**CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

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

# Oregon Department of Education

# Child Nutrition Programs

# Dustin Melton

# Director, Child Nutrition Programs

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1. **Region:**

Western Region

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

Statewide waiver request for all eligible Local Education Agencies (LEAs) in good standing.

1. **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 goal of this waiver is to provide the opportunity for all eligible LEAs in good standing to:

* Elect mid-year Community Eligibility Provision (CEP) during SY 2023-24
* Allow LEAs Identified Student Percentage (ISP) to be calculated using data from the current school year to establish a new CEP cycle in SY 2023-24
* Allow LEAs to use data from the current school year 2023-24 Direct Certification Medicaid Free Demonstration Project to contribute toward CEP ISP
* Use enrollment data as of October 1, 2023
* Notify the State Agency (SA) by October 31, 2023, of their intent to opt-in to this waiver
* Submit required data to the SA by November 30.2023

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

* The requirement that 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).

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

The Oregon Department of Education Child Nutrition Program will provide technical assistance to all sponsors intending to elect CEP midyear. This waiver will require the SA to update software systems to reflect the new ISP requirement and to allow for mid-year CEP election impacting claims for reimbursement.

1. **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.

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

September 2023, Oregon launched the Direct Certification Medicaid demonstration project. LEAs may need additional technical assistance to use the new system. Oregon provides state funding to public schools participating in CEP. The Oregon CEP Incentive will supplement the federal free reimbursement rate up to 90 percent. State law requires Sponsors to meet the 40 percent threshold in order to qualify for Oregon CEP Incentive.

1. **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]:**

There is no impact on federal administrative costs.

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

ODE requests to implement this waiver October 1, 2023 – November 30, 2023

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

ODE will track and provide oversight to LEAs electing mid-year Community Eligibility Provision (CEP) during SY 2023-24 by validating CEP data prior to approval.

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

The SA will monitor the number of SFAs and sites electing this option.

1. **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]:**
2. **Signature and title of requesting official :**



Title: Director Child Nutrition Programs, Pupil Transportation and the Fingerprinting Unit

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 Recommendations:**