

PUBLIC NOTICE OF:

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST**

**On-Site Pre-Approval Visits for Experienced Summer Food Service Program (SFSP)
Sponsors**

The Mississippi Department of Education-Office of Child Nutrition is requesting to enable the State Agency to conduct virtual pre-approval visits for experienced Summer Food Service Program (SFSP) sponsors which did not participate in prior year.

The goal of the waiver is to minimize the administrative burden placed on experienced SFSP sponsors which did not participate in the Program in 2020 and 2021. For those sponsors who have adequately operated the Program in the past, the requirement to receive an on-site pre-approval visit may delay or deter participation in 2022.

The full waiver request is attached, along with relevant USDA guidance. For any questions, please contact Scott Clements at sclements@mdek12.org

Posted: April 7, 2022

Mississippi Department of Education Office of Child Nutrition 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 (CNP), 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 18-2018, CACFP 122018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018.

The Mississippi Department of Education-Office of Child Nutrition is requesting a waiver of the requirement to conduct pre-approval visits on-site for all applicant sponsors who did not participate in the Summer Food Service Program (SFSP) in the prior year.

The State Agency will conduct

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

Name of State agency: Mississippi Department of Education-Office of Child Nutrition
State Agency Staff Contact: Scott Clements
Mailing address: P.O. Box 771, Jackson, Mississippi 39205-0771
Telephone number: 601-576-5000
Email address: sclements@mdek12.org

2. Region:

Southeast Region (SERO)

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

The Mississippi Department of Education-Office of Child Nutrition is requesting a waiver of the requirement to conduct pre-approval visits on-site for all applicant sponsors who did not participate in the Summer Food Service Program (SFSP) in the prior year. The waiver will be utilized by SFSP sponsors 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]:

The goal of the waiver is to allow the State Agency to conduct off-site pre-approval visits of sponsors which did not participate in the program year. Due to the COVID-19 pandemic, many experienced SFSP sponsors did not participate in 2020 and 2021. By utilizing a virtual pre-approval visits, State Agency staff will be able to use valuable time providing technical assistance to new and returning sponsors that would otherwise be spent traveling.

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

The requirements to be waived are:

- **7 CFR 225.7 (d):** Program monitoring and assistance:
 - **7 CFR 225.7(d)(1)(i):** All applicant sponsors which did not participate in the program in the prior year.

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

The State Agency will conduct a virtual pre-approval visit for all applicant sponsor which did participate in the SFSP the prior year. The pre-approval visit will be conducted by a designated State Agency Program Specialist utilizing an approved form to assess the sponsor's plan for Program operations.

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]:

Filing this waiver request is an attempt to reduce barriers. In addition, the State Agency has revised its existing pre-approval assessment to ensure inquiries are focused on meal service requirements, training, and monitoring in the SFSP.

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

Because this set of sponsors is experienced with SFSP, challenges are expected to be minimal. The State Agency will be responsive to any questions the sponsors have about about operating the Program.

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 implementation and execution of this waiver will not increase the overall cost of the Program to the federal government because it will not result in increased reimbursement or State Agency administrative costs.

10. Anticipated waiver implementation date and time period:

The waiver will be implanted between May 1, 2022-September 30, 2025

11. Proposed monitoring and review procedures:

The State Agency will conduct documented pre-approval visits of experienced SFSP sponsors which did not participate in the prior year. Experienced sponsors which did not participate in the Program the prior year will receive an administrative review to assess compliance with requirements.

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

The State Agency will report annually the number of pre-approval visits conducted off-site.

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]:

<https://www.mdek12.org/OCN>

14. Signature and title of requesting official:

☐ Signature: 
Scott Clements

Title: State Director

Requesting official's email address for transmission of response: sclements@mdek12.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:

☐ Date Received: _____

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

☐ **Regional Office Analysis and Recommendations:**

☐ Recommend
Approval

☐ Recommend
Denial

Explanation: