

## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

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 (CNP), 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.

1. **State agency submitting waiver request and responsible State agency staff contact information:** Virginia Department of Social Services; Michele Thomas; [michele.thomas@dss.virginia.gov](mailto:michele.thomas@dss.virginia.gov)
2. **Region:** Mid-Atlantic
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:** NA
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:** This waiver applies to *Benefit Issuance*, specifically 7 CFR 292.15 (c). Virginia does not have the ability to issue any benefits before June 13, 2025. This date falls after the start of our operational period and thus impacts our ability to comply with the regulation in two ways: 1) Virginia cannot make benefits available to streamline certified children 7 days before the start of the operational period and 2) cannot issue benefits within 15 days following receipt of an application to children that apply before June 5, 2025.

Funds and capacity both constrain our ability to issue benefits at earlier dates. First, Virginia does not have a team dedicated to Summer EBT. To run the program, Virginia will hire in-house staff on contracts and rely on a vendor to manage its customer service portal. With limited budgets, Virginia cannot hire these individuals until the start of the summer. Additionally, our EBT processor can only issue so many EBT cards in a given day. This pushes back the timeline even further for children that must apply.

5. **Specific Program requirements to be waived (include statutory and regulatory citations):**  
Benefit Issuance: 7 CFR 292.15 (c)
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** To ensure that all children still receive their benefits early in the summer, Virginia plans to issue benefits to all streamline certified children on June 13, 2025. Virginia suspects that similar to last year, streamline certified children will be the bulk of our program population. This date is also much earlier than when benefits were issued in 2024, giving families even more time to spend their benefits as intended.

Children who apply by June 12, 2025, will receive their benefits by June 20, 2025. All other children that apply for SEBT throughout the summer will receive their benefits within 15 days of a complete application.

Virginia does not expect that these changes will have any impact on technology, state systems, or monitoring efforts.

7. **Description of any steps the State has taken to address regulatory barriers at the State level:**  
There are no regulatory barriers at the state level that impact this waiver request.
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** The primary challenge the state will face with this waiver is clear communication with families. We recognize that benefits will be issued under a different timeframe in 2025 than they were in 2024, and that this timeframe is still not aligned with what states have been asked to do. To manage this challenge, we will work closely with our communications team, schools, and community partners to ensure that families understand when benefits will be received. We will also clearly communicate that we plan to push to get families Summer EBT benefits earlier and earlier as the program grows in its maturity and state level support increases to meet the needed demand.
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:** This waiver will bring costs down to a level that will allow Virginia to operate Summer EBT. The alternative is that Virginia will not be able to operate Summer EBT.
10. **Anticipated waiver implementation date and time period:** This waiver will be implemented for program year 2025. Benefit Issuance will be off its required cadence from May 15, 2025, through June 5, 2025.
11. **Proposed monitoring and review procedures:** N/A
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** N/A
13. **Link to or a copy of the public notice informing the public about the proposed waiver:**  
<https://virginiasunbucks.com/>
14. **Signature and title of requesting official:**  
*Michele Thomas*  
**Title:** SNAP Manager, Benefit Programs  
**Requesting official's email address for transmission of response:**  
[michele.thomas@dss.virginia.gov](mailto:michele.thomas@dss.virginia.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(I)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**