



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:**
Ohio Department of Education, Food and Nutrition, Andrea Denning, Director on Behalf of Chris Burkhardt, Executive Director, School Nutrition, Cleveland Metropolitan School District.

- 2. Region: Midwest Region**

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

- 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 School Nutrition Program at the Cleveland Metropolitan School District is implementing a comprehensive menu management system which would automate: ordering, inventory, point of sale transactions, accountability, menus, recipes, special diet orders, reporting and financial management. This is a year-long process which encompasses each employees within the division. An Administrative Audit during this

process would put an undue burden on the department, the employees as well as decrease services offered to the students of the district. The State Agency is asking for a one year postponement of the Administrative review.

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

6. Postpone the Administrative review for one year.

7. SEC. 22. ϕ 42 U.S.C. 1769c COMPLIANCE AND ACCOUNTABILITY. (a) UNIFIED ACCOUNTABILITY SYSTEM.— (1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with— (A) the nutritional requirements of section 9(f) of this Act for school lunches; and (B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)). (b) FUNCTIONS OF SYSTEM.— (1) IN GENERAL.—Under the system described in subsection (a), each State educational agency shall— (A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1); (B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews; (C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)— (i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary; (ii) select schools for review in each local educational agency using criteria established by the Secretary; (iii) report the final results of the reviews to the public in the State in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary; and (iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and (D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary. (2) MINIMIZATION OF ADDITIONAL DUTIES.—Each State educational agency shall coordinate the compliance and accountability activities described in paragraph (1) in a manner that minimizes the imposition of additional duties on local food service authorities.

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

A one year postponement of this administrative review will give the department time to implement a software solution to increase efficiencies and effectiveness of the program as well as provide the operation time to work through any unforeseen issues within a project of such a massive scale. The administrative review cycle for Cleveland Metropolitan School District is for the 2018-19 academic year. The State Agency is asking for postponement of the review to the 2019-2020 school year. This postponement will have no effect on the state office nor USDA.

9. 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]:

N/A

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

N/A

11. 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]:

N/A

12. Anticipated waiver implementation date and time period:

Waiver will cover the 2018/19 academic year

13. Proposed monitoring and review procedures:

Administrative review conducted during the 2019/2020 academic year

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

15. 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]:

<http://www.clevelandmetroschools.org/cms/lib05/OH01915844/Centricity/domain/91//2018/WaiverforAdministrativeReview.pdf>

16. Signature and title of requesting official :



Title: Executive Director, Cleveland Metropolitan School District

Requesting official's email address for transmission of response:

Christopher.Burkhardt@clevelandmetroschools.org

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:

SP 15-2018, CACFP 12-2018, SFSP 05-2018

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