

August 28, 2020

Christina Dodd
Mountain Plains Regional Office
1244 Speer Blvd Suite 903
Denver, CO 80204

Subject: State-wide Waiver Request: **Flexibility for Provision 2 2019-2020 Base Year Wavier**

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

Missouri Department of Elementary and Secondary Education (MO DESE)
Attn: Barbara Shaw, Coordinator
205 Jefferson Street
P.O. Box 480
Jefferson City, MO 65102
573-751-2954
Barbara.shaw@dese.mo.gov

Region: Mountain Plains

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

All Missouri Local Education Agencies (LEAs) that participate in the National School Lunch Program (NSLP) in good standing and operating a Provision 2 base year during school year 2019-2020.

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 waver is granted [Section 12(I)(2)(A)(iii) and 12 (I)(2)(A)(iv) of the NSLA]:

Challenge: As Missouri LEAs were impacted by the Coronavirus (COVID-19) effects we know school schedules were drastically shortened during the 2019-2020 school year. The unanticipated school closures that took place in March due to COVID-19 caused meal claim data to unexpectedly decrease or not be collected for April, May, and June 2020. MO DESE is seeking a waiver from the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) for the purpose to support schools operating Provision 2 and using claiming data from the 2019-2020 school year for a base year. The interruption of claiming data may affect annualized percentages for Provision 2 LEAs in non-base years. There are seven LEAs anticipating the approval of this waiver to annualize claiming percentages for 2019-2020 school year.

Goal: MO DESE does recognize conducting a new base year may not be beneficial or administratively feasible for schools, especially during this upcoming school year. Therefore, this request to waive 7 CFR 245.9(b)(3)(i) and 7 CFR 245.9(b)(3)(ii) will allow schools that were conducting a Provision 2 base year in

school year 2019-2020 to use annualized data or use data from months when school was in full operation when determining reimbursement for non-base years. The allowance of data collected in a 2019-2020 base year to be used for claiming percentages will decrease administrative burdens for local level staff, households and State agency staff. We are unsure of true impact the alternate education schedules will have on children and therefore it is critically important that we allow for flexibilities that continue to give our Missouri children uninterrupted access to the health and wellbeing they deserve.

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

MO DESE request a waiver of regulations at 7 CFR 245.9(b)(3)(i) and 7 CFR 245.9(b)(3)(ii);

(i) Monthly percentages: In any given Provision 2 school, the monthly meal counts of the actual number of meals served by type (free, reduced price, and paid) during the base year must be converted to monthly percentages for each meal type. For example, the free lunch percentage is derived by dividing the monthly total number of reimbursable free lunches served by the total number of reimbursable lunches served in the same month (free, reduced price and paid). The percentages for the reduced price and paid lunches are calculated using the same method as the above example for free lunches. These three percentages, calculated at the end of each month of the first school year, are multiplied by the corresponding monthly lunch count total of all reimbursable lunches served in the second, third and fourth consecutive school years, and applicable extensions, in order to calculate reimbursement claims for free, reduced price and paid lunches each month. The free, reduced price and paid percentages for breakfasts and, as applicable, snacks, are calculated using the same method; or

(ii) Annual percentages: In any given Provision 2 school, the actual number of all reimbursable meals served by type (free, reduced price, and paid) during the base year must be converted to an annual percentage for each meal type. For example, the free lunch percentage is derived by dividing the annual total number of reimbursable free lunches served by the annual total number of reimbursable lunches served for all meal types (free, reduced price and paid). The percentages for the reduced price and paid lunches are calculated using the same method as the above example for free lunches. These three percentages, calculated at the end of the base year, are multiplied by the total monthly lunch count of all reimbursable lunches served in each month of the second, third and fourth consecutive school years, and applicable extensions, in order to calculate reimbursement claims for free, reduced price and paid lunches each month. The free, reduced price and paid percentages for breakfasts and, as applicable, snacks, are calculated using the same method for each type of meal service.

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

If approved, MO DESE will allow schools to use incomplete base year claim data collected in 2019-20 for annualized Provision 2 claiming percentages in subsequent years within the same Provision 2 cycle. The approval of these claiming percentages will be monitored and documented. Schools electing to utilize the waiver to establish a Provision 2 base year shall follow procedures and monitoring requirements

outlined and have right to cease Provision 2 operations at any point or opt to conduct a new base year at the beginning of any future school year therein.

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):

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

Anticipated challenges State or eligible serve providers may face with the waiver implementation:

We anticipate this waiver will reduce challenges faced by school food authorities and at the State agency.

Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increase confirm that the costs will be paid from non-Federal funds. [Section 12(I)(2)(A(ii) of the NSLA):

MO DESE doesn't anticipate this waiver will increase the overall cost of the Program to the Federal Government. There are no additional staff cost to implement this waiver. It will streamline processes and reduced administrative burden on LEAs, households, students and State agency staff.

Anticipated waiver implementation date and time period:

The waiver would be implemented the first day of school, estimated as early as August 1, 2020, and continue through June 30, 2021 or the last day of the 2020-2021 school year, whichever is sooner.

Proposed monitoring and review procedures:

The online claiming system tracks meal claim edit checks claims submitted for NSLP and SBP, the programs which contribute to Provision 2 claim percentages. The 2019-20 base years' documentation, benefit issuance, and claim submissions were audited by the State agency in the 2019-20 school year and adjustments to claim months in the system were made accurately and accordingly. MO DESE State agency will continue normal procedures for compliance monitoring at each individual school district implementing this waiver.

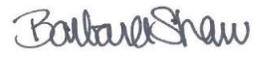
Proposed reporting requirements (include type of data and due date(s) to FNS:

MO DESE will report to FNS all requested data for the waiver in the timelines required. MO DESE will report to FNS regional office any compliance issues noted with this waiver. All approved Provision 2 LEAs will still be required to complete the FNS-742 or FNS-834, depending on base or non-base year implementation in school year 2020-21.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(2)(A(ii) of the NSLA]:

Notice to be released:

Signature and title of requesting official:

A handwritten signature in black ink that reads "Barbara Shaw". The signature is written in a cursive, slightly slanted style.

Barbara Shaw, Coordinator
DESE, Food and Nutrition Services
Barbara.shaw@dese.mo.gov