

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 (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:

Tennessee Child Nutrition Program
Dr. 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]:

Tennessee Department of Education School Nutrition Program (TDOESNP) is seeking an extension of one year to our current five-year review cycle (7CFR 210.18 (c). Under program statute and regulations, state agencies are required to conduct monitoring of the School Meal Programs on a 3-year cycle, unless the state agency has received a waiver allowing a longer review cycle. Tennessee has an approved five-year review cycle. In addition, 7 CFR 210.18(c) requires that the onsite portion of the administrative review must be completed the same school year the review began. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. Additionally, with many schools closed or operating the Summer Food Service Program or Seamless Summer Option during an unanticipated school closure, onsite monitoring of school meals may not be possible in some instances.

We are also seeking a waiver for [7CFR 210.8 (a)(1)],[7 CFR 220.11(d)(1)} and [7CFR210.9(c)(7)] requiring SFAs to conduct on-site monitoring of all sites NSLP and 50% of all SBP by February 1 and on-site monitoring of all afterschool snack activities within first four weeks and an additional on-site monitoring before the end of the school year.

The Tennessee Department of Education, School Nutrition Program (TDOESNP) seeks to have an extension of our current five-year administrative review for one year. For SY 2020-2021 we have 33 SFAs on the administrative review schedule, these 33 SFAs are the remaining group required to have an administrative review within the five-year review cycle. All SFAs scheduled for an AR, except one, is operating SSO and therefore our department can't

conduct administrative reviews on NSLP and SBP. To ensure the integrity of the programs, we will be monitoring SSO and NSLP claims of each SFA and upon identifying any outliers we will immediately do a phone interview with the SNP supervisor asking for an explanation of any outliers. We will document these phone interviews and upon request make available to FNS.

In Tennessee 97% of all SFAs are operating SSO through June 30, 2021 as allowable through nationwide COVID-19 Child Nutrition Response #59. Due to COVID-19 and travel bans and the burden that was suddenly put on our SFAs to provide nutritious meals to all students during a pandemic we did not conduct SSO administrative reviews for those that received NSLP administrative review for SY2019-2020. According to FNS the review period for SSO is the last completed claim from the current or previous school year. As required, we will be conducting the SY2019-2020 SSO reviews this year SY2020-2021 outside of the required May through September SSO operating window, also allowable through the Nationwide monitoring waiver. By conducting SSO reviews we can continue a standard of oversight for SNP operations that adheres to federal recommendations. Many of the oversight requirements for ARs are also required for SSO reviews and should provide SA with a clear view of SNP operations during these unprecedented times. Due to COVID-19 and statewide TDOE travel bans as well as SFAs not allowing unapproved stakeholders inside school buildings, we will be conducting the SSO reviews by desktop and virtual reviews. Our department has made modifications to the AR and SSO option review process. These modifications include details on how our SA will virtually monitor.

We are also seeking a waiver for [7CFR 210.8 (a)(1)],[7 CFR 220.11(d)(1)} and [7CFR210.9(c)(7)] requiring SFAs to conduct on-site monitoring of all sites NSLP and 50% of all SBP by February 1 and on-site monitoring of all afterschool snack activities within first four weeks and an additional on-site monitoring before end of school year. Many of our SFAs are restricted from in-person monitoring due to COVID-19. If a SNP supervisor does visit a site it is to assist in meal service or limited to the approval of the principal of the school. Additionally, several of our SFAs are only providing virtual instruction to students this coupled with the Nationwide waivers put in place make on-site monitoring by supervisors almost impossible. Our SFAs are struggling to keep themselves and staff safe and any interaction between all groups is frowned upon by administrators and parents. SNP supervisors will to the extent possible conduct on-site monitoring of NSLP SBP and ASP. However due to COVID-19 and the added safety risk to children, staff, and other stakeholders we are requesting a waiver for NSLP, SBP and ASP on-site monitoring requirements for SFAs operating SSO. If granted the waiver the SA will monitor SSO claims and will conduct phone interviews with any SNP supervisors whose program indicates possible discrepancies.

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

Tennessee Department of Education School Nutrition Program (TDOESNP) is seeking an extension of one year to our current five-year review cycle (7CFR 210.18 (c). As well as, a waiver for [7CFR 210.8 (a)(1)],[7 CFR 220.11(d)(1)} and [7CFR210.9(c)(7)] requiring SFAs to conduct on-site monitoring of all sites NSLP and 50% of all SBP by February 1 and on-site monitoring of all afterschool snack activities within first four weeks and an additional on-site monitoring before the end of the school year.

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

TDOE SNP program has a process in place for conducting SSO reviews, SSO reviews include the majority of items included in an AR and therefore by conducting the SSO reviews and will be using technology such as TEAMS to monitor real time on-site requirements such as viewing students choosing meals and going through the POS. In the event of a public health emergency, such as COVID-19, where virtual on-site monitoring will need to take place. Please take into consideration all health department recommendations and policies in place at both the state agency and local districts.

Items Related to Administrative Reviews:

- To schedule an entrance conference, the Lead Reviewer will send a Microsoft Teams calendar invitation for the time agreed upon with the reviewer and the SFA. If the SFA needs to install Microsoft Teams to either their computer or mobile device, the following link will take the SFA to download this application.
<https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/group-chat-software>

- Entrance Conference: The entrance conference will take place through Microsoft Teams. The Lead Reviewer will take note of all people in attendance of the entrance conference and document on the sign-in sheet. During the conference, the reviewer will discuss what the week will look like. The sign-in sheet will be uploaded to Tennessee Meals and Claiming (TMAC), our state system used for monitoring and oversight, such as claiming and AR monitoring, etc. with reviewers list of attendees noted.
- Exit Conference: The exit conference will take place through Microsoft Teams. The Lead Reviewer will take note of all people in attendance of the exit conference and document on the sign-in sheet. During the conference, the reviewer will discuss any and all corrective actions, technical assistance deadlines associated with corrective actions, etc. The sign-in sheet will be uploaded to TMAC with reviewer's list of attendees noted. Well documented notes will be kept by the Lead Reviewer.
- All on-site monitoring items will be conducted utilizing Microsoft Teams. There is a detailed guidance document that helps to explain exactly what needs to be addressed for each on-site question. The document can be found here.

Items Related to Seamless Summer Option Reviews:

- The lead reviewer will need to work with the compliance director in order to select one site to review.
- Be sure to utilize the SSO official notification letter template to send out to the appropriate stakeholders. Once the lead reviewer has created the appropriate letter, the State Director of School Nutrition will sign and send the notification letter to the Director of Schools, School Nutrition Supervisor, Lead Reviewer, Consultant, and Compliance Director
- To schedule an entrance conference, the Lead Reviewer will send a Microsoft Teams calendar invitation for the time agreed upon with the reviewer and the SFA. If the SFA needs to install Microsoft Teams to either their computer or mobile device, the following link will take the SFA to download this application.
<https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/group-chat-software>
- Entrance Conference: The entrance conference will take place through Microsoft Teams. The Lead Reviewer will take note of all people in attendance of the entrance conference and document on the sign-in sheet. During the conference, the reviewer will discuss what the week will look like. The sign-in sheet will be uploaded to TMAC with reviewers list of attendees noted.
- Exit Conference: The exit conference will take place through Microsoft Teams. The Lead Reviewer will take note of all people in attendance of the exit conference and document on the sign-in sheet. During the conference, the reviewer will discuss any and all corrective actions, technical assistance deadlines associated with corrective actions, etc. The sign-in sheet will be uploaded to TMAC with reviewer's list of attendees noted. Well-documented notes will be kept by the Lead Reviewer.
- All on-site monitoring items will be conducted utilizing Microsoft Teams. There is a detailed guidance document that helps to explain exactly what needs to be addressed for each on-site question.

The department will be maintaining oversight by conducting SSO reviews during SY2020-21. The Seamless Summer Option (SSO) Nationwide waiver SY2020-21 permits SFAs participating in the NSLP and/or SBP to serve meals to all students at no charge through June 30, 2021. The State Agency (SA) determines SSO compliance in the same manner it assesses NSLP and SBP compliance; the SA collects information about program operations and compares its findings to PS 1 and PS 2, and general areas. During SSO reviews, the SA reviewers must ensure that the SFAs and their sites being monitored are compliant with meal counting and claiming, menu planning and food safety requirements established in 7 CFR 210.

If an SFA operates one or more SSO sites, the SA must select and review at least one SSO site as part of the AR. Due to COVID-19 travel restrictions for TDOE, all SSO reviews will be virtual and desktop reviews. The SA will evaluate food safety, civil rights, menus, production records and wellness policy as well as all other applicable program operations.

A variety of sites may serve meals to children when operating SSO. However, due to COVID-19 and nationwide waivers, SFAs can operate any site model without providing supporting data and documentation. Due to the

complexity of offering meals that meet the age/grade group meal pattern requirements, SFAs have been authorized to use a single grade group meeting the minimum meal pattern requirements for the most common age/grade group attending the sites. These accommodations only apply to open and restricted open sites where meals are served to all children in the community. All sites that serve an identified group of students, including closed enrolled sites, must follow the age/grade group requirements outlined in 7 CFR 210.10(c) (1). All meals are free and there will be no monitoring of the benefits issuance process. The SA will monitor the point of service system the SFA has in place to document students receiving meals. The point of service documents may include rosters or a master list. Due to COVID-19, SFAs are not required to conduct self-monitoring forms if it is a safety hazard. Therefore, the SA will only monitor if the SFA has determined it is not a safety hazard and has conducted self-monitoring forms. The SA will observe at least one meal service, count the number of meals served and compare to amount claimed in TMAC. The SA will assess the site's procedures for counting and claiming by comparing meal counts on the day of review to the last full week of operation from the review period.

Due to COVID-19, all SFAs are operating SSO. Therefore, there are no eligibility applications or paid lunch equity documentation to monitor. The nationwide waivers provided by USDA that all SFAs are using for providing meals through SSO puts limitations on how the programs are monitored and allows for multiple flexibilities for SFAs to operate during COVID-19.

Additionally, we will review SSO claims in TMAC and if any outliers are identified we will conduct interviews with SFAs and if necessary, will conduct unscheduled SSO reviews of the operations and ask all SFAs not conducting on-site monitoring of NSLP, SBP, and ASP to the extent possible to conduct virtual or desktop reviews. This will not be possible for many of the SFAs as students are attending all educational activities virtually. We ask SFAs to monitor food orders and participation numbers to ensure a correlation between the two and monitor any items they flag and report findings to SA.

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]:

Prior to rescission of this specific waiver, the SA has scheduled the ARs, provided training to SFAs and created a virtual platform to conduct onsite requirements for the administrative review. Each SFA scheduled for a review will be required to have a review of every applicable category of the SSO breakfast and lunch program at the number of sites the SA would normally review when conducting an AR on the NSLP and SBP. State agency monitoring will be accomplished through virtual onsite monitoring and offsite desktop reviews. A checklist will be utilized to assure proper procedures are being followed. We have provided SSO training to SFAs and continually monitor their claims for outliers. We conduct biweekly meetings to answer any questions SFAs may have about operating SSO during the pandemic and utilizing USDA Nationwide waivers.

If the waiver is not granted, program operations will be impacted by limiting the number of ARs conducted by the SA during the SY2020-21 and will cause the state to have very little oversight on current operations during COVID-19. It will also cause the SA to not meet regulatory requirements for conducting ARs on all SFAs during the five-year cycle due to COVID-19 and possible health risk to staff and other stakeholders.

Additionally, if the waiver is not approved SFAs will not meet the on-site monitoring requirements for NSLP, SBP due to COVID-19. This could result in AR findings for SY2020-2021 ARs and would be something SFAs will receive findings for that is out of their control due to COVID-19.

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 extension and waiver. The implementation of the waiver will alleviate any potential challenges SA and SFAs may face if they can't monitor NSLP, SBP and ASP for SY2020-21 due to COVID-19.

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 extension and waiver will not result in increased program costs.

10. Anticipated waiver implementation date and time period

The waiver will be implemented upon approval by USDA on an as-needed basis. The waiver will be utilized only for the SFAs with a SY2020-21 scheduled administrative review and for SFA on-site monitoring of NSLP, SBP, and ASP, who, due to COVID-19, will not be operating NSLP or SBP and ASP. To ensure integrity of the program and oversight, we will be conducting reviews on the Seamless Summer Option (SSO) programs SFAs are operating during SY2020-2021.

Implementation date requested: January 1, 2021

Time period requested: January 1, 2021 through August31, 2021

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

If we receive an extension of one year to our current five-year administrative review, our department will continue to provide the appropriate information via monthly and quarterly FNS 10, 523, and 777 reports.

If the waiver is approved by FNS, the following quantitative data will be collected: number of SFAs monitored, list of sites monitored and number of findings per each SSO review. We will continue to report the number of lunches, breakfast and snacks SFAs serve while operating SSO.

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

14. Signature and title of requesting official:



State Director of School Nutrition

Title: 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(l)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: