Child Nutrition Program

State Waiver Request

NSLP Request for Waiver to Allow for Five Year Administrative Review Cycle

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

   Kentucky Department of Education, Division of School and Community Nutrition

   Contact information: Katie Embree-Cleveland, Manager. Email: Kathryn.Embree-Cleveland@education.ky.gov

2. Region:

   Southeast Regional Office

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

   Private, non-profit or public school districts or residential child care institutions who are sponsors of the National School Lunch Program. All current sponsors are in good standing. The Kentucky Department of Education and Division of School and Community Nutrition are also 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)(ii) and 12(l)(2)(A)(iv) of the NSLA]:

   The Kentucky Department of Education, Division of School and Community Nutrition (SCN) is requesting a waiver from the requirement of conducting Administrative Reviews (ARs) on a three-year cycle (7 CFR 210.8(c) and is proposing to conduct Administrative Reviews on a five-year cycle. SCN would like to take a more comprehensive approach to assisting sponsors outside of just the required Administrative Review. SCN proposes a process that includes technical assistance visits that focus on training to increase program quality and understanding, followed by the Administrative Review to ensure compliance, and then concludes with necessary follow-up reviews to ensure that corrective actions are effective and appropriate. Since 2013-2014, SCN has annually met the requirement to conduct ARs on a three-year cycle schedule. However, in order to meet the three-year schedule, there has been limited time to conduct technical assistance visits or follow-up reviews. Staff are continuously focused on conducting the Administrative Review for sponsors and thus are unable, due to time restraints, to provide support to non-reviewed sponsors. As a result, SCN is seeing an increase in the number of repeat findings due to ineffective corrective actions from a previous Administrative Review as well as new findings issued because processes have not been maintained and supported between Administrative Reviews. By taking a more comprehensive view of providing sponsor support, SCN will be able to provide onsite support for sponsors on a more frequent basis.

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

   7 CFR 210.8(c)

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:
Kentucky proposes to establish a five year Administrative Review cycle using the following procedure. In SY 2019-2020 Kentucky will be in Year 1 of the current three year cycle. Kentucky will utilize randomization to complete the initial realignment with the end result being approximately 40 Administrative Reviews per year. Furthermore, SCN will ensure that no sponsor goes a maximum of five years without receiving an Administrative Review.

In addition, Kentucky’s comprehensive approach will include the following two requirements that will take place between a sponsor’s Administrative Review.

**Follow Up Administrative Reviews**

SCN will require that a Follow-Up Administrative Review be conducted either in the year of the current Administrative Review if possible or, at the latest, the year following the Administrative Review when a sponsor’s non-compliance is significant or repeated critical or general violations exist. Significant non-compliance will be determined by: systemic issues found during the Administrative Review in critical areas; a sponsor’s lack of responsiveness; or if further validation and demonstration of corrective action effectiveness is required.

**Supporting Technical Assistance for Sponsors**

In addition to follow-up reviews, SCN will perform onsite technical assistance visits one to two years in advance of the sponsors scheduled Administrative Review. SCN will provide support to the SFA in identifying, understanding and then correcting areas of identified non-compliance as well as provide overall program support to encourage growth and program success.

**Overall Impact**

SCN expects the overall impact to be the ability to provide ‘wrap-around’ training, support and monitoring of our sponsors, which will ultimately lead to more comprehensive program understanding.

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 regulatory barriers from the state that impact this area.

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

SCN does not anticipate additional challenges with regard to 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(l)(1)(A)(iii) of the NSLA]:

SCN does not anticipate any additional program costs related to the waiver.

10. Anticipated waiver implementation date and time period:

SCN requests the waiver implementation start date to be July 1, 2019.

11. Proposed monitoring and review procedures:
SCN's current Administrative Review tracking system will provide necessary monitoring and review of the process. SCN utilizes CNIPS to track the number of open and closed reviews as well as retain all documentation associated with each review. The system allows for storage and maintaining of files for historical information as well as to meet all record keeping requirements. SCN has a secondary external process for documenting the Administrative Review process, the SCN Administrative Review Log. The Administrative Review log provides an internal edit check to the CNIPS system. A manual check between each system is conducted at the end of the program year to ensure the review cycle is accurate and reflective for all approved NSLP sponsors.

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

SCN will continue to report all Administrative Review information via, the submission of the 640 report to FNS by the required due date on an annual basis.

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]:


14. Signature and title of requesting official:

[Signature]

Title: Katie Embree-Cleveland, Schools Program Manager, KY Department of Education