



United States Department of Agriculture

## **CHILD NUTRITION PROGRAM**

### **Waiver for the National School Lunch Program Administrative Review and Reporting Requirements**

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

North Dakota Department of Public Instruction  
600 East Boulevard Ave., Dept 201  
Bismarck, ND 58501  
Linda Schloer, Director  
Child Nutrition and Food Distribution Programs  
[lschloer@nd.gov](mailto:lschloer@nd.gov)  
701-328-4565

**2. Region:**

Mountain Plains Region

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

Any North Dakota Department of Public Instruction (NDDPI) approved sponsor who meets all the following requirements:

- In good standing; and
- Approved by NDDPI to operate a Child Nutrition Program

**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]:**

As sponsors continue to respond to and recover from the COVID-19 pandemic, it is important to reduce administrative burden to the fullest extent possible. Sponsors are continuing to face extensive supply chain and staffing challenges as they work to transition back to normal operations. Our state agency desires to provide administrative and operational flexibility, where possible, while maintaining program integrity in providing nutritious meals during COVID-19 response.

NDDPI is planning to provide extensive technical assistance and training in the coming months on several regulatory and operational aspects of the meal programs. A relief of these regulatory requirements will help us to better meet the needs of our customers.

**Challenges Without the Waiver**

- Sponsors continue to face uncertainty in how to best streamline operations while continuing to respond to pandemic related challenges, especially supply chain disruptions and staffing shortages. Without these waivers, sponsors will spend an extraordinary amount of time completing activities related to regulatory burden rather than focusing on properly servicing students and children.
- Decreased program participation as the public health emergency continues and COVID-19 cases continue to cycle through pockets of state as new variants arise.
- Food insecurity will continue to be an issue for students and children as the price of consumer goods has increased and families will have to make tough decisions on how they spend money.

**Goal of Waiver to Improve Services**

- The goal is to decrease some administrative pressures for the sponsor for this next transitional year. Sponsors are working to transition back to normal operations, but the supply chain and labor shortages continue to plague their efforts. These waivers will allow for additional flexibility when needed during this next school year.
- By relieving administrative pressure, sponsors can focus on communicating changes to families, training staff to accept and approve meal applications, and navigate the ongoing COVID-19 related challenges.

- Maintain sponsor and site program participation and minimize hunger in the local communities.
- Allow NDDPI staff to focus on targeted technical assistance and training for sponsors as they navigate all the supply chain and labor shortage challenges.

**Expected Outcome of Waiver**

- Sponsors will have an opportunity to transition back to normal operations over a longer period which helps to assure success.
- Sponsors will implement flexibilities, as needed, to minimize the negative impact on program participation that are still caused by COVID-19 challenges.
- Simplify program administration for the sponsors, so they can focus on the highest priority needs of their program/sites.

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

Please see attached checklist.

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

If approved, there are no significant 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:**

NDDPI does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or sponsor 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]:**

The waiver will not increase the overall cost of the program to the Federal Government.

**10. Anticipated waiver implementation date and time period:**

The anticipated statewide implementation start date is upon approval from USDA and is to remain in effect through dates identified on the attached.

**11. Proposed monitoring and review procedures:**

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, and 220 review requirements.

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

No later than October 30, 2023, NDDPI will report to USDA the number of sponsors that used this waiver.

**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]:**

[School Nutrition Program | North Dakota Department of Public Instruction \(nd.gov\)](#)

**14. Signature and title of requesting official:**

Title: Director, Child Nutrition and Food Distribution Programs  
Requesting official's email address for transmission of response:

**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 Recommendation**