

## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Delaware Department of Education  
Aimee F. Beam, MS, RD  
Education Associate, Nutrition Programs  
35 Commerce Way, Suite 1  
Dover, DE 19904  
[aimee.beam@doe.k12.de.us](mailto:aimee.beam@doe.k12.de.us)  
302-857-3356

**2. Region:** Mid-Atlantic Region

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

- The Delaware Department of Education (DDOE) is seeking a statewide waiver that would apply to all Local Education Agencies (LEAs) and School Food Authorities (SFAs) in Delaware. Only LEAs/SFAs who are approved for operation in School Year 2023-2024 and who are in good standing will be allowed to participate in this waiver.

**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 State Agency is seeking to provide meals at no cost to more children in the state of Delaware by allowing LEAs to elect the Community Eligibility Provision (CEP) mid-year using the new lower Identified Student Percentage (ISP) of 25% if they choose to do so. This waiver will also help to reduce the amount of unpaid meal debt that is accruing across the state. The expectation is that LEAs that were not previously eligible to participate in CEP will elect to implement CEP using a lower ISP and more children will have access to free meals for the remainder of the school year.

**5. 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)
- LEAs opting into the waiver must elect CEP and notify the State Agency no later than March 31, 2024.

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

- If approved, the State Agency will need to work with LINQ (current Nutrition software vendor) to change the ISP thresholds in different areas of the application system; however, this is not an immediate concern, as State Agency administrators can manually override a 40% ISP if needed. Additionally, School Nutrition Program Field Agents will be validating more CEP data for those who are choosing to elect the option mid-year.

**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:**

- The State agency does not anticipate that the establishment of this waiver will pose any challenges at the state or LEA 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]:**

- There is no anticipated cost increase to the Program or the Federal Government, as an incurred expenses related to providing free meals to all children will be the responsibility of the LEA/SFA.

**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 March 31, 2024.

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

- The State Agency will require LEAs/SFAs to submit a request to participate in this waiver and to submit a list of schools in which it will be implemented. The State Agency will also require SFAs to submit the data used to determine the ISP in order to validate the accuracy of ISPs prior to approval the ISPs.

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

- The State agency will maintain a list of LEAs/SFAs that opted to participate in the waiver and provide the data to USDA upon request.

**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://www.doe.k12.de.us/Page/2789>

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



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Aimee F. Beam, MS, RD

Title: Education Associate, DDOE Nutrition Programs

Requesting official's email address for transmission of response:  
[aimee.beam@doe.k12.de.us](mailto:aimee.beam@doe.k12.de.us)

**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:**