

Kirsten Baesler
State Superintendent



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

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Child Nutrition Program State Waiver Request

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

North Dakota Department of Public Instruction

2. Region:

Mountain Plains

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

State-wide waiver request for all School Food Authorities (SFA). All SFAs are 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:

Since the 3-year AR cycle was implemented in SY 13-14, the State agency has experienced significant resource and time constraints in completing all ARs within the 3-year time-period. The State agency has determined that the 3-year review cycle hinders effective allocation of the State agency's resources, and effective and efficient Program management.

- The AR process, which was implemented at the same time as the 3-year review cycle, is much more complex and time consuming than the previous SFA review process (CRE). On average, one SA staff member takes about 80 hours to complete an AR of a one-school SFA (most common type in North Dakota).
- The addition of an onsite review of the School Breakfast Program has resulted in staff traveling at 6:00 am to arrive at the SFA in time for breakfast. North Dakota is a large state in area, and primarily rural. Even if staff stay overnight in a large town close to the SFA they may still have to drive an additional 100 miles in the morning to get to a small rural SFA.
- State agency and SFA Staff resources are overwhelmed with completing AR paperwork. This has caused staff burn-out and significant turnover in the State agency. In SY 18 four of the six staff members responsible for completing ARs resigned from their position. We have filled these positions but fear further turnover unless work burden can be reduced.
- AR staff are assigned about 20 reviews each year. New staff members struggle to complete all of their assigned ARs and are stressed out. Winter weather conditions and associated schedule changes add to these stressful conditions.
- Because of the excessive burden associated with the 3-year AR cycle, few resources are available to provide technical assistance to SFAs prior to and during the AR process. Many of the problems seen at SFAs could easily be prevented by increased training and technical assistance.

ND School for the Deaf/RCDHH
Devils Lake, ND
(701) 665-4400

ND State Library
Bismarck, ND
(701) 328-2492

ND Vision Services/School for the Blind
Grand Forks, ND
(701) 795-2700

- Because there has not been focused training and technical assistance available to SFAs, the offsite questionnaire and meal documentation are not completed accurately or completely prior to the AR. Supporting documentation is also inaccurate or incomplete. This adds to the time needed onsite to complete the AR.

The State agency's goal of this waiver request is to reduce the number of ARs completed each year and simultaneously increase technical assistance provided to SFAs.

By decreasing the frequency of conducting Administrative Reviews and simultaneously increasing the amount and frequency of training and technical assistance to SFAs, the State agency anticipates the following outcomes:

- Increased SFA compliance,
- Improved AR processes for State agency and SFAs,
- Reduced time required to prepare for and complete ARs,
- Improved operation of SFAs,
- Increased administrative integrity, effectiveness and efficiency
- Reduced SFA and SA staff turnover,
- Increased SA staff morale,

5. Specific Program requirement to be waived (including statutory and regulatory citations).

The State agency is requesting a waiver to the 3-year review cycle to extend the cycle by 2 years for a total of a 5-year review cycle.

7CFR 218 (c): Timing of reviews. State agencies must conduct administrative reviews of all school food authorities participating in the National School Lunch Program (including the Afterschool Snacks and Seamless Summer Option) and School Breakfast Program at least once during a 3-year review cycle, provided that each school food authority is reviewed at least once every 4 years.

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

The State agency would implement a 5-year cycle for administrative reviews. SFAs that are scheduled to have an AR will receive focused training and technical assistance on the year prior to their AR year. The training and technical assistance will be provided in person to the SFA staff either at the SFA or with a group of SFAs and will focus on the AR components, AR software system and supporting documentation. Each SFA will have a State agency staff member assigned to them as their point of contact regarding any program or AR questions or concerns.

Current technology systems are adaptable, and no changes will be required. A state system will be developed for planning, scheduling and providing the AR training and technical assistance in the year prior to the SFA's AR year.

7. Description of any steps the State has taken to address regulatory barriers at the State level:

In SY 12-13 the State agency was able to add 2 staff members to the 3 existing staff to complete the new meal pattern certification process and implement the new administrative review process. These staff members have additional responsibilities such as completing CACFP or SFSP reviews, coordinating the

FFVP, Farm to School, etc. The State agency's current SAE funding level and FTE allowance does not support any additional review staff members.

In SY 17-18 the State agency implemented a web-based system for completing administrative reviews. The system, PrimeroEdge, has improved the AR process by ensuring forms and questions are completed, documenting corrective and fiscal action, communicating with SFAs throughout the AR process and tracking ARs from the point the AR is scheduled until it is closed out. The system has significantly improved the State agency's compliance with the AR process, but there has not been any decrease in the time it takes to complete the AR.

In SY 18-19, the Mountain Plains Regional Office provided extensive on-site AR training to all current review staff. This training has been extremely helpful and has increased the State agency's understanding of the AR requirements. Unfortunately, the additional training and resources have not reduced the resource and time burden associated with the 3-year AR cycle requirements.

- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**
One challenge that has been identified is the development of a new 5-year AR cycle that will ensure those SFAs with higher risk of non-compliance are reviewed in the first year, while also ensuring all SFAs are reviewed within the 5-year time period.
- 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.**
The State agency does not anticipate that this waiver will increase the overall cost of the Program to the Federal Government.
- 10. Anticipated waiver implementation date and time period:**
To be effective with the start of the 2020 school year and approved for a period of 5 years.
- 11. Proposed monitoring and review procedures:**
The SA Director and Assistant Director will be responsible for ensuring the coordination and completion of the AR trainings and technical assistance as well as the completion of the ARs on the five-year cycle.
- 12. Proposed reporting requirements (include type of data and due dates to FNS)**
The State agency will report to FNS any compliance issues noted with this waiver during application approvals and reviews by October 1st each year. AR data will be reported annually on the FNS 640.
- 13. Link to or a copy of the public notice informing the public about the proposed waiver:**
<https://www.nd.gov/dpi/SchoolStaff/ChildNutritionFoodDistribution/SchoolNutritionPrograms/>
- 14. Signature and title of requesting official:**



4-3-19

Linda Schloer

Title: Director, Child Nutrition and Food Distribution Programs

Requesting official's email address for transmission of response: lkschloer@nd.gov

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 the Regional Office”

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendations:**