



United States Department of Agriculture

CACFP STATE WAIVER REQUEST TEMPLATE FOR THE OFF-SITE MONITORING OF SPONSORING ORGANIZATIONS OF DAY CARE HOMES

Background

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements. In exceptional (and limited) circumstances like the COVID-19 pandemic, waivers were proven to be a successful tool in maintaining Program operations. Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), State agencies and eligible service providers should use the template found in SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

State agencies and eligible service providers should always consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

The longstanding interpretation of the authorizing statutory provisions and regulations is that sponsoring organizations are required to conduct on-site CACFP monitoring reviews. FNS understands that the use of off-site monitoring reviews during the public health emergency was effective for many sponsors and sites.

Consistent with the authority provided in Section 12(l) of the Richard B. Russell National School Lunch Act, 42 USC 1760(l) (NSLA), USDA will continue approve waivers allowing State agencies to permit sponsoring organizations of daycare homes (DCHs) to conduct one of the three annually required monitoring reviews off-site. Additionally, USDA will approve waiver requests allowing State agencies to approve CACFP sponsoring organizations to conduct a second offsite review, when certain specified circumstances are met. Sponsoring organizations are still required to conduct at least one review onsite to include a meal observation.

To support State agencies and eligible service providers in submitting thorough waiver requests, FNS has tailored the waiver template specifically for off-site monitoring requests for sponsoring organizations of DCHs.

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

New Hampshire Department of Education (NHED)
Office of Nutrition Programs and Services
Amanda Marshall
25 Hall Street
Concord, NH 03301
603-271-3860
Amanda.a.marshall@doe.nh.gov

2. Region:

Northeast

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

Any NHED approved Family Day Care Home (FDCH) Sponsor who is in good standing and approved to operate the Child Nutrition Program for the current year.

4. Description of the challenge the State agency is seeking to solve as it relates to conducting on-site monitoring visits, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Sections 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

i. The following must be included in the request for approval of One Off-site Monitoring Review:

The New Hampshire Department of Education is requesting as statewide waiver that would allow Family Day Care Home Sponsoring organizations the opportunity to conduct two (2) of the three (3) in person meal service reviews virtually during the current fiscal year. There are two large Child and Adult Care Program (CACFP) sponsors who when combined cover 110 CACFP sites throughout the state. There is only one other sponsoring organization in the state that covers Family Day Care Homes.

The CACFP sponsoring organizations are facing staffing shortages and increased operating costs. Travel time and distance for required monitoring is creating a hardship when faced with having to travel throughout the state. The end of the Keep Kids Fed Act and providers ending their CACFP agreements for additional reasons is adding to budget constraints. This is forcing Family Day Care Home Sponsoring Organizations to rethink their ability to sustain CACFP day care home operations.

The goal of this requested waiver is to allow Family Day Care Home Sponsors to alleviate staff time spent on travel and reduce the burden of financial strain on home sponsor organizations. The ability to conduct two of the three off site

monitoring requirements will significantly reduce travel time and costs to the organizations.

NHED will require all sponsoring organizations who are requesting one off site monitoring to use this waiver and to inform NHED of the sites that will be covered by the waiver.

NHED will require all sponsoring organizations who are requesting the second off site monitoring to attest to the following criteria:

- Required staff travel
 - Time defined as more than one hour traveled each way to the site
 - Distance defined as a 50-mile, or greater, radius from the sponsoring organization's location
 - Other:
 - Increased duration of stay, including overnight
 - Remote Location
- Retain facilities outside of a sponsoring organizations typical area to preserve participant access to the CACFP

NHED expects this waiver will allow organizations to reduce costs while still meeting monitoring requirements. It would also reduce the potential of Family Day Care Homes ending their agreements with the sponsoring organizations and for sponsoring organizations ending their agreement with the Family Day Care Homes due to limited resources within their own organization.

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

Child and Adult Care Food Program (CACFP):

- [7 CFR 226.16(d)(4)(iii)]. Frequency and type of required facility reviews.
 - Specifically, that all three monitoring reviews must be conducted on-site.

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

Interested Sponsors must notify NHED of their intent to participate in the waiver by completing a request form. The State Agency will review the request. If the request is approved, the sponsor will update their management plan to reflect the use of the waiver. Sponsors will report on this waiver usage at the end of the waiver period.

There will be no impact on program operations for the State or the Sponsor. Some providers may not have computers or the ability to utilize virtual platforms. In these cases, the sponsor would need to complete on-site visits.

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 is no state level regulatory barriers.

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

NHED does not anticipate any additional challenges to the State or Sponsors with the implementation of the waiver.

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]:

This Waiver request will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

This waiver will be in effect from **Date of Approval** to **September 30, 2025**.

11. Proposed monitoring and review procedures:

NHED will continue to carry out normal monitoring by administrative reviews. Sponsoring organizations found to have noncompliance issues as related to this waiver will receive technical assistance from NHED. If implemented, NHED will collect feedback on how the use of this waiver benefited both the Family Day Care Home site and Sponsoring Organization.

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

Upon approval, the NHED will report the following on the annual waiver report:

- 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 DCHs were monitored offsite during the waiver period;
- A summary of the State-approved sponsor 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 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 Program(s); and,
- A summary of any technical assistance measures that were provided.

13. 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]:

[Office of Nutrition Programs and Services \(ONPS\) | Department of Education \(nh.gov\)](#)

14. Signature and title of requesting official:

Title: Administrator- NHED Office of Nutrition Programs and Services
Requesting official's email address for transmission of response:

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:**