



Child Nutrition & Wellness

Kansas State Department of Education
Landon State Office Building
900 SW Jackson Street, Suite 251
Topeka, Kansas 66612-1212

(785) 296-2276
(785) 296-0232 - fax
www.ksde.org

Marcellus Goodwin
Mountain Plains Regional Office
1244 Speer Blvd Suite 903
Denver, CO 80204-3581

November 26, 2018

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

Kansas State Department of Education
Cheryl Johnson, Director
900 SW Jackson, Suite 251
Topeka, Kansas 66612
csjohnson@ksde.org

2. Region: Mountain Plains

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

Statewide waiver request for all participating SFSP sponsor organizations.

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]:

The State agency is seeking to request a statewide waiver for the SFSP flexibilities that were rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within SFSP 12-2011, Waiver of Site Monitoring Requirements in the Summer Food Service Program, April 5, 2011 which waives the regulatory requirement of 7 CFR 225.15 (d)(2) for sponsors to conduct site visits during the first week of program operations for returning sites that operated successfully during the previous summer and had no serious deficiency findings.

This FNS waiver has benefitted Kansas SFSP sponsors by helping them efficiently operate the SFSP in a more cost effective manner. In Kansas, many Sponsors operate sites within multiple cities and counties. The large geographical area that sponsors must travel to conduct the first week visits imposes cost and staffing burdens.

Rescinding this flexibility will place undue burden on both the State agency and SFSP Sponsoring Organizations, especially the food banks. By allowing the flexibility, integrity is actually increased because sponsors are able to provide more in-depth targeted technical assistance to new sites during the first week visits rather than conducting first week visits at experienced returning sites.

5. Specific Program requirements to be waived (include regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

We are requesting the discretion to waive the first week site visit requirements for sites that have operated successfully in the previous year.

7 CFR 225.15(d)(2) Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

The State agency will be able to waive the first week site visit requirement for sites that operated successfully during the previous and had no serious deficiency findings. Sponsors will still be required to review the site within the first four weeks of operation.

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]:

Previously, the State agency has not had to address any regulatory barriers as these flexibilities were in place.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The State agency does not anticipate that these waivers will present any challenges to the agency or SFSP sponsor organizations as these flexibilities have already been implemented and in place. Implementation of this waiver will decrease the challenges faced by SFSP sponsor organizations.

The challenges that the State Agency and SFSP sponsor organizations may face if the waiver is **NOT** approved include:

- Increased costs to State agency to update software systems to bring into compliance with regulation changes, including application, claims, and compliance modules
- Increased burden to State agency to update training materials, re-train SFSP sponsors, and monitor compliance regarding rescinded flexibilities
- Increased administrative labor costs for SFSP sponsor for monitor staff in conducting the first week site visits, especially for the larger sponsoring organizations
- Decreased access to meals due to loss of program sites if sponsors do not have staffing to conduct the first week visits such as food banks.

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]:

The State agency does not anticipate that this waiver will increase the overall cost of the Program to the Federal Government. This waiver will continue to assist the SFSP sponsors and the State agency stream line and control costs to the Summer Food Service Program.

10. Anticipated waiver implementation date and time period:

To be effective with the start of the 2019 SFSP and approved for a period of one year.

11. Proposed monitoring and review procedures:

The State agency will continue to follow their standard SFSP review procedures. Sponsors found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

The State agency will report to FNS any compliance issues noted with this flexibility during application approvals and reviews by October 1 each year.

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]:

The public notice is located at www.kn-eat.org, Summer Food Service Program, What's New

14. Signature and title of requesting official:



Name: Cheryl Johnson, MS, RD, LD

Title: Director, Child Nutrition & Wellness, KSDE

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: