

**OFFICE OF SUPERINTENDENT OF PRIVATE INSTRUCTION (OSPI)  
NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, AND SCHOOL MILK PROGRAMS  
LATE CLAIM INSTRUCTIONS**

**REQUESTS FOR EXCEPTIONS FOR LATE CLAIMS**

Late claims submitted on paper reimbursement claim forms may be paid under one of two conditions. One, a claim may be paid with the approval of the Western Region Office, Food and Nutrition Service, United States Department of Agriculture (USDA), if the LEA can document the late submission of the claim was beyond its control. Two, the LEA may be granted an exception once in 36 months. All late claims must be submitted on paper.

A. Circumstances Beyond the LEA's Control

1. If you believe that the situation leading up to noncompliance was caused by circumstances beyond your control, submit a written request for an exception to have a claim that has not been postmarked and/or submitted within the 60-day (for original claims) or 90-day (for upward revised claims) reporting requirement considered for payment by OSPI Child Nutrition Services and USDA. Refer to page 3 for examples of requests for exception.
2. For each request, the following shall be submitted to OSPI Child Nutrition Services:
  - a. A revised paper claim (or the original paper claim if lateness is the sole violation).
  - b. In sufficient detail to enable OSPI Child Nutrition Services and USDA to make a fair decision, provide a written description of the events and circumstances that prevented timely submittal of the claim. The statement must provide a complete written description of the circumstances and justification for not meeting the deadline, including documentation, if available.
3. Remedial Action
  - a. If USDA denies the exception request, the LEA will be ruled out of compliance and the claim will not be paid.
  - b. OSPI Child Nutrition Services may take one or more of the following administrative actions to bring the LEA into compliance:
    - i. Require the LEA to develop and carry out a plan for ensuring future compliance.
    - ii. Place the LEA in noncompliance on conditional status.
    - iii. Conduct on-site reviews of LEAs that are chronically in noncompliance.

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- c. An LEA shall take action to remedy noncompliance and prevent its future recurrence.
- d. An LEA shall carry out any compliance plan submitted to the satisfaction of OSPI Child Nutrition Services.

**B. One-Time-in-36-Months Exception**

Your LEA may request a **one-time** exception for the submission of a late claim that was within your control if none of the examples on page 3 reflects the situation. A one-time exception may be permitted if a one-time exception has not been granted during the previous 36 months.

1. To receive this one-time exception, you must submit an acceptable corrective action plan (CAP). The CAP must include:
  - a. Actions you will take to prevent the same or similar circumstances from delaying the submission of future claims.
  - b. A statement that the LEA understands the one-time exception can be granted only once in 36 months; that any future late claims submitted will not be paid (unless the lateness can be attributed to conditions beyond control).
  - c. The signature of the person who signed the agreement with OSPI Child Nutrition Services to operate the National School Lunch and/or School Breakfast Program.
  - d. The endorsement by the school board, superintendent, board of directors, or other governing official of the CAP and the late claim.
2. The signed and endorsed CAP, together with a signed copy of the late claim, should be sent to:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION  
CHILD NUTRITION SERVICES  
PO BOX 47200  
OLYMPIA, WA 98504-7200

3. OSPI Child Nutrition Services will then review and approve, at its option, the CAP and payment of the late claim.

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**EXAMPLES OF REQUESTS FOR EXCEPTIONS**

**Example A:**

An exception for a claim submitted after the 60-day deadline was requested of the U.S. Department of Agriculture (USDA) by the state agency, Office of Superintendent of Public Instruction (OSPI), on behalf of a large local education agency (LEA). The justification statement asserted that: (1) a failure in the LEA's automated data processing (ADP) system prevented it from generating the data required to complete the claim; (2) no other appropriate ADP resources were available; and (3) because of the large quantity of data to be processed, there was insufficient manpower available to complete the task manually before the reporting deadline. Subsequent discussion with the state agency satisfied USDA that: (1) the LEA's assertions were accurate; and (2) these events made the timely completion of this claim beyond the control of the LEA. Therefore, USDA approved the exception request.

**Example B:**

A local education agency (LEA) requested an exception on the grounds that a flood had damaged its offices, causing the loss of documents needed to complete the claim form. USDA's review of the circumstances disclosed that the flood had occurred two months before the month to which the LEA's delinquent claim pertained. Furthermore, the LEA had not demonstrated there was any link between the catastrophe and the noncompliance. USDA disapproved the request. Catastrophes, in and of themselves, would not entitle an LEA to be granted an automatic exception. The onus is upon the LEA to show how the catastrophe caused a situation that made reporting compliance unreasonable.

**Example C:**

A small local education agency (LEA) requested an exception for a claim submitted several weeks late on the grounds the person who does the bookkeeping had been ill for some time. A case was made by the LEA that there had been no other staff qualified to complete the task. Before approving this request, USDA had to determine whether the LEA had the resources to either train or make available another employee to replace the person normally responsible for the bookkeeping. USDA approved the request after it determined the LEA uses the services of a private bookkeeper not on the LEA's staff and that it was not reasonable to expect another staff person to take over the bookkeeping work. On the other hand, if the LEA had not been able to demonstrate that it was unreasonable to expect a replacement employee, then USDA would have disapproved the request.