State Agency Waiver Request to Extend CEP Deadlines

1. State agency submitting waiver request and responsible State agency staff contact information:
   North Dakota Department of Public Instruction
   Linda Schloer, Director of Child Nutrition and Food Distribution Programs
   600 East Boulevard Ave., Dept. 201
   Bismarck, ND 58505
   701-328-4565

2. Region: Mountain Plains

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

State and Local Education Agencies (LEAs) administering the National School Lunch Program, School Breakfast Program, and CEP. All are in good standing.

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]:

Schools continue to respond to and recover from the COVID-19 pandemic. In order to facilitate the adoption of CEP for SY 2022-2023 additional time is necessary to gather accurate identified student data. In addition, Sixteen of the 22 SFAs currently implementing CEP in North Dakota are at the end of their 4-year certification cycle and will need to be recertified before SY 2022-2023. The State agency works closely with these SFAs to collect as much Identified Student information as possible. Most of this is a manual process. The State agency and SFAs need extra time to gather accurate identified student data.

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 requesting waivers that extend deadlines of:

- LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)
- State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)
- State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)
- 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)

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

The only alternative procedures will be extending the deadline of the CEP requirements referenced above. There is no anticipated impact on Program operations, including technology, State Systems, and 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]:

The State agency and SFAs do not have the resources or time to gather accurate identified student data within the normal CEP regulatory deadlines. There are no steps that the State can take to address these regulatory barriers.

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

It is anticipated that the State or eligible service providers will face no challenges with the waiver implementation.

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:

April 1, 2022 through September 30, 2022.

11. Proposed monitoring and review procedures:

The State agency will continue to follow all established monitoring and review procedures.

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

The State agency will maintain and report to USDA a summary of the use of the waiver by the State agency and local Program operators, and a description of whether and how the waiver resulted in improved services to Program participants.

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]:

14. Signature and title of requesting official:

______ Linda Schloer ____________________________________________________________
Title: Director, Child Nutrition and Food Distribution Programs

Requesting official’s email address for the 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 Recommendations: