

Waiver Request for New Hampshire Oversight and Monitoring for USDA Child Nutrition Program Administrative Review Activities 2021-2022 due to COVID-19

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

New Hampshire Department of Education (NH DOE)
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- 2. Region:**

Northeast

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

Any nonprofit institutions approved by the NH Department of Education, Office of Nutrition Programs and Services (ONPS) to operate food services under the Summer Food Service Program (SFSP). Currently, 24 SFSP institutions are in good standing with ONPS.

Current Program Demographics

Of the 24 SFSP institutions, all are serving meals under SFSP.

Due to the COVID-19 pandemic, new processes are being developed at all levels for program year 2022 and it is acknowledged that different oversight activities, other than the Administrative Review processes required by regulations, are needed.

- 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]:**

In an effort to curb any potential outbreaks in child-based organizations/camps, the Child Nutrition Program Administrative Review may be not possible. This is rather unfortunate as we know there is a large amount of technical assistance and guidance provided during any onsite Administrative Review (AR). This level of technical assistance and guidance is still needed, regardless of whether the AR occurs or not. In addition, technical assistance, guidance and correction provided during the

Administrative Review helps ensure program integrity, (including identifying any potentially fraudulent activity).

Due to this challenge, the NH DOE's goal is to provide oversight through the creation of the administrative review questions asked during a technical assistance meeting either at the desk or on-site (depending on the size of the institution, please see question #11). The questions will be based upon the major areas of the Administrative Review and designed to create a free flow of information during the meeting. ATAMs were also used last year as an alternative to traditional ARs and were successful in identifying areas of non-compliance and providing guidance to the SFSP. By postponing SFSP administrative reviews in FY22, NH DOE is requesting to add an additional 5th year onto the three - year review cycle for SFSP.

If the waiver is granted, the expected outcome is threefold. The first is to determine whether the meal count process being used by the institution produces accurate claims based on daily meal count processes. The second is to provide technical assistance and guidance to ensure the institution is offering compliant meals according to the particular child nutrition program administered by the institution or facility. The third will be to assist with any supply chain issues that are happening at this time. We have color-coded the AR Questionnaires that allows the SA to either conduct a Desk ATAM or a On-site ATAM.

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

The NH Department of Education requests a waiver of the following regulations for the Administrative Reviews (AR) and approval of the new Fifth Year AR Cycle for SFSP.

For SFSP ARs:

***What is currently happening* - The current SFSP AR cycle began in 2019 and ends in 2022 (no later than September 30, 2022.)**

***What is being requested* – For this request, NH DOE is asking for an extension of the SFSP ARs to a 5th year, therefore shifting the cycle that began in 2019 to end in 2022 (no later than September 30, 2022.)**

Please note that the NH DOE is not taking on new SFSP Sponsors at this time. However, we will allow Sponsors to add on any new sites.

Due to the inability to enter the institutions, NHDOE seeks to waive all review elements for SFSP (State Agency and Sponsoring Organizations):

7 CFR 225.15(d) Required site visits/reviews are conducted onsite.

7 CFR 225.15(d)(3)] Review food service operations at each site at least once during the first four weeks of operation.

7 CFR 225.7(d) Program monitoring and assistance:

7 CFR 225.7(d)(2)(ii) Required reviews are conducted onsite.

7 CFR 225.7(d)(2)(ii)(D) Review every sponsor at least once every three years.

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.

7 CFR 225.7(d)(2)(iii)(6) Inspect FSMC facilities.

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

The NH Department of Education will provide USDA with data when requested. There are no impacts on technology, State systems, or monitoring.

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 NH Department of Education does not anticipate challenges from the establishment of this statewide waiver at the state level. Rather, it is anticipated the waiver will reduce challenges to the State agency, while allowing the State agency to continue to provide technical assistance and guidance oversight to all NH Child Nutrition meals programs.

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]:

Due to the fact that the meal service will be operating as it normally would under SFSP, the establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

The anticipated implementation for the monitoring waiver is effective upon approval and it will remain in effect through September 30, 2022 for the SFSP.

11. Proposed monitoring and review procedures:

New Hampshire Technical Assistance and Program Integrity Procedure

Background

At this time we currently have 1 vacancy (a Program Specialist) and the Lead Program Specialist for NSLP out on extended leave. Also, due to the inability of the New Hampshire Department of Education (NH DOE) to conduct Administrative Reviews for NH Child Nutrition Programs in an on-site fashion, it is necessary to place a pause on the normal review processes for FY 2022. The State agency will instead provide technical assistance and guidance to eight (8) identified high-risk SFSPs to facilitate effective program operations, monitor progress toward achieving program goals and ensure compliance of certain other requirements, such as civil rights for example. High-risk SFSPs were determined after conducting the SY2020 ATAMs where meal counting and claiming procedures and/or meal pattern noncompliance issues were found to be systemic. Again, these reviews will be conducted either as a Desk Review or On-Site condensed Review.

The NH DOE will maintain documentation of technical assistance and guidance provided including interviews conducted, corrections made and any follow-up training that is needed due to any required procedural corrections. The eight (8) SFSP Sponsors identified as high-risk were determined based on the Administrative Technical Assistance Meetings (ATAMs) conducted for all SFSP Sponsors in NH in 2021 operating SFSP. Due to staffing issues at the State agency, it is not possible to review all 24 sponsor in 2022; however, a targeted approach focusing on high-risk Sponsors will allow us to concentrate our resources where they are most needed.

- 1. Conduct Technical Assistance (TA) via Zoom meetings, Team meetings and/or phone meetings or in person for SFSP entities. The TA meetings will ask standard questions that can be found on the Sponsor/Site Review documents. These pieces of information will be kept for 3 years plus the current.**
- 2. Track all TA meetings for all institutions on a tracking spreadsheet that is kept for three years plus the current.**

3. **Monitor all SFSP claims submitted into the NH DOE online system.**
4. **Provide TA Training Conference & Mini Training Modules based on areas of noncompliance found.**

Procedure for Technical Assistance and Guidance Meetings

Each State agency Reviewer will...

- **Review institutions current Online Applications in MyNHDOE to ensure knowledge of the types of meals being provided.**
- **Review SFSP spreadsheet in shared drive to determine current waiver eligibility and approved waiver flexibilities for each institution's program operations.**
- **Review claims procedures for reimbursement in the online claiming area of MyNHDOE to determine current claiming numbers.**
- **Contact the Administrative Review contact person at each institution to schedule a Zoom meeting, Teams meeting and/or a phone meeting or in person. Determine a mutually agreed upon date and time of the review.**
- **Send color-coded checklist for records and documentation that will be required for the review.**
- **Ask and make note of the answers for the following series of questions. Note: NH DOE may add to this list of questions in accordance with each institution's specific needs and/or challenges.**

Questions that need to be asked – Entrance / Desk Review / On Site

Questions that need to be seen by video/zoom, pictures and/or in person

- Free and Reduced Price School Meals Family Applications for each enrolled child **or** documentation of area eligibility
- Master roster list for all enrolled, participating children for each session at enrolled sites**

- Daily meal counts for all meals served by site/camp for the month of _____
- Consolidation procedure for the number of meals claimed
- Menu for the claiming month of _____
- Operating and administrative costs as they pertain to food service; time sheets, itemized receipts for monthly food and non-food expenses and how you keep your SFSP funds separate from all other funds
- All SFSP purchase receipts for food, non-food costs, other SFSP costs, including commodities for the month of _____
- Staff training records: including topics, dates and attendance records
- Documentation that shows site personnel were trained before they undertook site responsibilities
- Civil Rights and Ethnic/Racial survey form (observational form for each session)
- A copy of the current year's Health Inspection
- Written Procurement Procedures and Code of Conduct
- Attached Procurement Tool completed with signature for the prior summer (*if invoices are not kept on site, please ensure that copies are available for the Sponsor Review*)
- Food Service Management Company agreement, if applicable, copy of delivery receipts to support meal counts for each site, if applicable
- Picture/video of the ...And Justice For All, displayed in a prominent location for all to see.
 - Picture/video of the Eating Area
 - Picture/video of Serving Lines, if applicable
 - Picture/video of Seating Arrangements
 - Picture/video of Assignment of eating periods, if applicable
- Copies of Civil Rights procedure for filling a complaint and SFSP information to parents of beneficiaries or potential beneficiaries, as required by FNS Instructions 113
- Copies of all monitoring forms completed.
- Copies of back up to support the eligibility of each open/enrolled site
- Site Selection**
 - Video/zoom of children receiving the meal
 - Copies of Meal Delivery Receipts, if applicable for month of _____
 - Pictures of Holding Facilities
 - Video/Zoom of site supervisor checking the meal deliveries at the site location
 - Video/Zoom of meals being delivered, served, meals carried over from the previous day, view what the meal components are and the serving sizes

Sponsor Questions

- A color-coded Sponsor Administrative Review Report will be used to guide what questions need to be answered and what documentation will need to be forwarded to the SA or on-site. The colors match the Checklist

Site Questions

- A color-coded Site Operational Review will be used to guide what questions need to be answered and what documentation will need to be forwarded to the SA or prepared for an on-site review.
- The SA will also use the Civil Rights Data Collection Form to assist in assuring all regulations are being met.

Additional Information

- Does the food service currently have enough staff to produce and serve meals? What road blocks have you seen regarding current supply chain issues?
- Is there additional information that you would like to include?
- What kind of training would you like to have the State Agency provide?

If noncompliance is found during the TA meeting or after review of submitted documents, the SA will act immediately by contacting the SFA or organization. The Sponsor must correct the noncompliance and submit a statement of correction as well as any documents that support correction. This submission must be completed 30 days after the TA meeting.

USDA Resources:

Meal Planner
Eligibility Guidelines for School Meals Manual
Team Nutrition

Tracking TA Meeting Information

A tracking sheet has been developed to track corrections needed from the TA meetings. Both the answers to the questions from the TA meetings and the tracking spreadsheet will be the tools needed to provide necessary data to USDA. Please see below for a snippet of the tracking spreadsheet.

NH DOE Food & Nutrition SFSP TA Tracking FY 2022							
SAU #	Sponsor Name	Site Name	ONPS Staff TA Meeting Lead	Contact Information/ Attendees for TA	TA Phone/Zoom Session Date	Date Notification of TA	Organi
92	Hinsdale SAU	Hinsdale Day Camp Hinsdale Middle High School					
634	Greater Manchester Family YMCA	YMCA of Greater Manchester Child					
643	American Baptist Church-Grove Hill	Camp Sentinel					
816	Strafford County Head Start	Amazon Park Dover Children Center Dover Head Start Farmington Children's Center First Church Congregational, UCC Rochester Children's Center Somersworth Head Start Strafford Farms Dover SYC Middle School					
1024	Dover Housing Authority	Seymour Osmand Community Center					
1024	The Salvation Army	Salvation Army Cinnamon Street Child Care Center					

The headings of information collected are:

- ONPS Staff TA Meeting Lead
- Contact Information/Attendees for TA Meeting
- TA Phone/Zoom Session Date
- Date Notification of TA Meeting Sent to SFA or Organization
- List Findings
- Date Letter of Correction Sent and Date Correction Response Due
- Date Correction Response Received
- Date of TA Meeting Closure
- Additional Notes

Monitoring of Claims Procedure

In addition to the Technical Assistance (TA) meetings, the Office of Nutrition Programs and Services staff monitors monthly claims that are submitted to the NH DOE for potential fraud. At this time, the NH DOE has questioned approximately 25 claims submitted to our Office. When a claim is found to be questionable, the program is contacted immediately. Technical assistance is provided during this contact if needed. TA is noted in the Correspondence file on the shared drive.

The NH DOE ONPS staff know the organizations and sponsors well and know, in general, what a normal claim should be for these entities. If, for example, a claim for reimbursement contains numbers that are exceptionally higher than normal when compared to prior year claims for the same time period, the claim will be placed on hold and the entity will be contacted immediately to determine the reason. For institutions that are serving SFSP, “exceptionally higher” is defined as a claim for reimbursement that contains monthly meal count numbers that are 95% or higher than possible based on the total number of children in any category of free, reduced or paid. The NH DOE claim system flags and places on hold unusual claims, including those with exceptionally high (95% or higher) monthly meal counts. Any claims that are flagged will be reviewed by NH DOE ONPS staff. The NH DOE ONPS staff will contact the entity for an explanation of the claim and, if

needed, technical assistance and guidance will be provided by our staff. This information will be documented in the SAU file on the shared drive.

If noncompliance or potential fraudulent activity is found during either the TA meeting or the review of claims submitted to the NH DOE, the State agency will act immediately to correct the issue.

TA Training Conference

Based on the Technical Assistance Meetings that the ONPS is intending to carry out through this waiver request as well as questions received from SFAs and institutions topics will be gathered for our annual ONPS Child Nutrition SFSP Training Conference in March 2023, along with mini trainings being offered monthly. Due to the fact that many agenda topics will only be identified after the TA meetings begin, NH DOE cannot provide a full list of topics that may be trained on at the conference. However, a few are already known to NH DOE and are listed in the next paragraph.

NH DOE ONPS intends on having our normal conference during a one-week period. Monthly mini trainings will be offered virtually and will be developed from the “corrections needed” data gathered through the Technical Assistance meetings as well as from any TA questions answered via normal phone calls. The trainings will either be created from pieces of existing NH DOE ONPS power point presentations or new power point presentations, depending on the content needed. At this time, topics NH DOE ONPS knows will be included are: Meal Counting and Claiming Compliance, Meal Pattern Compliance, and Area Eligibility in SFSP. An example of a recent claims training can be found at the following link: [2022 Summer Food Service Program \(SFSP\) Mandatory Training - YouTube](#) Please note this is only an example as the NH DOE ONPS offers numerous training opportunities to both school and institution administrators and child nutrition food service employees. For example, NH DOE ONPS offers a NSLP Basics Workshop, a CACFP Basics Workshop and a SFSP Basics Workshop annually, which will also be revised for use in the TA Conference.

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

No later than September 2022, NH Department of Education will report to FNS the number of sponsors that used this waiver and meals claimed.

12. 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]:

Notice to be released:

The NH Department of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to temporarily suspend Administrative Reviews and replace them with technical assistance and guidance. This is due to the impacts of COVID-19 and the need to continue with social distancing and personal protection.

13. Signature and title of requesting official: Kelly A. Rambeau, Administrator, Office of Nutrition Programs and Services, NH Dept. of Education

Title: Administrator

Requesting official's email address for transmission of response:

Kelly.a.rambeau@doe.nh.gov

Phone: 603-271-3860

NH Dept. of Education

101 Pleasant St.

Concord, NH 03301

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: Regional Office Analysis and Recommendations: Recommend Approval