

PUBLIC NOTICE OF:

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

5 Year Administrative Review Cycle

The Mississippi Department of Education-Office of Child Nutrition is requesting a waiver of:

requirements at 7 CFR 210.18 (c) and 7 CFR 210.19(a)(5), as it seeks to extend the three (3) year Administrative Review (AR) cycle , as well as the Food Service Management Company (FSMC) Review cycle, for an additional two (2) years; resulting in a five (5) year review cycle.

The full waiver request is attached.

For any questions, please contact Scott Clements at sclements@mdek12.org.

Posted: 6/26/23



CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

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 (CNPs), 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 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Mississippi Department of Education
Office of Child Nutrition
Scott Clements, State Director
sclements@mdek12.org
601-576-5000
500 Greymont Ave, Jackson, MS 39202

2. Region:

Southeast (SERO)

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

State Agency (SA) - State of Mississippi

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 (SA) seeks a waiver to extend the three (3) year Administrative Review (AR) Cycle as well as the FSMC Review Cycle as outlined in 7 CFR 210.18(c) and 7 CFR 210.19(a)(5), for an additional two (2) years, resulting in a five (5) year Review Cycle.

The SA continues to face staffing challenges coming out of the COVID 19 Pandemic. It takes the SA a long time to hire and train new SA staff, and the SA is experiencing high rates of turnover. The field staff currently available to conduct ARs are capable, but inexperienced, and have a large case load in order to keep up with a 3 year AR cycle. The large caseloads contribute to staff burnout which exacerbates staff turnover.

Staffing and turnover are also issues at the SFA level. Coming out of the COVID 19 pandemic, the SA has identified an increased need for targeted, in-person, technical assistance (TA) to new directors and managers at the School Food Authority (SFA) level.

The extended AR cycle will allow the SA to focus time and resources on providing more TA to SFAs which increases overall compliance with state and federal CN regulations. For this reason, the SA is confident that an extended 5 year review cycle will allow the SA an opportunity to conduct required reviews with minimal impact on program integrity.

The SA will continue to conduct more frequent reviews, on as as needed basis, of SFAs identified as problematic.

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

7 CFR 210.18(c) - 3 year Review Cycle

7 CFR 210.19(a)(5) - FSMC Reviews

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

The SA will maintain a detailed tracking system to ensure all reviews are conducted in accordance with USDA regulations and approved waivers.

Extending the AR cycle for an additional two (2) years will not require any significant change to state systems or technology.

The decreased frequency of monitoring will allow the SA to focus more of its operational capacity on providing targeted, meaningful, in-person, and much-needed TA to SFAs regarding CN regulatory compliance.

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 SA has modified operations to conduct a greater portion of the Administrative Review (AR) and FSMC Reviews off-site, however, it is still necessary to conduct portions of the Reviews on-site.

Hiring and retention challenges are the result of labor market forces in the state, and these challenges are not unique to MDE or the OCN. The SA continues to work with the State Personnel board to hire, train, and retain qualified, Subject Matter Experts (SMEs) capable of conducting ARs.

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

The SA does not anticipate any challenges with waiver implementation.

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(I)(1)(A)(iii) of the NSLA]:

The SA does not foresee any increase in the overall cost of program operations.

10. Anticipated waiver implementation date and time period:

The 2022-2023 SY marks the end of the current AR cycle for the State of Mississippi.

The SA proposes to implement the following cycle:

Year 1: SY 23/24

Year 2: SY 24/25

Year 3: SY 25/26

Year 4: SY 26/27

Year 5: SY 27/28

11. Proposed monitoring and review procedures:

The SA will track all required reviews through the end of the cycle to ensure that all reviews are conducted and documented in accordance with SA procedure and USDA regulation.

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

The SA will retain all documentation related to the waiver and monitoring procedures and will provide it to USDA as required and upon request.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

<https://www.mdek12.org/OCN/New-USDA-Waivers-and-Extensions>

14. Signature and title of requesting official:



Signature

State Director

Title

sclements@mdek12.org

Requesting official's email address for transmission of response

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(I)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**