



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST

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.

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

**Washington Office of Superintendent of Public Instruction**

Leanne Eko, RD, SNS

Chief Nutrition Officer, Child Nutrition Services

(360) 725-0410

[leanne.eko@k12.wa.us](mailto:leanne.eko@k12.wa.us)

2. Region:

Western Region

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

We attest that only Child and Adult Care Food Program (CACFP) Sponsors in good standing will be considered eligible and included in this waiver request.

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

## Challenges:

### *Staffing:*

The Washington CACFP Team has experienced significant staffing challenges over the last four years due to medical leave and turnover. During FY23 we refilled three positions and spent the year training new staff on CACFP “typical” operations. During FY24 we were fully staffed for just three months, with three staff being on extended medical leave. FY25 began with continued staffing shortages with 2 Administrative Program Specialists’ (APS) on extended medical leave since August that have recently resulted in their resignations. In addition, another APS recently endured the loss of their spouse, resulting in extended leave short-term and their ability to travel long-term. Our existing team has now been covering absences and vacancies for over three years and will need to continue to do so as we work to backfill vacant positions. We hope to fill the open APS positions by March. However, onboarding new staff creates a time burden for current APS as they train new hires.

### *Time to conduct Administrative Reviews:*

Post pandemic, we have witnessed significant turnover and staffing shortages at the Program Sponsor level. This has resulted in Administrative Reviews requiring much more technical assistance and reviews taking much longer.

### *Additional Administrative Reviews required due to Risk Assessment*

We implemented a risk assessment tool in FY24 as required by the Program Integrity Final Rule. This risk assessment identified an additional 46 Sponsors as needing an Administrative Review resulting in a total of 250 reviews (56% of our active Sponsors) needing to be conducted in FY25.

We have determined that due to staff shortages, requirements for additional Administrative Reviews and the extended length of time to conduct reviews, we are unable to meet the Administrative Review requirements for FFY25.

## Goals for Improved Services:

- ✓ Support staff with a reasonable Administrative Review caseload.
- ✓ Create capacity to train new staff members.
- ✓ Allow time for staff to conduct quality reviews and provide technical assistance.
- ✓ Prioritize reviews for Program Sponsors with the longest time since their past review.

## Expected Outcomes:

The expected outcome is to support current staff, create administrative capacity to train

new staff, and prioritize Administrative Reviews for sponsors with the longest time since their last review.

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

The Office of Superintendent of Public Instruction (OSPI) requests a waiver of State Agency Monitoring regulations at:

**7 CFR 226.6(m)(6) Frequency and number of required institution reviews.**

The State agency must annually review at least 33.3 percent of all institutions.

**NSLA (42 U.S.C. 1766(d))**

*More frequent reviews of CACFP institutions that are at risk of having serious management problems.*

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

OSPI will adjust the CACFP FY 25 Administrative Review log with the following parameters.

**Sponsors who will remain on the FY 25 AR log:**

- ✓ Sponsors in their third year of their review cycle.
- ✓ Sponsors determined Seriously Deficient in FY 24.
- ✓ Sponsors in their first year of CACFP operation.
- ✓ Sponsors identified as needing a follow up AR in FY 25.
- ✓ Sponsors determined high risk in NSLP or with significant operational weakness in SFSP.
- ✓ Sponsors who have transitioned from an Independent Sponsor to a multi-Site Sponsoring organization.
- ✓ Sponsors who are coming back on the program after a lapse in operation of 1 or more years.
- ✓ All Sponsors of unaffiliated facilities.

Sponsors who will be removed from the FY25 AR log:

- ✓ Sponsors (46) who are scheduled to be seen out of the 3-year cycle due to the following risk assessment flags:
  - Significantly increased number of Sponsored sites/providers
  - Significant increase in reimbursement
  - Fiscal action in previous FY AR of at least \$8000
  - High Reimbursement
  - Sponsors with 8 or more sites
  - Multi-State Sponsoring Organizations
  - Sponsors flagged for follow up from Single Audit

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 no state regulatory barriers.

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

There are currently no anticipated challenges with this waiver implementation.

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]:

This waiver will not increase the cost to the Federal Government.

10. Anticipated waiver implementation date and time period:

October 1, 2024 - September 30, 2025 (FY25).

11. Proposed monitoring and review procedures:

Monitoring and review procedures would remain the same, we would only be reducing the total number of assigned administrative reviews.

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

We will report the total number of administrative reviews completed in FY 25, and total percentage of Sponsors who were reviewed.

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

[Child Nutrition Services webpage](#) (bottom of webpage)

14. Signature and title of requesting official :

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Title: Chief Nutrition Officer

Requesting official's email address for transmission of response:

**leanne.eko@k12.wa.us**

**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:

