



CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Kansas State Department of Education
Cheryl Johnson, MS, RD, LD
Director, Child Nutrition & Wellness
785-296-2276
csjohnson@ksde.org

2. Region: MPRO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Building Blocks Daycare P0 691. This CACFP Sponsor was in good standing at the time of the tornado that hit Lawrence on May 28, 2019.

- 4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**
Building Blocks Day Care was hit by the EF2 Tornado on May 28, 2019. Their building was destroyed and CACFP records were blown away or had water damage that made them unsalvageable. KSDE respectfully requests a waiver to the CACFP Recordkeeping Requirement CFR 226.17 for the records that were destroyed due to the natural disaster. CACFP entities are audited annually in Kansas. The last audit was conducted on 6/10/19. The most current Program Review was September 12, 2018. All records had been reviewed by either KSDE Program Staff or Fiscal Auditing Staff for PY 2018. KSDE had not audited or reviewed income eligibility records for October 2018-April 2019. Sponsor does have records for May 2019. The records for May that were in the classrooms were able to be gathered up and saved so the May claim was able to be filed up to the date of the tornado. The records destroyed for the current program year- October 2018-April 2019 were in a room that the roof was torn off and rain flooded the area. Some records not blown away were saved but are water damaged and ink smudged and moldy so unreadable.
- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**
CFR 226.17
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**
Building Blocks is currently building a new facility and will complete requirements to rejoin the CACFP as soon as they are licensed for operation. This waiver would allow there to be no fiscal action for lost records during the next Program Review and Fiscal Audit for FY2019.
- 7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:**
There are no actions the state can take to address the lost of records that substantiate the federal reimbursement received.
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**
No challenges anticipated.
- 9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:**
There will be no increase in overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period: Waiver

Implementation Date would be for the records lost for PY 2019 October 1, 2018-May 28, 2019 only.

11. Proposed monitoring and review procedures:

KSDE will conduct a Pre-Approval Visit. An Administrative Review will be conducted in the first year of operation in the new building. A Fiscal Audit is conducted annually.

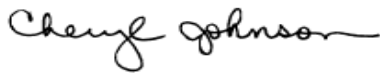
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

KSDE will report amount of claims paid in FY2019 to FNS. See National Weather Service information about the tornado and the path to verify the natural disaster.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:

www.kn-eat.org, CACFP, What's New

14. Signature and title of requesting official :



Title: Director, Child Nutrition & Wellness

Requesting official's email address for transmission of response: csjohnson@ksde.org

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

• Regional Office Analysis and Recommendations: