

Tennessee School Nutrition Program COVID-19 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 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:

Tennessee Child Nutrition Program
Sandy Dawes, State Director, School Nutrition Program
Andrew Johnson Tower, 10th Floor
710 James Robertson Parkway
Nashville, TN 37243

2. Region:

Southeast

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

The Tennessee School Nutrition Program is in good standing with the regional and national office.

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]:

Challenge: In 2018 TDOE School Nutrition Program was approved for a 2-year extension to their 3-year administrative review cycle. This allowed the State agency to work through several staffing issues and provide much needed training to our new team as well as the numerous newly approved SFAs. The State agency was making progress towards getting a team in place, training the new SFAs, and supporting our team and the SFAs when COVID-19 created a whole new set of challenges.

COVID-19 attributed to the great resignation of SNP supervisors. From July 1, 2020 to July 1, 2021 over a quarter of SNP supervisors have retired leaving a substantial percentage of

SNP supervisors with one year or less experience. Supervisors starting their careers during COVID-19 have little to no understanding and need additional training in the traditional NSLP regulations as they have only operated the SSO programs during the pandemic. Most of the onboarding and training the State agency provided to SFAs has been virtual due to COVID-19 limiting a valuable in-person touch point to follow up with SFAs on training and implementation.

When schools return to normal operations everyone will need time to adjust and reset to pre-pandemic requirements. Having a waiver allowing us the extra 2 years to review all of our SNPs will provide the time necessary to train and prepare the State agency and SFAs to ensure a successful administrative review process.

Goal of the Waiver and Expected Outcomes: The goal is to have a well-trained State agency team in place, ready to provide training to SFAs as we transition to normal NSLP operations. We will be able to create an administrative review schedule that will reflect the progression of our team as they become more knowledgeable in SNP regulations and review processes. This waiver will allow the State agency to provide much needed in-person training and technical assistance, standardize our review processes, continue to close reviews within 45-60 days, and provide better customer service.

We are working on enhancements projects to include Direct Certification matching with Kentucky boarder counties, standardization of onboarding new nutrition consultants to ensure consistent messaging across the state. We currently provide SFAs a day long administrative review training, that we encourage all SFAs that will have a review attend, we provide 14 required USDA trainings, as well as many other trainings. To provide great customer service and support to SNP supervisors, our regional consultants are required to reach out to each supervisor in their region a minimum of 2 times per month.

5. Specific Program requirements to be waived (include statutory and regulatory citations).

Tennessee is requesting a waiver from the 3-year AR schedule in order to conduct AR's on a 5-year schedule and for all SFAs to have been reviewed within 6 years. State agencies must conduct administrative reviews of all school food authorities participating in the National School Lunch Program (including the Afterschool Snacks and the Seamless Summer Option) and School Breakfast Program at least once during a 3-year review cycle, provided that each school food authority is reviewed at least once every 4 years. In addition to an extended review cycle, we are requesting a waiver for the 4-year gap requirement 7 CFR 210.18 (c)

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

If approved, the TN SNP agrees to:

- Continue to comply with all of the procedures outlined in the Administrative Review Guidance Manual or/and any updates to such material and guidelines issued by FNS.
- Conduct AR's in a minimum of 1/5 of all active SFA's on an annual basis such that all SFA's will undergo an AR within the 5-year cycle with all SFAs being reviewed within a 6-year gap (a schedule is sent annually to SERO).
- Work towards an average close time of AR's to 45-60 days.
- Submit a comprehensive onboarding and training plan to allow reviewers and central office staff to be able to lead a review successfully and efficiently while providing on-site training and technical assistance as needed.

- Continue to provide administrative review preparation.
- Notify the FNS Regional Office in advance if the State agency determines the waiver is no longer necessary and seeks to revert to the required 3-year review cycle or to a review cycle that is different from the one originally approved

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

The state agency is already implemented ways to increase operational efficiencies including limiting travel for AR's to geographic vicinity, organizing procurement reviews to capture all those in GPOs etc., utilizing webinars for standardized training, using SharePoint to centralize information to decrease redundant work, cross training of staff to increase knowledge base, creating document templates such as FSMC contract templates.

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

There are no anticipated challenges to service providers with implementation of the waiver. The state does expect to see continued improved services for SFAs.

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 waiver will not result in increased program costs.

10. Anticipated waiver implementation date and time period:

The state agency was granted a 2-year extension to our 3 year review cycle in 2018, in 2021 we were granted a one year extension due to COVID-19 and SFAs not operation NSLP in 2020-2021, with these extensions our current waiver is set to expire June 30, 2022.

Implementation date requested: July 1, 2022

Time period requested: five years June 30-2027

11. Proposed monitoring and review procedures:

- Create a review cycle that will include all SFAs to be reviewed within the first 5 year cycle, FSMC remain on the 3 year regulatory cycle.
- Track closings of all reviews.
- Create onboarding criteria and valuate annually.
- Provide Administrative review training annually.

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

Average close time will be reported annually with upcoming AR schedule.

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.tn.gov/education/snp-resources/snp-forms.html>

14. Signature and title of requesting official:



Title: Tennessee Department of Education State Director of School Nutrition Programs

Requesting official's email address for transmission of response:

Sandy.Dawes@tn.gov

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

