



## DEPARTMENT OF EDUCATION


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January 7, 2021

### MEMORANDUM

**TO:** Directors of Residential Child Care Institutions  
Other Appropriate Personnel

**FROM:** Aimee F. Beam, MS, RD, LDN   
Education Associate, Nutrition Programs

**RE:** **SY 2020 - 2021 Operational Memo #26**  
**USDA Approval: Administrative Review Cycle Waiver**

On January 6, 2021, the Delaware Department of Education (DDOE) received approval from USDA for DDOE's request to waive statutory and regulatory requirements related to the Administrative Review (AR) cycle.

Through this approved waiver, DDOE's review cycle has been extended from a 3-year AR cycle to a 4-year AR cycle. Specifically, DDOE requested a waiver for 7 CFR 210.18(c) – Timing of administrative reviews and cycle (2019-2020 school year through 2022-2023 school year), and 7 CFR 219.10(a)(5) – Food Service Management Company (FSMC) review cycle requirements (2019-2020 school year through 2022-2023 school year). This allows for an additional year in the AR cycle, including those utilizing a Food Service Management Company (FSMC); this includes conducting Procurement Reviews on an alternate 4-year cycle to match the AR cycle.

Per USDA's approval letter: *Please note that this approval only extends the NSLP administrative review and FSMC review cycles and does not waive the requirement itself for an administrative review or FSMC review cycle. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate DDOE's ability to successfully carry out the purpose of the Programs.*

DDOE will conduct ARs in the 2020-2021 school year for those School Food Authorities (SFAs) that are operating the National School Lunch Program and School Breakfast Program and have not yet received an AR in this cycle. DDOE will be in contact with SFAs who are receiving an AR this year.

Please contact us if you have any questions at (302) 857-3356.

cc: Nutrition team