the proposed waiver, and not increase the overall cost of the Program to the Federal Government. FNS has determined that NDHHS & NDDPI's request to defer the compliance date of the CSP satisfies these statutory requirements.

Therefore, FNS grants the waiver, deferring the compliance date of the CSP to January 1, 2026. As stipulated by Section 12(l) of the NSLA, FNS will review the performance of any State that was granted a waiver. Accordingly, by March 31, 2026, NDHHS & NDDPI must submit a report to the FNS Mountain Plains Regional Office (MPRO) detailing the impact of the waiver. The report must include the following:

- Whether the waivers resulted in improved services to children;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program; and
- A summary of the benefits and challenges associated with the waiver.

FNS appreciates NDHHS & NDDPI's exceptional effort to meet the nutritional needs of children. Should you have any questions or require further assistance, please contact the FNS MPRO.

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division

Anne Fiala
Director
Summer EBT Division