



United States Department of Agriculture
Mountain Plains Regional Office
1244 Speer Blvd, Suite 903
Denver, CO 80204

February 20, 2024

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

Kayte Partch

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2. Region: Mountain Plains

3. Eligible service providers participating in waiver and affirmation that they are in good standing: This waiver request would apply to the Nebraska Department of Education (NDE), the state agency for NSLP, and the Nebraska Department of Health and Human Services (DHHS), the state agency that will issue SEBT benefits, for their administration of the Summer EBT Program in 2024.

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. [7 CFR 245.9(f)(4)]:

Challenges:

The NDE and DHHS did not submit, by the Federally required deadline of January 1, 2024 (see [7 CFR 292.8\(a\)](#)), the required Notice of Intent to operate the Summer EBT Program in 2024. The DHHS and NDE are seeking approval to administer the program in 2024 despite not having complied with this statutory requirement.

Goal:

The goal of this waiver is to allow the NDE and DHHS to administer the Summer EBT Program to issue SEBT benefits to eligible children in Nebraska in summer 2024.

Expected Outcomes:

Approval of this waiver will allow for eligible students to receive additional funds to be used for purchasing foods during the covered summer period in 2024. Without this approval, Nebraska will not be able to provide this additional food purchasing power to households of eligible students, therefore increasing the risk of food insecurity among qualifying children.

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

Statutory requirement identified in 7CFR 292.8(a) that for 2024 only, the Summer EBT agency must submit to the FNS regional office its intent (NOI) to administer the Summer EBT Program by January 1, 2024. The NDE and DHHS are requesting approval to administer the SEBT in 2024 after submitting the NOI after the mandated deadline.

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

Alternative Procedures: The procedures needed to carry out the SEBT for 2024 are not impacted as a result of this waiver request's approval. The systems needed to collect and share information between the agencies, and the system required to issue benefits to households of eligible students will not be impacted significantly by the agencies not submitting the NOI by the identified deadline.

Anticipated Impact:

This waiver will allow households of eligible students to receive additional funds during summer break when school is not in session and students do not have access to the meals schools provide. NDE and DHHS anticipate that, like summer EBT demonstration projects showed, food security and nutrition quality will improve with access to the funds this program provides.

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:

There are not significant challenges anticipated for Local Education Agencies. Their support for providing information for households of eligible students will be a familiar process similar to the one used to issue Pandemic EBT. The NDE and DHHS have a comprehensive communication plan to support LEAs in their role for issuing timely and correct benefits.

The NDE and DHHS have established communication and data sharing from P-EBT that will be used to develop more efficient processes for SEBT. We anticipate the timeline for implementation could create challenges, but our established communication and collaboration will support timely delivery of benefits.

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]:

There is no anticipated impact on Federal administrative costs for the approval of this waiver. The shorter timeline for implementation will not have an impact on the total administrative costs of the program.

10. Anticipated waiver implementation date and time period:

The waiver implementation start date will begin the day the waiver is approved and will be applied to the remaining operational period of the FY2024 SEBT operation.

11. Proposed monitoring and review procedures:

The NDE Nutrition Services and DHHS will follow the procedures outlined in the POM submitted to the Mountain Plain Regional Office on February 15, 2024.

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

Not more than one year after the conclusion of 2024 SEBT operation, the NDE and DHHS will submit data identifying the number of students who received SEBT in 2024.

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]: The public notice is located at: www.education.ne.gov/ns

14. Signature and title of requesting official:

Kayte Partch, Director of Child Nutrition Programs



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

Regional Office Analysis and Recommendations: