



United States Department of Agriculture

## 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:**

Rachel Findley, Senior Director, Office of School Nutrition & Auxiliary Services  
rachel.findley@dpi.nc.gov  
984-236-2901

**2. Region:**

Southeast

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

Gates County Schools is in good standing with NCDPI. There are no outstanding corrective actions.

- 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]:**

Gates County Schools requested to become a CEP district for the first time for school year 2025-2026. Gates County did not group any of their schools together when they established CEP, which is not in the best interest of the SFA. If this waiver is granted, Gates County Schools would be permitted to reestablish their base year using April 2025 data in order to group all their schools together in one grouping, instead of the current approved grouping of each school in a separate group. Allowing Gates County Schools to group all schools in the same grouping will ensure Gates County can maximize federal reimbursement.

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

The North Carolina Department of Public Instruction requests a waiver of the provisions in 7 CFR 245.9(f)(4)(viii), instructing local educational agencies or schools must establish a new identified student percentage as of April 1st prior the 4-year cycle. New to CEP, Gates County Schools complied with this provision by April 1st, but later realized that grouping their schools would provide a more advantageous result. Accordingly, Gates County Schools has requested, and NCDPI supports, a waiver of this provision, to allow it to combine their groupings after the April 1st date and maximum federal reimbursement.

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

The state agency will need to conduct another CEP validation with Gates County Schools to ensure the reestablished groupings are accurate and the source documentation for those groupings is readily available. This waiver should not impact program operations, technology, or state systems.

- 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 is unable to address any regulatory barriers at the State level. The regulatory barriers exist at the Federal level based on current regulations, policy and guidance.

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

There should not be any anticipated challenges that the state or eligible service providers would face with this 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 overall costs to the Program to the Federal Government. This waiver ensures that Gates County Schools is reimbursed at a rate allowed under current federal regulations to maximize federal reimbursements.

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

Once this waiver is granted, waiver implementation would be a one-time event. Technical assistance will be provided to Gates County Schools, so they fully understand the CEP grouping process. The time period would be for one month following the approval of this waiver, to allow the SFA to regroup and for the state agency to validate the information provided by Gates County Schools for approval.

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

The reestablishing of the CEP groupings by Gates County Schools would require the state agency to validate the information provided by Gates County Schools before it is approved by the state agency. No other monitoring is required outside of scheduled technical assistance and administrative reviews.

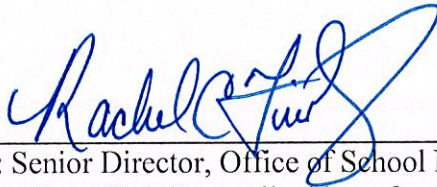
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

The reporting of the reestablishment of these CEP groupings for Gates County Schools would be provided to USDA via the FNS CEP notification and Publication Report provided by NCDPI every May 1<sup>st</sup>.

**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.dpi.nc.gov/districts-schools/district-operations/school-nutrition/regulation-and-policy#WaiversWaiverRequests-4730>

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



Title: Senior Director, Office of School Nutrition & Auxiliary Services  
Requesting official's email address for transmission of response:  
rachel.findley@dpi.nc.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:**