



REQUESTING A WAIVER IN THE POM

FNS has completed review of Pennsylvania’s 2024 Plan for Operations and Management (POM). FNS has determined that Pennsylvania 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 Pennsylvania’s 2024 POM.

Waiver(s) needed (check all regulatory provisions that apply):		
<input checked="" type="checkbox"/>	7 CFR 292.12(f)(1)	Income applications. 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. (As a new program with limited system capabilities at this time DHS will evaluate eligibility and provide corresponding notices as soon as operationally possible which may take longer than 15 days.)
<input checked="" type="checkbox"/>	7 CFR 292.12(g)	Denied applications and the notice of denial. The Summer EBT agency must provide written notice to each household denied benefits within 15 operational days of receipt of a complete application. (As a new program with limited system capabilities at this time DHS will evaluate eligibility and provide corresponding notices as soon as operationally possible which may take longer than 15 days.)
<input checked="" type="checkbox"/>	7 CFR 292.13(f)	Timely certifications. Summer EBT agencies must follow-up with a household that submits an incomplete application within 10 operational days of receipt of the application. (As a new program with limited system capabilities at this time DHS will evaluate applications and provide corresponding outreach as soon as operationally possible which may take longer than 10 days.)
<input checked="" type="checkbox"/>	7 CFR 292.14(a)(1)(ii)	Verification for cause. Any verification must be completed within 30 days of receipt of the application. (As a new program with limited system capabilities at this time DHS will evaluate eligibility and determine if verification for cause is necessary as soon as operationally possible which may take longer than 30 days.)
<input checked="" type="checkbox"/>	7 CFR 292.15(c)(1)(i)(A)	Benefit issuance. 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. (As a new program with limited system capabilities at this time DHS will issue benefits as soon as operationally possible.)

<input checked="" type="checkbox"/>	<p>7 CFR 292.15(c)(1)(i)(B)</p>	<p><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.</p> <p>(As a new program with limited system capabilities at this time DHS will evaluate eligibility and issue benefits as soon as operationally possible which may take longer than 15 days.)</p>
<input checked="" type="checkbox"/>	<p>7 CFR 292.15(g)(4)</p>	<p><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.</p> <p>(As a new program with limited system capabilities at this time DHS will provide replacement EBT cards or PINs as soon as operationally possible.)</p>
<input type="checkbox"/>	<p>7 CFR 292.26(a)(1)</p>	<p><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.</p> <p>(As a new program with limited system capabilities at this time DHS will enable appeals within 90 days as soon as operationally feasible.)</p>

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:

Pennsylvania is planning to release its SUN Bucks, also known as Summer EBT, application on July 1, 2024, but due to the system complexities involved in SUN Bucks, will not be able to deploy its minimally viable product until late July 2024. Once the software is deployed, enrollment files must be consumed, which will result in automatically eligible children (children eligible through Direct Certification, children already determined income eligible for Free or Reduced-priced meals through a National School Lunch Program application at their school, and foster children, homeless children, runaway children, migrant children, and Head Start children) being issued benefits around mid-August. After the automatically eligible children's issuance files have been generated, County Assistance Office (CAO) staff will be able to begin reviewing and processing SUN Bucks applications. This means there will be a six-to-eight-week period between when applications will be available to the public and might start to be submitted and when these applications will be reviewed and processed, which is why the first six waivers are being requested.

Pennsylvania's regular SUN Bucks process will result in weekly files being sent to its EBT processor, Conduent, which means that replacement cards will not always be generated within two business days. Additionally, because special card stock is required for the SUN Bucks card, in-office card replacement is not available in Pennsylvania or any other Conduent state.

Pennsylvania does intend to institute a policy that if a household contacts their CAO to report a

lost or stolen card, the existing card will be cancelled within two business days, though the replacement will potentially take an extra two to five business days to be mailed.

If any of these waivers are not approved, Pennsylvania will not be able to participate in SUN Bucks for summer 2024 and will have to withdraw from the project.

Describe steps the Summer EBT agency has taken to address barriers at the State level: Pennsylvania is already working towards a July 2024 implementation, which is the earliest possible implementation date and still involves a tremendous amount of risk to its eligibility system. Pennsylvania operates a combined eligibility system with Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, Medical Assistance and Low-Income Home Energy Assistance Program, so we must ensure that changes made due to SUN Bucks do not jeopardize benefits for all the Department of Human Services' clients.

Describe anticipated challenges the Summer EBT agency may face if the requested waivers are not approved: If the waivers are not approved, Pennsylvania will not be able to meet the timelines defined in the Summer EBT CFR section precluding it from participating in the program in 2024.

Describe the expected waiver implementation date and time period: Waivers will be implemented effective July 1, 2024, and will be in place through March 31, 2025, which is Pennsylvania's current target for its Phase 2 system implementation of SUN Bucks. If system changes must go beyond March 31, 2025 (whether Phase 2 is delayed or during the development and implementation, a Phase 3 is determined to be necessary), some or all of these waivers may be requested for an extension.

Link to or a copy of the public notice informing the public about the proposed waiver(s): [LINK TO DHS' SUN BUCKS WEBPAGE](#)

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; a description of how the waiver(s) reduced the quantity of paperwork necessary to administer the Program.