

Requesting a waiver in the POM

FNS has completed review of the West Virginia 2024 Plan for Operations and Management (POM). FNS has determined that West Virginia must submit a request seeking waiver approval in order to administer the Summer EBT as planned. FNS has authority to waive regulatory provisions for Summer EBT, when certain conditions are met, consistent with Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l). For more information on the process for requesting waivers, please refer to [SP 15-2018, CACFP 12-2018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018](#).

In order to review and determine if requested waiver(s) may be approved, FNS requires provision of the following information, which may be added as an attachment to West Virginia's 2024 POM.

Waiver(s) needed (check all regulatory provisions that apply):		
<input type="checkbox"/>	7 CFR 292.12(f)(1)	<i>Income applications.</i> The Summer EBT agency must notify (or place notification in the mail) eligible households of a child's approved status within 15 operational days of receipt of a complete application.
<input type="checkbox"/>	7 CFR 292.12(g)	<i>Denied applications and the notice of denial.</i> The Summer EBT agency must provide written notice to each household denied benefits within 15 operational days of receipt of a complete application.
<input type="checkbox"/>	7 CFR 292.13(f)	<i>Timely certifications.</i> Summer EBT agencies must follow-up with a household that submits an incomplete application within 10 operational days of receipt of the application.
<input type="checkbox"/>	7 CFR 292.14(a)(1)(ii)	<i>Verification for cause.</i> Any verification must be completed within 30 days of receipt of the application.
<input checked="" type="checkbox"/>	7 CFR 292.15(c)(1)(i)(A)	<i>Benefit issuance.</i> For children who can be streamline certified or who have an approved Summer EBT application on file, benefits must be issued and available for participants to use 7-14 calendar days before the start of the summer operational period.
<input checked="" type="checkbox"/>	7 CFR 292.15(c)(1)(i)(B)	<i>Benefit issuance.</i> For eligible children who apply after the summer operational period begins, benefits must be issued and available to spend not later than 15 operational days after a complete application is received by the Summer EBT agency.
<input type="checkbox"/>	7 CFR 292.15(g)(4)	<i>Providing replacement EBT cards or PINs.</i> Replacement EBT cards must be available for pick up or placed in the mail within 2 business days following notice by the household that the card was lost, stolen or damaged.
<input type="checkbox"/>	7 CFR 292.26(a)(1)	<i>Hearing procedures for families and Summer EBT Agencies.</i> Fair hearing procedures established by the Summer EBT agency must allow a household to appeal within 90 days after the end of the summer operational period.

Describe the challenges the Summer EBT agency is seeking to solve with the requested waiver(s), including the goal of the requested waiver(s), the manner in which the requested waiver(s) will improve services in Summer EBT, and the expected outcomes if the waiver(s) are approved:

West Virginia is requesting waivers for benefit issuance for the 2024 Summer EBT benefit period. The State is requesting to waive the requirement to make benefits available 7-14 days before the start of the summer operational period, and the requirement to make benefits available

15 days after a completed application is received. States were given a very short turnaround to operationalize a Summer EBT program that can satisfy these requirements. States were not informed that benefits would need to be made available 7-14 days prior until 12/29/23.

The goal of these waivers is to ensure West Virginia has the capacity to administer a Summer EBT program, while focusing efforts towards issuing benefits to as many eligible students as possible. These waivers will improve service delivery by allowing WV to effectively issue benefits without having to cut corners. This will also ensure that duplication and erroneous benefit issuance does not occur and reduce household fraud.

West Virginia is unable to provide benefits within 15 days of application submission. Our POM is cost effective. This requirement would double state expenses and isn't feasible in 2024.

If this waiver request is accepted, WV will be able to make benefits available within 30 days of receiving a completed application. WV will make benefits available within 30 days of the start of the summer operational period.

The waiver will reduce fair hearing requests and allow the state to continue focus toward improving the SNAP payment error rate.

Describe steps the Summer EBT agency has taken to address barriers at the State level:

West Virginia is standing up a brand-new program will very little time to do so. The Summer EBT agency is working to reduce barriers where we can in a cost-effective manner. The state is using existing eligibility and education staff to provide Summer EBT services. WV is requiring our ADP systems operator to make benefits at the latest in June 2024. This is a requirement in the statement of work of the vendor. The vendor will also be required to issue benefits every 30 days after the start of the summer operational period.

Describe anticipated challenges the Summer EBT agency may face if the requested waivers are not approved:

If West Virginia does not receive waivers for both benefit issuance challenges, the state will be unable to operate Summer EBT in 2024.

Describe the expected waiver implementation date and time period:

Both waivers will be implemented upon FNS approval, or effective May 1, 2024.

Added by FNS pursuant to email from West Virginia dated April 9, 2024. [West Virginia] affirm[s] the end date of the requested waivers would be the end of the calendar year, 12.31.2024.

Link or copy of the public notice informing the public about the proposed waiver(s):

[Child Nutrition - West Virginia Department of Education \(wvde.us\)](https://www.wvde.us)

X Check to affirm that the waiver(s) will not increase the overall cost of the Summer EBT Program to the Federal Government. If there are anticipated increases, confirm that the costs

will be paid from non-Federal funds:

- X** Check to affirm that the Summer EBT agency will monitor and review implementation of the waiver(s) and report on implementation as part of their 2025 iPOM. Reporting will include: a description of whether the waiver(s) resulted in improved services to recipients/participants; a description of the impact of the waiver(s) on providing benefits to participants; and a description of how the waiver(s) reduced the quantity of paperwork necessary to administer the Program.