



December 3, 2024

United States Department of Agriculture
Food and Nutrition Service
Southeast Regional Office
61 Forsyth Street, SW, Room 8T26
Atlanta, GA 20202-3427

As authorized under section 12(l) of the Richard B. Russell National School Lunch Act, [42 U.S.C. 1760\(l\)](#), FNS may waive provisions of such Act or the Child Nutrition Act of 1966, as amended, and the provisions of this part with respect to a State or eligible service provider. The provisions of this part required by other statutes may not be waived under this authority. FNS may only approve requests for a waiver that are submitted by a State Summer EBT agency and comply with the requirements at section 12(l)(1) and the limitations at section 12(l)(4), including that FNS may not grant a waiver that increases Federal costs.

As a result of North Carolina choosing to utilize the Nutri-Link Summer EBT application front-end offered by USDA, North Carolina must develop a back-end system to complete the eligibility processing, communicate with customers about their application, and generally act as a system of record for Summer EBT applications. Due to the amount of time needed to complete this back-end system, North Carolina is requesting waivers of the following Summer EBT requirements for the 2025 program year starting September 1, 2024:

Federal Regulation	Federal Regulation Summary	Justification for Waiver
7 CFR 292.12(f)(1)	<i>Income applications.</i> The Summer EBT agency must notify eligible households of a child's approved status within 15 operational days of receipt of a complete application.	Nutri-Link provides a confirmation based on income. Given the requirements to match with the NSLP data, Nutri-Link does not perform the complete eligibility determination; the system being developed to do this will not be ready until calendar year 2025 (target February / March) and notification of approved status for those who applied before this time cannot be completed until then.
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.	Nutri-Link provides a confirmation based on income. Given the requirement to match with the NSLP data, Nutri-Link does not perform the complete eligibility determination and those "denied" by Nutri-Link due to income will not be provided a formal denial notice through Nutri-Link because it does not provide communication to applicants in any way; the system being developed to do this will not be complete until calendar year 2025 (target February / March) and formal notification of denied status for those applications received before this time cannot be completed until then.
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.	As mentioned, the system that will perform eligibility determinations for applications taken in by Nutri-Link will not be ready until approximately February / March 2025; until then, North Carolina will not know which applications will require follow-up.



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.	Again, as mentioned North Carolina will not be able to start processing applications until the back-end system is ready to process applications taken in by Nutri-Link (targeting February / March 2025), therefore applications in need of verification for cause will be unknown until that time.
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To meet the communication requirements to greatest degree possible through Nutri-Link while the back-end application eligibility system is being developed, North Carolina worked with Nutri-Link to utilize their application confirmation page that is presented to applicants upon submission of the application to provide them information on whether they passed the income requirement/categorically eligible, did not pass the income requirement and would therefore be denied, or have a household with mixed eligibility (occurs when household is over the income threshold but some children marked categorical eligibility). In all variations of the confirmation page, it is stated clearly that North Carolina must take additional action to determine eligibility and will provide the applicant with an eligibility determination notice once complete.

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| <input checked="" type="checkbox"/> 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. |
| <input checked="" type="checkbox"/> 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. |

See here for the [USDA Non Discrimination Statement](#).