



Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

February 23, 2021

Ms. Barbara Shaw, Coordinator  
Missouri Department of Elementary and Secondary Education  
205 Jefferson Street  
P.O. Box 480  
Jefferson City, MO 65102

Dear Ms. Shaw:

This letter is in response to the February 11, 2021, waiver request from the Missouri Department of Education and Secondary Education (MO DESE). MO DESE requested to waive the following statutory and regulatory requirements in the 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(e)(3)(ii) Number and type of schools to review, including Seamless Summer Option (SSO) review requirement;
- 7 CFR 210.18(l) Fiscal Action;
- 7 CFR 210.19(a)(5) Food Service Management Company (FSMC) review cycle requirements; and,
- 42 USC 1769c(b)(6)(A) and 7 CFR 245.11(a)-(b) Notification of second review of applications.

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 (SFSP) and the NSLP SSO 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, MO DESE proposed an alternative oversight plan that includes extending their NSLP administrative review (AR) cycle by one year to a six-year cycle to allow staff the flexibility to complete all required reviews through school year (SY) 24-25. MO DESE will conduct ARs of school food authorities (SFA) rescheduled from SYs 19-20 and 20-21 during SY 21-22. MO DESE's AR workload is expected to slightly increase over the next five years in order to catch up on cancelled reviews due to COVID-19 school closures and to ensure all program operators are monitored during the extended cycle. MO DESE will conduct risk-based assessments to prioritize SFAs at the highest risk of non-compliance. MO DESE also requested to complete FSMC reviews on a six-year cycle in alignment with the AR and procurement review cycles to allow staff to dedicate time and resources to conducting comprehensive reviews. MO

DESE currently conducts procurement reviews on a six-year cycle for all non-FSMC contracted SFAs, and requested to move SFAs that contract with an FSMC to a six-year cycle.

MO DESE stated that approval of their request to align all reviews on a six-year cycle would prevent the need to contract out the additional workload, which could impact State Administrative Expense funds. Due to the decreased number of meal applications this year, MO DESE requested to waive the second review of applications for SYs 20-21 and 21-22, and will ensure Performance Standard 1 is addressed in training modules on how to make application determinations. However, a waiver of this requirement is only approved through June 30, 2021. Due to the amount of SSO reviews that were not completed during SY 20-21 and the expected increase in participation in SSO, MO DESE also requested to waive the SSO review requirement. MO DESE will continue SSO monitoring for schools normally eligible to operate SSO, and will provide targeted risk-based technical assistance to those operating SSO under the nationwide waivers. MO DESE also requested to waive 7 CFR 210.18(l), specifically the requirement in the FNS Administrative Review Manual to contact the FNSRO prior to completing a fiscal action recalculation of fewer than 30 days. However, a waiver of this regulation isn't necessary. MO DESE has indicated that they will use the FNS provided fiscal action recalculation workbook when only 15 operating days are available without notifying the Mountain Plains Regional Office (MPRO), which is in line with regulatory requirements. MO DESE did not request a waiver of monitoring requirements on behalf of SFAs; therefore, all SFAs will conduct reviews as required per regulations.

To ensure program integrity in the NSLP, MO DESE will continue to provide SFAs with technical assistance and training including phone calls, PowerPoint trainings, newsletters, email blasts, and other resources addressing common concerns to prevent non-compliance. MO DESE has created streamlined applications and surveys to allow SFAs to opt in to waivers and collect data for waiver reporting. MO DESE has published additional resources to aid with program operations, including meal count sheets, car ID tag templates, letter templates for parent/guardian pick up, best practices, and meal storage instructions. MO DESE is working with the MO Department of Health and Senior Services (DHSS), the Agency that administers SFSP, to provide oversight of Federal funds and ensure funds are used appropriately. Approval of MO DESE's waiver request will allow for continued technical assistance, training, and targeted risk assessment reviews to maintain program integrity and compliance.

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, does not increase the overall costs of the Program(s) 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)), FNS approves MO DESE's waiver request effective through June 30, 2021 for NSLP monitoring requirements and June 30, 2025 for the NSLP administrative review and FSMC review cycle extensions. Please note that this only extends the administrative review and FSMC review cycles and does not waive the requirement itself for a 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 MO DESE's ability to successfully carry out the purpose of the Programs.

MO DESE's oversight plan, as discussed above, provides assurance that MO DESE 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, MO DESE 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 April 1, 2021, FNS is requiring that for the duration of this waiver, MO DESE provide the FNS MPRO a quarterly written report. The report must provide information on how MO DESE 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(s); and
- A summary of any technical assistance measures that were provided.

Should MO DESE determine this waiver is no longer necessary prior to the expiration of the dates above, please notify the FNS MPRO.

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 FNS MPRO.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saracino", is written over a horizontal line.

Jessica Saracino  
Acting Director  
Program Monitoring and Operational Support Division  
Child Nutrition Programs