

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:
Indiana, Julie Sutton, jsutton@doe.in.gov
2. Region: Mid-West
3. Eligible service providers participating in waiver and affirmation that they are in good standing:
[LaPorte Community School Corporation](#)
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]: [LaPorte Community Schools submitted a new base year application and documents for SY 2019-20. Due to COVID, normal meal counts and participation for the months of March, April, and May could not be collected. A waiver is requested in order to create participation data based on averages of the months when the base year was operating normally.](#)
5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: [7 C.F.R. 245.9\(b\)\(3\)\(i\) and 245.9\(b\)\(3\)\(ii\)](#) We would like to use the months that they operated in 19-20 and not the months they were closed in the spring.
6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring: [Our system will allow us to conduct the average for the year and leave out the months they were closed.](#)
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]: [Regulations require base year data for each month of participation.](#)

Due to COVID, school closures prevented normal participation data from being collected for some months. The barrier of requiring the SFA to use participation for every month of the 2019-20 would prevent the SFA from receiving full reimbursements for months affected by COVID during the base year.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: *We don't anticipate any 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(l)(1)(A)(iii) of the NSLA]: *The cost would be same as if they had a typical school year.*
10. Anticipated waiver implementation date and time period: *August 2020*
11. Proposed monitoring and review procedures: *We review all districts in their base year.*
12. Proposed reporting requirements (include type of data and due date(s) to FNS): *We will report the regional office any districts that are approved by us to use this waiver by November 30th 2020.*
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.in.gov/nutrition/school-nutrition-programs>
14. Signature and title of requesting official:

Julia Sutton Title:

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: Regional Office Analysis and Recommendations: