

# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

WWW.DPI.NC.GOV

March 30, 2022

## CHILD NUTRITION PROGRAM STATE

### AGENCY WAIVER REQUEST

North Carolina Department of Public Instruction

Request for Waiver of CEP Reporting and Election  
Deadlines

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

North Carolina Department of Public Instruction  
School Nutrition Division  
301 North Wilmington Street  
Raleigh, North Carolina  
27601984-236-2912

Dr. Lynn Harvey, Director, School Nutrition Division  
[lynn.harvey@dpi.nc.gov](mailto:lynn.harvey@dpi.nc.gov)

Janet Johnson, Assistant Director, School Nutrition Division  
[janet.williamsjohnson@dpi.nc.gov](mailto:janet.williamsjohnson@dpi.nc.gov)

**2. Region:** Southeast

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Sponsors of the National School Lunch and School Breakfast Program who are not found to have significant deficiencies as a result of the NSLP Administrative Review.

**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(1)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA:] The North Carolina Department of Public Instruction (NCDPI), School Nutrition Division, seeks to support sponsors of the National School Lunch Program and School Breakfast Program as they return to standard program operations. The majority, if not all, of sponsors in the state have operated SFSP or SSO over the past two years. As sponsors transition back to NSLP, NCDPI recognizes the importance of the Community Eligibility Provision as it provides a mechanism to continue to provide meals at no cost to students. For eligible schools, sufficient time to collect the necessary data to elect CEP for SY 22-23 is necessary as they continue to respond to and recover from the Pandemic.

### SCHOOL NUTRITION AND DISTRICT OPERATIONS

Lynn Harvey *Ed.D., RDN, LDN, FAND, SNS, Director* | [lynn.harvey@dpi.nc.gov](mailto:lynn.harvey@dpi.nc.gov)  
6319 Mail Service Center, Raleigh, North Carolina 27699-6319 | (984) 236-2900

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

**5. Specific Program Requirements: Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l).**

- ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(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), (f)(4)(viii), and (f)(4)(ix)
- LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)
- State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)
- State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)
- June 30 election date 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)

**6. Detailed Description of Alternative Procedures/Anticipated Impact:** This waiver would allow SFAs in North Carolina additional time to accurately identify directly certified student data as well as enrollment data for possible election and participation in the CEP for SY 22-23.

**7. Description of any steps the State has taken to address regulatory barriers at the state level:** The NCDPI does not anticipate any state level barriers.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** The NCDPI does not anticipate any challenges from the state level or at the eligible service provider level associated with this waiver request.

**9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government:** The NCDPI does not anticipate any increased cost to the Federal Government as a result of the approval of this waiver.

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

CEP Requirement	Annual Deadline	Waiver Deadline
Data Used to Calculate ISP	April 1	Anytime between July 1, 2021, and June 30, 2022
LEA Notification	April 15	June 30, 2022
State Agency Notification	April 15	June 30, 2022
State Agency Publication	May 1	June 30, 2022
Elect CEP for SY 2022-2023	June 30	September 30, 2022

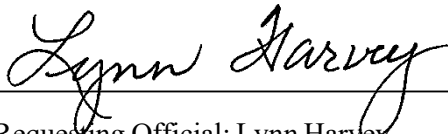
**11. Proposed monitoring and review procedures:**

The NCDPI will provide training, technical assistance and complete compliance reviews as required by USDA requirements as well as use review procedures found in 7 CFR 245.9(f) for those who elect to participate in CEP.

**12. Proposed reporting requirements to FNS:** All FNS required reports will be submitted in a timely manner as governed by USDA requirements.

**13. Link to or a copy of the public notice informing the public about the proposed waiver:**  
<https://www.dpi.nc.gov/districts-schools/district-operations/school-nutrition/sn-news-events>

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



3/30/2022

Requesting Official: Lynn Harvey

Title: Director

Requesting official's email address for transmission of response:

[lynn.harvey@dpi.nc.gov](mailto:lynn.harvey@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:**