

## Waiver to Extend CEP Deadlines

Attn: All Child Nutrition Programs in the State of Wyoming

March 23, 2022

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

Wyoming Department of Education  
Nutrition Programs Director, Carla Bankes  
122 W. 25th St., 2nd Floor  
Cheyenne, WY 82002  
307/777-6263  
[carla.bankes@wyo.gov](mailto:carla.bankes@wyo.gov)

2. **Region:** Mountain Plains

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

State and Local Education Agencies (LEA's) administering the National School Lunch Program (NSLP), National School Breakfast Program (NSBP), and Community Eligibility Provision (CEP). All are in good standing.

### 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)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

The State agency is seeking to request a state - wide waiver for the extension of CEP Deadlines for SY 22-23. The waiver addressed will extend CEP deadlines to allow districts more time to collect data for the upcoming school year.

The CEP waivers will benefit the school districts by allowing more time to collect the necessary identified student data. States and LES's were recently notified that Covid -19 waivers were not going to be extended so school districts were not prepared to be CEP for SY 22-23. The CEP waiver will allow the State and LES' the time needed to collect student data to qualify for CEP. The waiver also allows State agencies time to get information collected and out to the districts.

**5. Specific Program requirements to be waived (include statutory and regulatory citations).  
[Section 12(1)(2)(A)(i) of the NSLA]:**

The state agency is requesting waivers that extend deadlines of:

- 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 and anticipated impact on Program operations, including technology, State systems, and monitoring:**

The only thing being asked is to extend deadlines for the CEP program. At this time there are no anticipated cost increases at the State or LEA level.

**7. Description of any steps the State has taken to address regulatory barriers at the State level.  
[Section 12(1)(2)(A)(ii) of the NSLA]:**

Due to the current deadlines for CEP that State and LEA's do not have the resources to obtain the necessary data.

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

The State and eligible service providers do not see any challenges should the waiver be implemented.

**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(1)(1)(A)(iii) of the NSLA]:**

The waiver allows for more time and nothing else. The waiver does not change any aspect of the program, so no cost to the Federal Government will be incurred.

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

April 1, 2022 through September 30, 2022

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

The State will follow the same program monitoring procedures.

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

The State will collect data and report the use of the waiver to USDA. Data will be collected at the State Agency level and at the LEA level. Information will be provided on the effectiveness of the waiver.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:**

## **The Wyoming Department of Education seeks waiver for extension of Community Eligibility Provision (CEP) deadlines**

The Wyoming Department of Education Child Nutrition Programs (CNP) has submitted a waiver request to the United States Department of Agriculture Food And Nutrition Service (USDA FNS) to extend the current CEP deadlines. The extension of the CEP deadlines is in response to the recovery of the pandemic to allow school districts time to collect the necessary data to participate in CEP for SY 2022 – 2023.

The request to extend the CEP deadlines is expected to assist school district in making the decision to participate in CEP for the next four years. Due to previous USDA waivers school districts have not collected the data to determine the election of CEP. The waiver will provide sufficient time for districts to collect the necessary data to make the CEP determination.

If the waiver is approved, the Wyoming Department of Education Child Nutrition Programs will provide detailed information and instructions for National School Lunch (NSLP) and School Breakfast (NSBP) sponsors on the new timelines of the waiver.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language,

etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). This institution is an equal opportunity provider.

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

**Carla Bankes**

**Title: State Nutrition Programs Supervisor**

**Requesting official's email address for the transmission of response:**

[carla.bankes@wyo.gov](mailto:carla.bankes@wyo.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: