

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

Date: 11/6/2023

Community Eligibility Provision (CEP) Mid-Year Election Waiver Request School Year 2023-2024

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

Kentucky Department of Education
Division of School and Community Nutrition
300 Sower Blvd.,
Frankfort, KY 40601

Lauren Moore, Director, Division of School and Community Nutrition
Lauren.Moore2@education.ky.gov

Katie Embree, Program Manager, Division of School and Community Nutrition
Kathryn.Embree@education.ky.gov

2. Region: SERO

3. Eligible service providers participating in waiver and affirmation that they are in good standing: All approved sponsors of the National School Lunch Program. All approved sponsors 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]:

The Kentucky Department of Education requests to waive the June 30th CEP election deadline and allow SFAs (with an Identified Student Percentage (ISP) between 25% and 40%) to elect to participate in CEP mid-year for School Year 23-24. This would allow School Food Authorities (SFAs) with an ISP between 25% and 40% (newly eligible) to participate in CEP. The goal of the waiver is to increase participation in CEP. The expected outcome of the waiver is:

- Additional students would have access to nutritious meals at no cost;
- The waiver would lower the unpaid meal debt to the SFA; and,
- The waiver will reduce administrative burden and costs to the SFA.

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

The Kentucky Department of Education requests this waiver for School Year 2023-24 for the following annual CEP deadlines:

- The requirement that Local Education Agencies (LEAs) that intend to elect CEP in the following school year must notify the State Agency and submit ISP documentation not later than June 30 of the current school year 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); and,
- The requirement that LEAs must calculate the CEP ISP using data as of April 1 of

the prior school year under Sections 11(a)(1)(F)(iii)(I)(bb) and (a)(1)(F)(iv)(I)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), and (f)(4)(viii).

The Kentucky Department of Education will allow SFAs to submit a mid-year CEP election request by January 1, 2024. At the time of the election, SFAs must submit newly calculated ISP data. This data must be reflective of a time period during the School Year 23-24 and prior to the election of CEP.

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

Any SFA wishing to participate in this waiver must request use through the Kentucky Department of Education. The SA does not expect any challenges with the implementation of this waiver. The Kentucky Department of Education does not anticipate adverse impact on other program operations, including 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]:

The Kentucky Department of Education does not foresee any regulatory barriers at the State level.

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

The Kentucky Department of Education does not foresee any challenges at the State level or SFA level with 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]:

This waiver will not increase the administrative and operating costs for sponsors and will not increase the overall cost of the program to the Federal government.

10. Anticipated waiver implementation date and time period:

Notification of mid-year election due to the Kentucky Department of Education, Division of School and Community Nutrition by January 1, 2024. CEP participation would be for SFA approval date through approved CEP cycle.

11. Proposed monitoring and review procedures:

The Kentucky Department of Education will approve requests to implement the waiver from SFAs. The Kentucky Department of Education will use current ISP validation procedures and the Administrative Review to monitor.

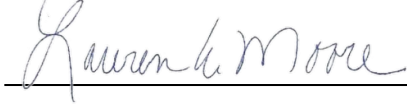
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

A description of how the waiver impacted meal service operations, children's access to Nutritious meals and participation in CEP will be reported, along with the number of sponsors Utilizing this waiver will be reported. The report will be provided to the FNS Southeast Regional Office by August 1 of the year the waiver is in effect.

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]:

<https://education.ky.gov/federal/SCN/Pages/USDARequiredReports.aspx>

14. Signature and title of requesting official:



Title: Director, School and Community Nutrition

Requesting official's email address for transmission of response:

lauren.moore2@education.ky.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: