



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

December 19, 2024

Kelly Rambau, Bureau Chief

New Hampshire Department of Education

Office of Nutrition Programs and Services

Concord, NH 03301

Dear Kelly Rambau:

This letter is in response to the waiver request from the New Hampshire Department of Education (NHED) received on December 13, 2024, requesting to waive the Child and Adult Care Food Program (CACFP) monitoring review requirement for sponsoring organizations to conduct onsite monitoring reviews of day care homes (DCHs). Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves NHED's waiver request to waive the regulations at 7 CFR 226.16(d)(4)(iii), as related to onsite monitoring reviews of DCHs, specified below.

Specifically, NHED is requesting that CACFP sponsoring organizations in good standing be permitted to conduct two virtual DCH monitoring reviews due to staffing shortages, increased administrative burden and the travel time and distance to each site from the sponsoring organization's home office.

In its waiver request, NHED stated that there are currently four DCH sponsoring organizations with 27 DCH providers. NHED outlined reviews to be conducted utilizing offsite monitoring procedures to include the use of NHED-approved monitoring forms for all virtual visits and should the provider miss their virtual offsite visit, the sponsoring organization would be required to conduct an onsite visit. Additionally, if a second offsite monitoring visit is approved for certain providers, the State agency will include this site in their administrative review cycle.

NHED would require eligible CACFP sponsoring organizations to submit, for review and written approval, monitoring plans including how technology solutions will be utilized to perform monitoring reviews as well as provide technical assistance, addressing missed unannounced reviews and serious deficiency determinations.

FNS has determined that continuing to allow some virtual reviews will facilitate program operations and help mitigate financial and administrative challenges associated with these requirements. Therefore, FNS' approval of this waiver will not compromise the integrity of the CACFP. Provided that the sponsoring organization in good standing submits and receives

approval from the State agency for a virtual monitoring plan as described above, NHED is approved to:

- Permit all sponsoring organizations of DCHs that are in good standing to conduct one annual monitoring review offsite;
- Permit all sponsoring organizations of DCHs that are in good standing to conduct a second offsite monitoring review for those DCH providers that are more than 50 miles away from the sponsoring organization's offices and require staff to travel more than one hour from the sponsoring organization's office; and
- Require that at least one onsite monitoring review of each DCH provider must be unannounced and include a meal service observation.

This waiver is in effect from December 19, 2024, through September 30, 2025.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, no later than one year after the date of this waiver, NHED must provide the FNS Northeast Regional Office (NERO) a written report quantifying the impact of the waiver, as described below. The report must include:

- A description of how the waiver impacted meal service operations and eligible participants' access to nutritious meals and snacks;
- A description of how the waiver has facilitated sponsoring organizations' oversight abilities and responsibilities;
- A summary of how many sponsoring organizations were recruited or retained as a result of the waiver approval;
- A summary of how many DCH providers were monitored offsite during the waiver period;
- A summary of the State-approved sponsoring organization specifications for conducting virtual monitoring reviews, and procedures for video/photographic reviews, addressing missed unannounced reviews, and serious deficiency determinations;
- A summary comparison of common findings for onsite and offsite monitoring reviews, including serious deficiencies;

- A summary of program integrity measures taken to identify any misuse of Federal funds and identify alleged fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the CACFP; and
- A summary of any technical assistance measures that were provided to the sponsoring organization by NHED and to DCH providers by the sponsoring organization.

FNS appreciates the efforts of NHED to support institutions in conducting effective monitoring to ensure program integrity. If you have any questions or concerns, please contact the FNS NERO.

Sincerely,

Megan Geiger
Acting Director
Program Monitoring and Operational Support Division
Child Nutrition Programs

Electronic Copy: Alonso Rodriguez, NERO