



Food and
Nutrition
Service

December 17, 2020

Braddock
Metro Center

Colleen Fillmore
Idaho State Department of Education
650 W. State St.
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Boise, ID 83720

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Alexandria
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Dear Ms. Fillmore:

This letter is in response to the November 10, 2020, waiver request from the Idaho State Department of Education (ISDE). ISDE requested to waive the following statutory and regulatory requirements:

National School Lunch Program (NSLP)

- 42 USC 1769c(b)(1)(C)(i) and 7 CFR 210.18(c) Timing of administrative reviews and cycle;
- 7 CFR 210.18(f) Scope of review;
- 7 CFR 210.19(a)(5) Food Service Management Company (FSMC) review cycle requirements;
- 7 CFR 210.18(e)(3)(ii) Site selection for other federal program reviews;

Summer Food Service Program (SFSP)

- 7 CFR 225.7(d)(2)(ii)(D) Review each sponsor at least once every three years;
- 7 CFR 225.7(d)(2)(ii)(B) Annually review sponsors whose program reimbursements count as half the aggregate from the previous year; and,

Child and Adult Care Food Program (CACFP)

- 7 CFR 226.16(d)(4)(iii)(D) Not more than six months may elapse between reviews.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, ISDE requested a variety of flexibilities. For NSLP, ISDE requests a one-year pause of formal monitoring for NSLP, including FSMC reviews, thus extending the review cycle by one year, and an alternative oversight plan that includes extensive technical assistance for all school food authorities (SFAs). For any

SFA who operated NSLP, and then switched to Seamless Summer Option (SSO), and received an administrative review (AR) in school year (SY) 19-20, ISDE requests an exemption from completing the SSO review required after an AR. Any SFA who will be scheduled to receive an AR in SY 21-22, and chose to operate SSO during summer 2020 and/or SY 20-21, will receive an SSO review in SY 20-21. For SFSP, ISDE requests to move some sponsors scheduled for a review this year to the following review year and waive the half-aggregate requirement in order to provide adequate technical assistance to all sponsors. For CACFP, ISDE will conduct CACFP reviews as required per regulations; TA and trainings will continue to be conducted. Additionally, ISDE requested monitoring waivers on behalf of sponsoring organizations in the CACFP only; sponsors operating other programs will review their operations per regulations.

To ensure program integrity in NSLP, all 21 SFAs who were scheduled to receive an AR in SY 20-21 and chose to operate SSO instead, will receive an SSO review with a modified SSO review form, to include questions about COVID-19 operations, and a full AR in SY 21-22. The nine SFAs who chose to operate SFSP, instead of NSLP, will receive an off-site SFSP review. Any SFA that was scheduled for an AR in SY 20-21 and contracts with an FSMC will receive enhanced scrutiny during the RFP process and contract renewal this year. All of these SFAs will receive targeted technical assistance including bi-weekly webinars, town hall meetings and enhanced information sheets.

To ensure program integrity in SFSP, ISDE will continue to review sponsors off-site. ISDE will also provide extensive technical assistance to sponsors including webinars and focused trainings. Additionally, ISDE has installed a new claim system that automatically alerts staff to potential fraudulent claims. This will help the team identify potential fraud and work with the sponsor to correct errors.

To ensure program integrity in CACFP, ISDE will conduct CACFP reviews as required per regulations; TA and trainings will continue to be conducted. CACFP sponsors who are closed and not serving meals will be able to postpone monitoring their own sites until after the site reopens and begins to serve meals again.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request and activities within do not increase the overall costs of the Program to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen Program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance which is critical to ensure that current Program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), the Food and Nutrition Service approves ISDE's waiver request effective through:

- June 30, 2021 for NSLP monitoring requirements;
- September 30, 2021 for CACFP and SFSP monitoring requirements; and
- June 30, 2025 for the NSLP administrative review cycle extension.

Please note that this only extends the NSLP administrative review cycle and does not waive the requirement itself for an administrative review cycle. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate ISDE's ability to successfully carry out the purpose of the Programs.

ISDE's oversight plan, as discussed above, provides assurance that the State will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, ISDE must take Program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on January 1, 2021, FNS is requiring that for the duration of this waiver, ISDE provide the Western Regional Office (WRO) a quarterly written report. The report must provide information on how the State is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of Program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities and if anything was identified, any actions taken.
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program; and
- A summary of any technical assistance measures that were provided.

Should ISDE determine this waiver is no longer necessary prior to the effective dates above, please notify the WRO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the WRO.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division
Child Nutrition Programs