



## Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

October 17, 2024

Naomi Steenson, Director  
Child and Adult Care Food Program  
Colorado Department of Public Health & Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

Dear Naomi Steenson:

This letter is in response to the waiver renewal request from the Colorado Department of Public Health & Environment (CDPHE) received on October 17, 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 CDPHE'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, CDPHE is requesting that CACFP sponsoring organizations in good standing be permitted to conduct one of the three monitoring reviews offsite. In addition, per the proposed criteria, CACFP sponsoring organizations would be permitted to conduct a second offsite review for DCH providers who reside over 50 miles from the sponsoring organization's offices.

In its waiver request, CDPHE stated that there are four CACFP sponsoring organizations in the state which are responsible for Program administration for 885 DCH providers. CDPHE cited long term staff vacancies, increased operating costs, and difficulty traveling in rural and mountain areas as barriers for sponsoring organizations to fulfill the onsite monitoring requirement. Additionally, CDPHE stated that some sponsoring organizations are traveling between two and five hours one way for reviews, which is exacerbated when the provider is unavailable, and another attempt is required. This is causing some sponsoring organizations to consider their ability to sustain CACFP daycare home sponsorship.

CDPHE will require eligible CACFP sponsoring organizations to submit, for review and written approval, monitoring plans including a list of home providers over 50 miles from the sponsoring organization's office. CACFP sponsoring organizations approved for this flexibility will be required to update their management plan to reflect their use of this waiver.

FNS has determined that allowing 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, CDPHE 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 that at least one onsite monitoring review of each DCH must be unannounced and include a meal service observation.

This waiver is in effect from October 17, 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, CDHPE must provide the FNS Mountain Plains Regional Office (MPRO) 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 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 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 CDPHE and to DCH providers by the sponsoring organization.

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

Sincerely,

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

Electronic Copy: Melissa Tramontana, MPRO