

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
CEP MID-YEAR ELECTION WAIVER REQUEST SY 2023/2024**

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, Summer Food Service Program, Seamless Summer Option, and Child and Adult Care Food Program - Flexibility when school buildings are closed, with and without virtual classes being offered during a natural disaster.

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 CEP participants, in good standing, for mid-year election into the program due to the final CEP rule change lowering the ISP threshold to 25%.

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]:

Hawaii requests this waiver so SFAs can elect to redetermine CEP eligibility mid-year in the Child Nutrition Programs. This waiver will allow the ISP to be calculated using data from the current school year to establish a new CEP cycle in SY 2023-2024 to increase the eligible CEP schools in the SFA.

Goal of Waiver

- If approved to utilize this waiver, for SY 23-24, this waiver will allow more schools to qualify for the CEP program

Expected Outcome of Waiver

- This waiver will allow more students access to healthy nutritious meals at no cost
- The waivers will minimize hunger and food insecurity
- This waiver will lower the unpaid meal debt to the SFA.
- This waiver will simplify program administration for the SFAs so they can focus on the highest priority needs of their programs/sites.

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

Hawaii request this waiver for the SY2023-24 of the following annual CEP deadlines:

- The requirement that LEAs that intend to elect CEP in the following school year must notify the State agency and submit ISP documentation not later than June 30 of the current school year 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); and
- The requirement that LEAs must calculate the CEP ISP using data as of April 1 of the prior school year under Sections 11(a)(1)(F)(iii)(I)(bb) and (a)(1)(F)(iv)(I)(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), and (f)(4)(viii).

Hawaii will allow SFAs to submit a mid-year CEP election request up to November 30, 2023. At the time of the election, SFAs must submit newly calculated ISP data. This data must be reflective of a time period during the SY 2023-24 school year and prior to the election of CEP.

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

- SFAs and Sponsors who would like to participate in these waivers may submit a request to HCNP.
- The SA will continue to provide technical assistance to program operators.
- The SA does not expect any challenges from program operators in implementing this
- We also anticipate no adverse impact on other program operations, including technology, state systems or monitoring.

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 does not anticipate any challenges in implementing this waiver as we successfully operated under similar waivers throughout the COVID-19 pandemic.

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 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 disaster situation.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is immediately and is to remain in effect through June 30, 2024.

11. Proposed monitoring and review procedures:

HCNP will approve written requests to implement the waiver from SFAs/ Sponsors. HCNP will provide technical assistance, oversight, and monitoring of sponsor's performance under the requested waivers and 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:

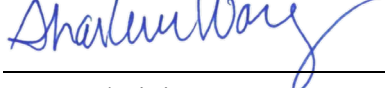
- A description of the impact the waiver had on meal service operations, children's



- 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 September 1, 2024, 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/2023/09/Hi-Waiver-for-CEP-midyear-election-23-24.pdf>

Signature and title of requesting official :

- Signature: 
- Title: Program Administrator

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: