

## Oversight and Monitoring Waivers

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

Ohio Department of Education  
Office of Integrated Student Supports  
Brigette Hires, Child Nutrition Program Manager  
25. S. Front St.  
Columbus, OH 43215  
614-425-9760  
Brigette.Hires@education.ohio.gov

2. **Region:**

Midwest

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

All Ohio Child Nutrition School Food Authorities and Sponsors currently in good standing and approved to operate any or all of the following programs: School Nutrition Programs, Summer Food Service Program and the Child and Adult Care Food Program.

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]:**

COVID-19 has substantially changed the operation of schools and sponsor operations in program year 2020-2021. Due to COVID-19, schools are operating on hybrid or remote learning models intermittently or throughout the school year. Child Care Centers have modified enrollment and attendance. Both School Food Authorities and Sponsors report concerns maintaining staffing and the additional burdens that COVID-19 practices of social distancing, cleaning and monitoring place on overall operations. Additionally, the Ohio Department of Education is on mandatory working from home orders with only essential travel permitted. This makes scheduling and conducting compliance reviews difficult in the 2020-2021 program year. In proposing this alternative monitoring plan, the Ohio Department of Education will maintain integrity of the programs, provide extensive technical assistance and support to schools and community sponsors and complete compliance reviews as programmatically necessary.

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

## **NATIONAL SCHOOL LUNCH PROGRAM:**

**[7 CFR 210.18(c)] Timing of administrative reviews and cycle.** The state agency is currently on a 5-year waiver approved cycle set to conclude in school year 2020-2021. The state agency requests an additional year for the cycle, with cycle now ending in school year 2021-2022. Any administrative reviews that were to happen in the 2020-2021 school year will be moved to 2021-2022. The state agency had approximately 50 reviews scheduled in 2020-2021. In the meantime, the state agency will provide extensive technical assistance through weekly emails to all sponsors; conduct Monthly Townhall presentations, Education Program specialist individually contact each assigned sponsor at least twice in the program year. Additionally, The state agency will monitor claims in comparison to 2019-20 to identify any abnormal claim submissions.

**[7 CFR 210.19(a)(5)] Food Service Management Company (FSMC) review cycle requirements:** Due to pandemic travel restrictions and social distancing, Ohio requests a waiver of 7 CFR 210.19(a)(5), to extend the FSMC review cycle by one year. 51 SFAS's with a FSMC are up for a 2020-21 administrative review due to contracting with a FSMC. These reviews will be scheduled for 2021-2022. In the meantime, the state agency will provide extensive technical assistance through weekly emails to all sponsors; conduct Monthly Townhall presentations, Education Program specialist individually contact each assigned sponsor at least twice in the program year. Additionally, the state agency will monitor claims in comparison to 2019-20 to identify any abnormal claim submissions.

## **SUMMER FOOD SERVICE PROGRAM**

**[7 CFR 225.7(d)(2)(ii)(A)] Review new sponsors within the first year of operating.** The state agency is requesting a waiver for this requirement for SFAs new to SFSP who were in good standing in the NSLP as of program year 2019-2020. 22 SFAs are newly participating in SFSP as substitute for NSLP. The State Agency defines good standing as no PS1 or PS2 violation or resulting in a 600 fiscal action or greater on their previous NSLP administrative review and in approved status in the 2019-2020 NSLP program year. The state agency will provide sponsors meeting this criteria technical assistance via weekly email blasts to school food authorities, townhall webinars, monthly training and review of current guidance memos.

**[7 CFR 225.7(d)(2)(ii)(B)] Annually review sponsors whose reimbursements count as half the aggregate from the previous year.** The state agency requests a waiver to deduct SFSP reimbursement distributed in the March through May 2020, and September 2020 timeframe from the aggregate program year 2019-2020 SFSP reimbursement to avoid inaccurately inflating reimbursement for traditional summer programming. The state agency will complete 2020-2021 SFSP reviews

based on the reimbursement earned during the traditional June – August 2020 SFSP timeframe.

**[7 CFR 225.7(d)(2)(ii)(E)]** Conduct reviews of at least 10 percent of each sponsor’s sites or one site, if that’s greater. Due to travel restrictions, social distancing and technological sponsor barriers, Ohio requests a waiver to limit documentation review to only the review selected site and to allow sponsor visits conducted in 2019-20 to carry over and count toward the 2020-2021 SFSP review completion. State Agency will maintain all parameters set forth in review of sponsors but limit documentation to the selected sites. If violations occur at rate of greater than 10%, additional sites will be added. State Agency will provide technical assistance via weekly email blasts to school food authorities, townhall webinars, monthly training and review of current guidance memos.

**7 CFR 7 CFR 225.7(d)(6)** Inspect FSMC facilities: Due to pandemic travel restrictions and social distancing, Ohio requests a waiver to conduct a off-site desk audit of FSMC facilities. The state agency will conduct the review to the maximum extent practical off-site utilizing video and picture monitoring.

## **CHILD AND ADULT CARE FOOD PROGRAM**

**Recordkeeping (including all records listed at [7 CFR 226.15(e)]):** Due to travel restrictions, social distancing and technological sponsor barriers, Ohio requests a waiver to limit the documentation review to only the selected site(s) and to allow sponsor and site visits conducted in 2019-20 to carry over and count toward 2020-2021 compliance reviews. The state agency has 267 CACFP Reviews currently scheduled for the 2020-2021 program year. The state agency plans to conduct these reviews to the maximum extent possible given the circumstances. Limiting the documentation review initially to only the sites selected for review will decrease the administrative burden on the agency while still completing the compliance review. Should the limited documentation review indicate concerning errors, additional sites will be added for documentation review. The State Agency will provide technical assistance via weekly email blasts to school food authorities, townhall webinars, monthly training and review of current guidance memos.

**[7 CFR 226.6(m)(6)]** Frequency and number of required institution reviews. Annually review at least 33.3% of all institutions according to the schedule:

- (i)** Review independent centers and sponsoring organizations of 1 to 100 facilities at least once every three years and include reviews of 10% of their facilities;
- (ii)** Review sponsoring organizations with more than 100 facilities at least once every two years and include reviews of 5 percent of the first 1,000 facilities and 2.5 percent of the facilities in excess of 1,000

Ohio has 267 3-year CACFP reviews currently scheduled for the 2020-2021 program year and intends on completing them to the maximum extent possible.

Should a review not be able to be completed due to COVID related issues, Ohio is requesting permission to carry these reviews into 2021-2022 without penalty.

## **SPONSORING ORGANIZATION MONITORING REQUIREMENTS**

**7 CFR 210.8(a)(1) & 220.11(d)(1)] SFA reviews by February 1. Due to the pandemic related travel restrictions and social distancing, Ohio is requesting that SFAs be given until April 1, 2021 to conduct the annual monitoring reviews of counting and claiming systems and general areas as cited under 7 CFR 210.18(h).**

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

**The state agency will provide extensive technical assistance through weekly emails to all sponsors; conduct Monthly Townhall presentations, Education Program specialist will individually contact each assigned sponsor at least twice in the program year. Additionally, the state agency will monitor claims in comparison to 2019-20 to identify any abnormal claim submissions.**

- 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]:**

**There are currently no State level regulatory barriers related to this specific issue.**

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

**At this time, the Ohio Department of Education does not anticipate challenges from the waiver. Rather, the waiver will decrease the administrative burden on school food authorities, sponsors and the state agency while maintaining integrity of the program and the expected compliance to the regulations.**

- 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 establishment of this waiver will not increase the overall cost of the Program to the Federal Government.**

- 10. Anticipated waiver implementation date and time period:**

**Waiver implementation would start immediately and expire September 30, 2021.**

**11. Proposed monitoring and review procedures:**

State agency staff in the Office of Integrated Student Supports will monitor implementation of this waiver.

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

Ohio Department of Education will adhere to all reporting requirements as prescribed by the USDA.

**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]:**

<http://education.ohio.gov/Topics/Student-Supports/Coronavirus/Supporting-Whole-Child-Nutrition>

**14. Signature and title of requesting official:**



Title: Child Nutrition Program Manager

Requesting official's email address for transmission of response:

[Brigitte.Hires@education.ohio.gov](mailto:Brigitte.Hires@education.ohio.gov)

Phone: 614-466-0522

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**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(l)(1)(A)(ii) of the NSLA**

**• Regional Office Analysis and Recommendations:**

**Recommend Approval**

**Recommend Denial**

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**request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:**

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;**
- (2) fax: (202) 690-7442; or**
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).**

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