

## **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 (CNPs), 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:**

Oregon Department of Education  
Child Nutrition Programs  
Meghan Tschida  
Manager, Community Nutrition Programs  
255 Capitol Street NE  
Salem, OR 97310  
[Meghan.tschida@ode.oregon.gov](mailto:Meghan.tschida@ode.oregon.gov)

### **2. Region:**

Western Region

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

The Oregon Department of Education Child Nutrition Programs (ODE CNP) requests to waive the implementation date from August 23, 2024, to October 1, 2025.

### **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]:**

ODE CNP recognizes the importance of implementing the final rule to monitor financial management. ODE CNP is committed to fulfilling the final rule components for financial management.

However, ODE CNP must prioritize limited resources to meet the requirements of the CACFP Final

Rules. Guidance from the USDA on the expectations and requirements for Financial Review of Sponsoring Organizations of the CACFP has not been released, which is needed support the development of a system that will meet the new federal requirements. Due to the complexity of the change, and the absence of USDA guidance, it is not feasible to develop and implement the procedure in a short period of time. The extension will allow ODE CNP to update the application system, develop policies and procedures and communications, and provide training to staff and program sponsors about the Annual Financial Review process and requirements. ODE CNP is requesting a waiver for the required August 22, 2024, implementation date and seeking an extension to October 1, 2025.

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

Compliance date August 23, 2024, as published in the August 23, 2024, Child Nutrition Program - Integrity Final Rules

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

CACFP Sponsors are meeting requirements regarding financial viability, financial management, administrative capability and program accountability, in addition to continuing to meet program integrity measures as outlined in regulations while utilizing this waiver.

ODE CNP reviews viability, capability, and accountability annually during application, renewal, and during an administrative review. Guidance memos, training and tools have been developed to support sponsors in their understanding of financial management requirements of the CACFP. Since 2019, Annual training has focused on financial management procedures and templates, as well as administrative oversight.

ODE CNP will follow the following implementation timeline to prepare for financial management reviews:

- Within three months of the release of guidance memo, ODE CNP will develop policy, procedure and process for annual financial reviews. This will include understanding and interpreting the guidance, meeting with IT to develop and test systems within our current application system to track monthly financials with claim. We will be collaborating with our SNP Team to determine where systems can be streamlined for SFAs and align with financial review and reporting.
- 3 – 6 months, ODE CNP will develop internal training, present internal training and test CNP environment. ODE CNP will develop external training and prepare team to present trainings.
- 6-9 months We will work with focus group of Oregon CACFP Sponsors to test financial management review process to ensure online application system works accurately, as well as process is fully functional. Once testing is complete internally and with focus group.
- 6-12 months: ODE CNP will be conducting external training and preparing sponsors for financial review requirements.
- October 1, 2025 – Full implementation.

To ensure continued integrity of financial management of the CACFP in Oregon, we will continue to review financial documents upon application, during administrative reviews, annual renewal requirements, and when there are red flags in regard to financial management, including claiming of meals.

We will continue to provide financial management training, guidance, technical assistance and provide updates to our sponsors on current and upcoming financial management requirements in preparation for October 1, 2025. We will use our monthly CACFP newsletters, ODE CNP's memo process and annual training opportunities to continue to ensure financial integrity is highlighted and sponsors are fully prepared for the annual financial review requirement.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:**

No regulatory barriers at the State level.

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

No anticipated challenges.

**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(I)(1)(A)(iii) of the NSLA]:**

No anticipated increased federal costs.

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

Upon approval. Implementation of final rule will be fully implemented on October 1, 2025.

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

ODE CNP has identified members of the Community Team, which includes the team Manager, Team Lead, Audit and Finance Specialist and a Child Nutrition Specialist with a technical assistance focus, who will be identifying, tracking the program requirements and guidance and monitoring changes needed to fully implement the final rule.

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

ODE CNP will include in its annual waiver report the specific provisions of the rule that were delayed due to this waiver.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

<https://www.oregon.gov/ode/students-and-family/childnutrition/Pages/Waivers.aspx>

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



Name: Meghan Tschida

Title: Manager, Community Nutrition

Requesting official's email address for transmission of response: [Meghan.tschida@ode.oregon.gov](mailto:Meghan.tschida@ode.oregon.gov)

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**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: