CHILD NUTRITION PROGRAM STATE WAIVER REQUEST:
Flexibility for the Administrative Review Cycle Requirement SP 12-2019

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.

In this waiver request, the Kansas State Department of Education Child Nutrition & Wellness team is seeking a waiver to 7 CFR 210.18 to modify the existing 3-year Administrative Review (AR) Cycle to a 5-year cycle under the National School Lunch Program (NSLP).

1. **State agency submitting waiver request and responsible State agency staff contact information:**
   Kansas State Department of Education (KSDE)
   Child Nutrition & Wellness (CNW)
   900 SW Jackson Street, Suite 251
   Topeka, KS 66612
   Cheryl S Johnson, Director
   csjohnson@ksde.org
   785-224-8479 (cell)

2. **Region:**
   Mountain Plains (MPRO)

3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**
   Any Kansas approved Sponsor to operate in the National School Lunch Program, School Breakfast Program in good standing.

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]:**
   KSDE Child Nutrition & Wellness seeks to provide more targeted review follow-up, technical assistance sessions and training opportunities for LEAs with this waiver request. With the current resource and time constraints due to a 3-year cycle, there are few opportunities for follow up with LEA’s with technical assistance and one-on-one training. Technical assistance and training are even more essential due to COVID-19 meal service.
   
   To minimize unnecessary burden and inefficiencies hindering effective program management without compromising program integrity, KSDE CNW is seeking a waiver to lessen frequency of the NSLP AR across the state from a 3-year cycle to a 5-year cycle. The time constraints in preparation for both the on-site and off-site sections of the Administrative Review, in addition to the administrative burden, especially during this unprecedented time of COVID-19 meal service, has resulted in an increased need for exemplary customer service as KSDE is committed to ensure program operators run exceptional child nutrition programs.
Approval of the waiver request will enable KSDE CNW to offer Targeted Review Follow-Up, technical assistance sessions and increased trainings targeted at repeat Corrective Action Plan (CAP) findings. Kansas Sponsors are familiar with the importance of technical assistance in their programs and frequently come to KSDE CNW asking for assistance and support.

CNW understands that the AR was established to ensure a comprehensive evaluation of school meals programs by State Agencies of the Sponsors participating in the NSLP and SBP. However, the comprehensive AR administrative procedures can result in State Agency staff fully focused on caseload productivity and unable to provide follow-up technical assistance especially in the time period the LEA needs it. Upon approval, the Targeted Review Follow-Up, technical assistance sessions and training opportunities would have a significant positive impact on the school food service operations across the state.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: KS CNW is seeking a waiver to 7 CFR 210.18 to allow for an additional two years in the Administrative Review from a 3-year cycle to a 5-year cycle. With the uncertainty due to COVID-19, this would allow KSDE CNW to have increased flexibility in scheduling ARs while being better positioned to provide Targeted Review Follow-Up and Technical Assistance.

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

Targeted Review Follow-Up, Technical Assistance Sessions and Training
KSDE CNW would release a memo to all Sponsors with information on what the waiver entails, including a comprehensive list of schools chosen for an Administrative Review, a Targeted Review Follow-Up or a Technical Assistance Session. This operational plan would be distributed at the beginning of the school year to help Sponsors plan. If a Sponsor was to be selected for a Targeted Review Follow-Up visit or Technical Assistance, they would be made aware of program assistance and guidance.

Conducting structured Targeted Review Follow-Up visits to Sponsors with severe Corrective Action Findings and high fiscal action amounts would include an on-site or virtual visit with the Sponsor to ensure the corrective actions have been implemented to maintain program integrity. School Nutrition Directors would have the opportunity to request additional items to be evaluated with guidance if desired. If additional findings were noted, a new Corrective Action Plan (CAP) would be generated, with fiscal action taken.

Technical Assistance Sessions could include one specific, or several topics and be made at the request of a CNW Child Nutrition Consultant, CNW Assistant Directors or CNW Director. These sessions could be done virtually or on-site and could utilize KSDE online learning modules.

Additionally, CNW would train State Agency staff about this waiver so that there is consistent messaging and questions can be answered accurately.
**Technology and Record Keeping**

The Administrative E-Review requires Sponsors to document their corrective action plans. Currently, the E-Review allows the Sponsor to complete the off-site questions in the secure KN-CLAIM (Kansas Claiming and Information Management System) application. It also allows the State Agency to answer and comment on off-site and on-site questions. If a finding is noted, the CAP and/or fiscal action information is available in the e-review module. This allows for transparent communication between the Sponsor and the KSDE. To avoid confusion with Target Review Follow-Up visits, only the sections noted in the previous CAP will be completed in the new Targeted Follow-Up E-Review. This will allow the State Agency to follow up regarding the previous findings and provide additional technical assistance.

CNW has the technology solution available to run a report so that common findings are identified to aid in development of future training sessions and to determine Sponsors who would be designated for a Targeted Review Follow-Up visit.

**Monitoring**

Sponsors receiving an AR or Targeted Follow-Up visit would be notified prior to the start of the school year. Sponsors will be informed about the new AR process and content planned during training by CNW staff. Documentation of review results would be housed in the E-Review module in KN-CLAIM and are made available to the public through KSDE Data Central. Consultation Technical Assistance Visits would also be documented in KN-CLAIM on the technical assistance tab of the E-Review Module.

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]**:

The 3-year Administrative Review requirement is a federal regulation and cannot be addressed at the State level.

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

KSDE CNW does not anticipate any challenges with the implementation of this waiver by either the State Agency or program sponsors. Kansas School Superintendents have been advocating for a longer review cycle to reduce burden. COVID-19 Meal Service has added increased work load for Kansas Sponsors who will be implementing multiple meal service models during the coming school year. It is essential to reduce administrative burden where possible so that children can be provided meals and that our programs truly can function as a nutrition safety net.

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)(ii) of the NSLA]**:

This waiver request will not increase cost of the program to the Federal Government. Program administration and operations will remain committed to oversight and compliance as well as technical assistance and training to help Sponsors implement programs with integrity. Program reimbursement will continue to be based on total number meals served to eligible participants by the Sponsor.

*Kansas leads the world in the success of each student.*
10. Anticipated waiver implementation date and time period:
KSDE CNW is requesting an implementation start date for School Year 2020-2021.

11. Proposed monitoring and review procedures:
All Kansas Sponsors would receive a notification with the list of Sponsors selected for an
Administrative Review or Targeted Review Follow-Up. Technical Assistance sessions would be
scheduled as requested or as CNW staff become aware of a need.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):
KSDE CNW will provide a comprehensive report on the impact of this waiver extension on NSLP
Sponsors. This report, which will pull data directly from the E-Review module will identify the
number of reviews completed, number of Targeted Follow-Up visits, number of Technical
Assistance sessions, number of findings per AR and per Targeted Follow-Up visit, and number of
corrective action items. Administrative Review results will continue to be reported on the FNS-640.

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]:
Notice is posted at www.kn-eat.org, School Nutrition Programs, What's New.

14. Signature and title of requesting official:

Cheryl S. Johnson, MS, RD, LD
Director, Child Nutrition & Wellness, Kansas State Department of Education
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: