



Matthew L. Blomstedt, Ph.D., Commissioner

# NEBRASKA

## DEPARTMENT OF EDUCATION

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November 16, 2022

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Subject: Nebraska Department of Education Administrative Review Waiver Request

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

Nebraska Department of Education (NDE)  
Attn: Kayte Partch  
500 S 84<sup>th</sup> Street  
P.O. Box 94987  
Lincoln, NE 68509-4987

2. **Region:** Mountain Plains

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

The Nebraska Department of Education (NDE), the State Agency (SA) for the USDA Child Nutrition Programs (CNPs), is requesting this waiver to the data used to determine Provision 2 breakfast meal reimbursement claiming percentage. Grand Island Public Schools, which has been a sponsor of the School Meals Program which has long been in good standing, began Provision 2 at two sites in SY2019-20. Complete data used to determine claiming percentages is missing because March, April and May 2020 meals were not claimed in the National School Breakfast Program; instead, they were served to all students at no charge through the Summer Food Service Program.

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 missing meals and claiming data from March, April, and May 2020 resulted in the inability of the State agency to determine the claiming percentage for an approved Provision 2 meal service site operated by Grand Island Public Schools operating in March, April, and May for the duration of the schools' current Provision 2 cycle. Therefore, the NDE is seeking a waiver to the requirements for determining claiming percentages and a request that an average of the SY2019-20 claims/claiming percentage can be applied to the March, April, and May claims to determine the claiming percentages for the duration of the current Provision 2 cycle.

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

The NDE wishes to waive Provision 2 base year requirements identified in 7 C.F.R. 245.9(b)(3)(i) and 245.9(b)(3)(ii).

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

The NDE proposes to use the meals data collected/reported in monthly claims during the base year from August 2019 through February 2020 to establish annual claiming percentages. The percentages will be calculated based on the guidance provided in the USDA's Provision 2 guidance.

**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]:**

Nebraska does not have any State statutory or regulatory barriers that apply to this waiver request.

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

There are not any challenges for State or sponsoring agencies anticipated with the implementation of 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 increase confirm that the costs will be paid from non-Federal funds. [Section 12(l)(2)(A)(ii) of the NSLA]:**

This waiver will not cause an increase in the overall cost of the Program to the Federal Government; participation in this Provision was approved for Grand Island Public Schools prior to the beginning of the COVID-19 pandemic.

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

This waiver will be implemented immediately upon receiving approval. It will be applied to March, April, and May claiming percentages for two schools operated by Grand Island Public Schools.

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

The NDE will determine the Provision 2 percentages based on an average of the claiming percentages of August 2019 through February 2020. These values will be manually applied to the NDE claims system for calculating monthly payments. All other Provision 2 records and documentation have been reviewed. Ongoing claim monitoring will be conducted according to USDA regulations.

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

The NDE will report the results of the Provision 2 calculations to FNS upon request.

13. **Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(2)(A(ii) of the NSLA]:**

The public notice is available here: <https://www.education.ne.gov/ns/>

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

A handwritten signature in black ink that reads "Kayte Partch". The signature is written in a cursive, flowing style.

Kayte Partch, MS, RD  
Director, Child Nutrition Programs  
Nebraska Department of Education