

## West Virginia - Waiver Request to USDA Regarding Mid-Year CEP Election

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

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West Virginia Department of Education  
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### 2. Region:

Mid-Atlantic

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

Statewide waiver request for all sponsors participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Conditions within the State of West Virginia have changed and Putnam County Board of Education should be given another opportunity to review their local level data and resources. Putnam County Board of Education has the remaining six non-CEP schools among boards of education in West Virginia. Local bond election results may yield additional resources for the county to bring on their final, remaining schools to the CEP. The bond means that the financial viability of the county is more reasonable to consider full CEP adoption than had it not passed. The State of West Virginia is requesting the opportunity to provide Putnam County Board of Education until January 1, 2025 to elect CEP for the 2024-2025 school year.

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

The West Virginia Department of Education is requesting a statewide waiver to provide flexibility to the regulatory requirements:

- 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

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

No anticipated increase in excess Federal administrative costs are anticipated and there are no anticipated impacts on technology, State systems, or monitoring.

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

There are no regulatory barriers at the State level.

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

There are no anticipated challenges at the State or sponsor/institution level with this waiver.

**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 waiver will not increase the overall cost of the Program to the Federal Government.

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

Immediately upon approval.

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

WVDE will continue to follow the monitoring and reviewing requirements for all programs.

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

Reporting will be completed as required by USDA.

**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]: <https://wvde.us/child-nutrition/>**

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



Amanda Harrison, MA, CFRE

Title: Director, Office of Child Nutrition

Requesting official's email address for transmission of response: [amanda.harrison@k12.wv.us](mailto:amanda.harrison@k12.wv.us)

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**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(1)(1)(A)(ii) of the NSLA

- Regional Office Analysis and Recommendations:

Recommend Approval       Recommend Denial

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