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**STATE OF NEW MEXICO**

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| Kurt Steinhaus, Ed.D.Secretary of Education | Michelle Lujan GrishamGovernor  |

# October 14, 2021

# **SUBJECT:** NMPED State Oversight Waiver and Program Monitoring Plan for School Year 21-22

**Waiver Requests:** NMPED Oversight Plan and Program Monitoring for SY 21-22

# This waiver and oversight plan is needed due to COVID-19 during the public health emergency. It is a request to implement an alternative plan for Administrative Reviews for NMPED Child Nutrition Programs for SY21-22.

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

## New Mexico Public Education Department Michael A. Chavez, Director

## Student Success & Wellness Bureau 120 S. Federal Place, Room 105

## 120 S. Federal Place, Room 105 Santa Fe, NM 87501 Santa Fe, NM 87501 Work Cell: (505)699-4562

1. **Region:** Southwest

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

New Mexico Public Education Department, Student Success and Wellness Bureau is in good standing with the National Office of the Food Nutrition Services, Southwest Region. All NMPED selected SFA’s currently scheduled for a State Agency Monitoring of Seamless Summer Options in place of an Administrative Review for SY21-22 for the following programs (NSLP/SBP, SSO, ASSP, and FFVP).

## 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(1) (2) (A) (iii) and 12(1) (2) (A) (iv) of the NSLA]:

Overview: The State Agency (SA) in New Mexico has approximately 216 total SFAs. With the State oversight plan for SY20-21, NMPED was able to conduct approximately 141 SSO technical assistance reviews. For SY21-22, a remaining 73 SFA’s are scheduled for the SSO technical assistance review in place of the Administrative review. Since all SFA’s in New Mexico are operating as Seamless Summer Options and not as traditional National School Lunch Program, it is difficult to complete a through Administrative Review with all the USDA waivers and flexibilities for SY21-22. In addition, NMPED SSWB lost 3 staff in SY20-21 and since have hired three new NMPED staff reviewers, we will be training new staff on SSO and how to complete a SSO technical assistance review for SY21-22.

Challenge: NMPED and SFA’s recognize the exceptional circumstances related to the ongoing public health emergency and work together to continue to develop and alternative plans and realize that due to the pandemic, program operators are greatly affected.  Due to reports from SFA’s, there are barriers of national supply chain disruptions, staff shortages, and unanticipated school and business closures resulting from COVID-19 thus significantly impacting SFA’s. With the USDA nationwide waivers and flexibilities issued by Food and Nutrition Service (FNS), the provided flexibilities allow SFA’s to operate as Seamless Summer Options for SY20-21, in order to help manage risk by minimizing potential exposure of State partners and local operators, including schools and sponsors, to COVID-19 during the public health emergency. This makes completing a through Administrative Review difficult for SFA’s and for the State Agency.

With all these challenges, a thorough completion of the Administrative Review is not feasible, therefore we are requesting an alternative plan to ensure program oversight and integrity. With the pandemic, COVID-19 has caused a major delay in completing scheduled and required administrative reviews since March 2020. With constant changes with SFA’s staffing and unanticipated closures, an alternative SSO review has been feasible. With the COVID-19 Pandemic, SFA’s have the option of opting into various approved USDA waivers and flexibilities so each SFA could be operating differently than another. Each SFA has their own reopening plan and they type of learning offered varies from virtual, hybrid, and some in class learning. On-site monitoring is limited due to SFA’s strict policies on limiting visitors into the schools. With the flexibilities of the USDA Nationwide waivers each SFA has elected to utilize the waivers in different ways.

Goal:

Due to the numerous USDA Nationwide waivers and flexibilities along with social distancing recommendations, the monitoring plan will need to be modified during the COVID-19 pandemic. The goal is to continue to ensure program integrity by providing sufficient oversight through intensive technical assistance during COVID-19.

* NMPED will only conduct the remaining SSO reviews to approximately 73 SFA’s for SY 21-22. On-site monitoring and travel will be completed as long as the SFA allows.
* Health Educators will provide oversight and complete SSO technical assistance to those operating as SSO.
* Tracking of SFA’s utilizing waivers and flexibilities will be monitored to ensure program integrity.
* NMPED SWWB will offer scheduled webinars to SFA’s on requested topics, and will have a monthly town hall meeting with SNA members.

Expected Outcomes:

If allowed, NMPED will complete the remaining SSO technical assistant reviews. Health Educators will provide oversight and complete intensive technical assistance to those operating as SSO.

## Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1) (2) (A) (i) of the NSLA]:

7 CFR 225.7 Program Monitoring and Assistance.

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

If approved, NMPED will alter the Administrative to a SSO technical assistance review and provide oversight and complete intensive technical assistance to those operating as SSO.

The impact of this would allow NMPED SSWB to properly train new staff on SSO and allow SFA’s to utilize the waivers and flexibilities needed to operate during this challenging time.

There are no impacts on technology or State systems.

## Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1) (2) (A) (ii) of the NSLA]:

In order to attempt to address barriers to the regulatory requirements at the State level, NMPED has been providing webinars via Zoom to SFA’s to keep in constant communication and provide adequate technical assistance and guidance. Health educators assist SFAs with operating as SSO, and provide technical assistance and guidance. Many SFA’s have never operated as SSO and need more technical assistance.

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

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. We anticipate that this waiver will help SFA’s during COVID-19.

## 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(1) (1) (A) (iii) of the NSLA]:

There will be no increase in the overall costs, as the waiver will ease the burden of timely completion of Administrative Reviews by lessening the number to be completed every year.

## Anticipated waiver implementation date and time period:

School Year 2021-2022 implementation and to continue as needed.

## Proposed monitoring and review procedures:

SFAs will be monitored via an SSO technical assistant review process which will help to improve program operations and program integrity during this time. With the granted approval of this waiver, New Mexico Public Education Department Student Success and Wellness Bureau will adhere the following requirements set forth by FNS and will allow FNS to assess the effect of the waiver on our programs administration and monitor the impact of the waiver request.

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

Reporting dates and all data required will remain the same as stated in regulations. New Mexico Public Education Department Student Success and Wellness Bureau will continue to adhere to existing applicable monitoring and reporting requirements, as well as those outlined in the waiver approval issued by FNS. We will ensure continued operation throughout the approved waiver period. If this waiver is granted, New Mexico Public Education Department Student Success and Wellness Bureau will ensure that the memorandum is sent out to all SFA’s via email and posted on our website to notify SFA’s. New Mexico Public Education Department Student Success and Wellness Bureau will continue to work with their appropriate FNS Regional Office for any additional guidance and support.

The following reports will be available with due dates as assigned and requested by FNS:

* a summary of the use of waivers by the State and eligible service providers;
* a description of whether the waivers resulted in improved services to recipients/participants;
* a description of the impact of the waivers on providing nutritional meals to participants;
* a description of how the waivers reduced the quantity of paperwork necessary to administer the Program; and
* any additional information requested in the waiver approval.

## Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1) (1) (A) (ii) of the NSLA]:

## https://webnew.ped.state.nm.us/bureaus/student-success-wellness/

## Signature and title of requesting official:

## Michael A. Chavez

**Michael A. Chavez, Director**

New Mexico Public Education Department

Student Success and Wellness Bureau

120 S. Federal Place, Room 105

Santa Fe, NM 87501

**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:**

* **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:**

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| ApprovedEffective date of approval \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DeniedReason for denial: |