

## Requesting a waiver in the POM

FNS has completed review of the Chickasaw Nation 2024 Plan for Operations and Management (POM). FNS has determined that Chickasaw Nation may 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 7 CFR 292.3(f).

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 Chickasaw Nation'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 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 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 checked="" type="checkbox"/>                            | 7 CFR 292.15(h)(1)(i)    | <i>General Expungement procedure.</i> Summer EBT agencies shall expunge Summer EBT benefits 122 calendar days after their issuance.   |
| <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:

As the Chickasaw Nation (CN) transitions their Summer Electronic Benefits Transfer (SEBTC) program from demonstration to permanency, they are building a benefit issuance system able to comply with the 122-day benefit period defined in the Interim Final Ruling (IFR). However, in 2024, the CN is burdened by outdated technology that cannot be updated in time for the 2024

benefit issuance. Per Summer Electronic Benefits Transfer (EBT) guidance, during the time that the CN operated as a demonstration project, the benefit issuance code was written to issue a monthly benefit only if the current date is less than or equal to the first date of use (start date of the benefit period) plus 30 days. This could not be automated in time for the 2024 season.

The CN is submitting a waiver request because approximately 22,000 streamline certified students and approved applicants in the CN SEBT 2024 service area were issued benefits before this manual change was identified and could be implemented, and therefore are receiving the following benefit issuance schedule:

| <b>Benefit Period</b> | <b>Benefit Availability Start Date</b> | <b>Benefit Availability End Date</b> |
|-----------------------|--|--------------------------------------|
| Month 1               | May 15, 2024                           | September 14, 2024                   |
| Month 2               | June 15, 2024                          | September 14, 2024                   |
| Month 3               | July 15, 2024                          | September 14, 2024                   |

The CN identified a manual workaround on May 7, 2024 to adjust benefit start and end dates to be in compliance with the 122 day regulation. Weekly, Gainwell, a contracted information technology (IT) vendor, will manually update the SPIRIT benefit start and end dates as outlined in the POM and Responses to Food and Nutrition Services (FNS) POM Feedback.

The CN selected a new technology vendor for benefit issuance through a Request for Proposal (RFP) process in the summer of 2023; implementation is planned for the summer of 2025. The CN will be able to adjust benefit start and end dates in 2025, allowing for a 122-day benefit period for all eligible students.

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

The CN identified a manual workaround on May 7, 2024 to adjust benefit start and end dates to be in compliance with the 122 day regulation.

The CN has selected a new technology vendor, Healthy Together, for benefit issuance through an RFP process in the summer of 2023; implementation is planned for summer 2025. The CN will be able to adjust benefit start and end dates in 2025, allowing for a 122-day benefit period for all eligible students.

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

Twenty-two thousand students will need their households manually opened in the management information system (MIS) system and their benefits voided and reissued once the Gainwell manual change is implemented. The CN does not have adequate staffing or time to accommodate this level of manual work prior to May 15, 2024.

Describe the expected waiver implementation date and time period:

May 1, 2024 through December 31, 2024

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

Upon FNS' approval, public notice of the waiver will be provided on the CN Summer EBT website.

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:

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.

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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: [School districts within the Muscogee \(Creek\) Nation \(MCN\) will have a defined benefit start date of June 1, 2024 to compensate for legal requirements, infrastructure build and grocery store integration to efficiently issue benefits to the expanded service area. However, the defined summer operational period \(SOP\) for the MCN expansion area is May 15 to August 30, 2024 to accommodate the average school start and end dates for the summer.](#)

Chickasaw Nation provided information in a revision received on 6/6/2024:  
Chickasaw Nation has run into a delay for implementation in Muscogee (Creek) Nation service area. Vendor integration is still underway and currently there are no vendors ready to accept Summer EBT benefits. Chickasaw Nation is delaying the benefit start and end dates for this area to allow time for store integration.  
The anticipated benefit availability start date will be June 24, 2024, instead of June 1, 2024. The anticipated benefit availability end date is October 24, 2024, instead of September 30, 2024.

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

The Chickasaw Nation (CN) has been working to contract with partners, vendors and schools to integrate grocery stores within the MCN and provide store training, stand up new technology to receive student data from schools and from a Summer Electronic Benefits Transfer (EBT) application, deduplicate, create benefit issuance files, test benefit issuance files and more.

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

The CN Summer EBT program will not be in compliance with 7 CFR 292.15(c)(1)(i)(A) for participants within the MCN Expansion Area. The CN will transition from a demonstration program to a permanent program in fiscal year (FY) 2024. This transition had a limited implementation timeframe, which caused limitations in technology build, legal agreements, obtaining data from schools and obtaining 50 percent administrative match funds from multiple tribal governments, among other infrastructure issues.

Describe the expected waiver implementation date and time period:

May 1, 2024, through December 31, 2024.

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

Upon Food and Nutrition Services' (FNS) approval, public notice of the waiver will be provided on the CN's Summer EBT website.

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:

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.

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| <input type="checkbox"/>                                       | 7 CFR 292.15(h)(1)(i)                                    | <i>General Expungement procedure.</i> Summer EBT agencies shall expunge Summer EBT benefits 122 calendar days after their issuance.   |
| <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.  |
| <input checked="" type="checkbox"/>                            | 7 CFR 292.12(e)(2)                                       | <i>Enrollment by Summer EBT application.</i> Confirmation of enrollment in an NSLP/SBP-participating school during the immediately preceding instructional year is required for children who apply by Summer EBT application.   |
| <input checked="" type="checkbox"/>                            | 7 CFR 292.12(d)(1)(i)(A);<br>7 CFR 292.12(d)(1)(i)(B)(1) | <i>Streamlined Certification.</i> Summer EBT agencies must enroll eligible children through streamlined certification, including those who, during the period of eligibility were: individually certified for free or reduced price school meals through the NSLP/SBP, or school aged and members of a household receiving assistance under SNAP. |

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:

### **Requested Waiver: Verification of Enrollment**

Program regulations at 7 CFR 292.12(e)(2) [ecfr.gov] require the Summer Electronic Benefits Transfer (EBT) agency to confirm enrollment in a National School Lunch Program (NSLP) and School Breakfast Program (SBP)-participating school during the immediately preceding instructional year for children who apply through a Summer EBT application. The Chickasaw Nation (CN) does not have access to a state-wide student database. Additionally, in the Muscogee (Creek) Nation (MCN) expansion area, the CN does not have staff available to verify applicant enrollment once schools are out for the summer.

The CN is only able to confirm applicant enrollment on a very limited basis in the MCN expansion area in summer 2024. The CN does not administer an NSLP and the Oklahoma State Department of Education (OSDE) has declined to share student data currently held at the State level. As a result, the CN has been working directly with schools in the MCN expansion area to obtain data sharing agreements to facilitate the sharing of lists of children eligible for free or reduced-price meals by schools. Confirming school enrollment for children who apply through a Summer EBT application is an additional activity that cannot be supported by most schools within the CN and MCN this year.

With waiver approval, the expected outcome will be to provide Summer EBT benefits to children whose enrollment can be confirmed using the strategies described in the next section and conduct verification for a sample of those who cannot be confirmed as enrolled using these strategies. Households who are not confirmed as enrolled using data will have the opportunity to provide proof of enrollment to CN for review.

### **Requested Waiver: Streamlined certification with NSLP and SNAP data**

Program regulations at 7 CFR 292.12(d)(1)(i)(A) and 7 CFR 292.12(d)(1)(i)(B)(1) require Summer EBT agencies to automatically enroll children who can be identified as Summer EBT eligible using NSLP/SBP or SNAP data. Chickasaw Nation plans to conduct streamlined certification in 2024 to the maximum extent practicable using FDPIR program data, data from Chickasaw Nation's Summer EBT demonstration projects, and data received from schools in the Muscogee (Creek) Nation service area. Because the State of Oklahoma is not sharing data in 2024, Chickasaw Nation is not able to conduct streamlined certification with SNAP or school data from schools that are not working with Chickasaw Nation to provide data.

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

### **Requested Waiver: Verification of Enrollment**

The CN will work with Food and Nutrition Services (FNS) to develop and implement strategies to minimize the risk of fraud, primarily individuals applying on behalf of and being issued benefits for children who do not exist. Therefore, the CN will implement the following strategies:

- Confirm school enrollment to the maximum extent possible for applicants from school districts that are willing and able to do so.

- To confirm that children listed on applications are real children:
  - In the areas served in prior years, attempt to match applicants to past Summer EBT enrollment records or confirm that they are known to the CN.
  - Check applicants against the Oklahoma State Immunization Information System (OSIIS).
  - Of the remaining applicant children whose existence cannot be confirmed through the methods above, select a three percent sample and contact the household to provide documentation that their child(ren) exists. The process to contact the household will be the same as the process to verify income in 7 CFR 292.14(f)(7)-(9) [ecfr.gov].
- Monitor applications throughout the summer for suspicious patterns, e.g., a large number of applications affiliated with a small district, application levels exceeding expectations or multiple applications using the same/similar address. The CN will alert FNS and take action to prevent fraud, as necessary and appropriate.

**Requested Waiver: Streamlined certification with NSLP and SNAP data**

The CN is working with local school districts to obtain as much information as possible on children who can be streamline certified with school meal data. The CN has also sought data sharing agreements with OSDE and will continue to pursue this option for 2025.

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

Applicants who apply once school is closed for the summer cannot be approved for Summer EBT benefits without the enrollment verification unless this waiver is approved. The CN will not be able to comply with all streamlined certification enrollment requirements.

Describe the expected waiver implementation date and time period:

May 1, 2024, through December 31, 2024.

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

Upon FNS approval, public notice of the waiver will be provided on the CN's Summer EBT website.

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:

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.