

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
NATIONAL SCHOOL LUNCH PROGRAM
USE OF PRIOR YEAR ELIGIBILITY DETERMINATION FOR SCHOOL YEAR
2022-2023 CARRYOVER #26 and PAID LUNCH EQUITY #25**

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.

Subject of waiver request: National School Lunch Program- Use of Prior Year Eligibility Determinations for School Year 2022-2023 Carryover #26 and Paid Lunch Equity #25

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

Name of State agency: Hawaii Child Nutrition Programs
State agency staff contact: Sharlene Wong
Mailing address: 650 Iwilei Road, Suite 270, Honolulu, HI 96817
Telephone number: (808) 587-3600
Email address: Sharlene.Wong@k12.hi.us

2. Region: Western Region

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

The State Agency Hawaii Child Nutrition Programs (HCNP) requests this waiver for National School Lunch Program (NSLP) participants, in good standing, to provide to have flexibility in determining eligibility for NSLP/SBP programs.

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]:

Under Program regulations at 42 U.S.C. 1758(b)(C) and 7 CFR 245.6(c)(2), eligibility from the preceding year must be used to determine eligibility for the first 30 operating days of the school year, or until a new eligibility determination is made in the current school year, whichever comes first.

For SY 2021-2022, most Hawaii SFAs elected and were approved by HCNP to operate under the SSO during the regular school year, as permitted by COVID 19: Child Nutrition Response #85: Nationwide Waiver to Allow the Seamless Summer Options through School Year 2021-22. Therefore, schools that operated under the SSO in SY 21-22 may have incomplete SY 21-22 free and reduced price data for their students.

Goal of Waiver to Improve Services

- If approved to utilize this waiver, for SY 22-23, the requirement that carryover eligibility be based on determinations made during the preceding year (SY 21-22) will be waived for schools that operated SSO in SY 21-22. Instead, schools would be able to use the most recent applications or direct certification information from SY 21-22, 20-21, or 19-20 (whichever is most current) to establish carry-over for school year 22-23. Schools that operated NSLP and SBP during SY 21-22 must use eligibility data from SY 21-22 to establish carry-over eligibility in SY 22-23.
- Sponsors are working to transition back to normal operations, but labor issues continue to plague them. This waiver will allow for additional flexibility when needed during this next school year. By relieving some administrative pressure on sponsors and families. It will allow sponsors to focus on communicating changes to families, training staff to accept and approve meal applications, and navigate the ongoing COVID-19 related challenges.

Expected Outcome of Waiver

- Use of the waiver will allow eligible students to continue receiving the most recent eligibility determination (from SY 21-22, 20-21, or 19-20, which ever is most current) on file during the 30-day carryover period while families complete and submit, and schools process, applications for SY 22-23.
- Allowing eligible students to retain their most recent eligibility determination during the SY 22-23 30-day carryover period may help to maintain sponsor and site program participation and minimize hunger and food insecurity within our communities.



- Prevent declines in program participation and reduces food insecurity by enabling eligible students to continue to receive meals at the most current eligibility determination on file.
- Sponsors will have an opportunity to transition back to normal operations over a longer period of time, which helps to support successful program operations.
- Simplify program administration for the sponsors so they can focus on the highest priority needs of their program/sites.

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

HCNP is requesting waiver 26: Use of Prior Year Eligibility Determinations for School Year 2022-2023 Carryover [42 U.S.C. 1758(b)(C) and 7 CFR 245.6(c)(2)] (*July 1, 2022-June 30, 2023*)

And Waiver 25: Paid Lunch Equity [42 U.S.C. 1760(p)(2) and 7 CFR 210.14(e)] (*July 1, 2022 – June 30, 2023*)

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

- SFAs will need to access and review students' prior year eligibility statuses if there is direct certification or eligibility status from SY 21-22, while also continuing to review direct certification matches and process SY 22-23 applications for free and reduced price meals.
- SFAs should conduct outreach to remind households that in SY 22-23, schools will resume providing meals to students based on their eligibility for free, reduced price, or paid statuses. Therefore, households should be encouraged to submit an application for free or reduced price meals for SY 22-23.

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]:

There are currently no state level regulatory barriers related to this specific issue.

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

HCNP wishes to provide administrative and operational flexibility, where possible, while maintaining program integrity in providing nutritious meals during COVID-19 response. If approved to utilize these waivers, HCNP will provide additional technical assistance to SFAs to ensure successful implementation of the waivers.

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]:

The establishment of this statewide waiver will not increase the overall cost of the program to the federal government. These programs would be operating in a situation where normal USDA Child Nutrition programs are closed due to COVID-19.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is August 1, 2022 and is to remain in effect for the first 30 operating days of the 2022-2023 school year for schools that wish to utilize Use of Prior Year Eligibility Determinations for School Year 2022-2023 Carryover. For Paid Lunch Equity implementation start date will be July 1, 2022 and end on June 30, 2023.

11. Proposed monitoring and review procedures:

HCNP will approve written requests to implement the waiver from individual school districts or sites. HCNP will track and provide oversight Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements.

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

HCNP will report the following data points:

- A description of the impact the waiver had on meal service operations, children's access to nutritious meals, and participation in SFSP and SSO
- The number of participants and sites that used the waiver
- A summary of findings associated with the waiver
- No later than October 30, 2023, HCNP will report to FNS Western Regional Office (WRO) the number of sponsors that used 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]:

Link to public notice: https://hcnp.hawaii.gov/wp-content/uploads/2022/07/Eligibility-carryover-PLE-COVID-19-2022_23-vB.pdf

14. Signature and title of requesting official :

- Signature:  _____
- Title: Sharlene Wong, SNS
Program Administrator
Hawaii Child Nutrition Programs



(808)587-3600

Requesting official's email address for transmission of response:

Sharlene.Wong@k12.hi.us

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:

- Date Received: _____

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:**

Recommend Approval

Recommend Denial

Explanation: