

**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:

- *The office of Superintendent of Public Instruction-Washington State*

2. Region: *WRO*

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

- *Only Sponsors who are in good standing will be eligible for this waiver flexibility. To be in good standing, the Sponsor cannot have outstanding fiscal action or corrective action with any OSPI Child Nutrition Program or have a current SD determination.*

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:

Over the past 10 years the number of FDCH Sponsors in our state has been reduced from 12 Sponsors to 7. Our Sponsoring organizations were located throughout the state and maintained a smaller radius of travel for provider monitoring visits. Now, since there are fewer Sponsors, there is a larger distance to travel for the Sponsor to visit all of their providers three times annually. The distance is longer, but over the past 10 years, the population of Washington residents has greatly increased. A short travel distance in the greater Seattle area now takes much more time due to increased traffic. Additionally, during the pandemic, we noted a great reduction in the number of FDCH providers statewide. FDCH Sponsors are paid based on the number of homes in each claim, so if the number of homes goes down, so does their administrative funding and resources used for travel. With reduced funding, many Sponsoring Organizations are making difficult decisions to cease their CACFP participation. The monthly administrative reimbursement is far less than the cost each month for a Sponsor to provide CACFP oversight for their providers, making participation not viable.

If we were granted this waiver, this could eliminate up to 1/3 of a Sponsoring organization's travel expenses. This would greatly offset the cost of the Program for Sponsors. In turn, we hope to maintain our current Sponsors and avoid any more FDCH Sponsors leaving the Program. Reduced travel would increase the amount of administrative time and resources available to address training needs, create resources and conduct outreach activities to underserved communities all while still ensuring provider compliance is maintained.

We anticipate 6 out of our 7 Sponsors will request to utilize this waiver if granted. We will only make this waiver available to our FDCH Sponsors. We will require the following

criteria for Sponsoring organizations to use this waiver.

☒ *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*

- ii. **The following criteria must be included in the request of a Second Off-site Monitoring Review-NA, Washington is only requesting use of the monitoring waiver to include 1 off-site monitoring visit.**

FNS will approve waiver requests allowing State agencies to approve CACFP sponsoring organizations which are subject to current challenges and burdens to conduct a second off-site review, if the sponsoring organization meets the criteria below:

☐ 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: _____

▪ Multiple modes of transportation required

▪ Increased duration of stay, including overnight

▪ Remote Location

☐ Retain facilities outside of a sponsoring organizations typical area to preserve participant access to the CACFP

☐ Other: _____

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:

Sponsors may choose which monitoring visit they would like to conduct off-site. However, off-site visits must be conducted in a manner that is unpredictable. For example, Sponsors cannot conduct all off-site visits in the winter months. Sponsoring organizations of DCHs must conduct at least one unannounced review on-site annually which includes the observation of meal service.

Details as part of the alternative plan for off-site monitoring:

- How sponsoring organizations will submit requests for the State agency's review

and approval to determine if the sponsoring organizations are eligible to implement the offsite monitoring waiver.

- *FDCH Sponsors will submit requests to participate in the offsite monitoring waiver through a survey(See [Sample Survey](#)). To participate, Sponsors must indicate they meet the following criteria; travel time to provider's home is over 50 miles or over 60 minutes each way. Sponsors must report to us, how many providers fall into this criteria for an estimate of the number of off-site monitoring visits.*
- Effective oversight measures the State agency will implement to ensure Program integrity.
 - *If over 50% of the Sponsor's providers receive an off-site visit, that Sponsor will receive an annual Administrative Review.*
 - *Upon requesting the waiver, Sponsors must submit their annual monitoring plan and indicate which visits they anticipate done off-site.*
 - *Each month Sponsors must provide us their anticipated off-site monitoring schedule, with links to the monitoring visit. SA staff will drop in to several off-site monitoring visits each month, and this will be unannounced to the Sponsor.*
- A description of the alternative monitoring plan
 - *Sponsor will conduct the records review and possibly the meal observation off-site. If forms are kept onsite and not in KidKare, the provider should make them available to the monitor during the visit if possible. If not, they must submit all needed forms to the monitor by the end of the day.*
- The technology platform that will be used to conduct the off-site monitoring visit.
 - *TEAMS and ZOOM may be used*
- How sponsors will ensure visits are complete.
 - *Sponsors must track completion of their monitoring visits. This schedule will be reviewed during scheduled AR.*
- How sponsors will address providers that miss their virtual visit.
 - *Providers will be given two chances for a virtual visit. If the visit is still not completed after the second attempt, these visits must be made in person.*
- If citing distance criteria, provide documentation of travel burden such as mile radius, travel time, or multiple modes of transportation required to review the DCH.
 - *Sponsors will indicate which travel burden this waiver will alleviate and list the providers who would be eligible for off-site monitoring when requesting use of the waiver.*
- An explanation of how onsite monitoring would increase operating costs.
 - *Onsite monitoring increases operating costs and administrative expenses through the decreased cost of travel. For providers that are farther away, this could mean expenses in gas, expenses to use personal or company vehicles, per-denim costs of hotels, or food away from home and the cost of labor while enduring travel.*

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]:NA

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

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]: *There will be no additional costs anticipated from participating in this waiver.*

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:

(Please see detailed description under number 6 to satisfy this)

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

Upon approval, the State agency must report the following on their 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]:

[Child Nutrition](#) (bottom of the page)

14. Signature and title of requesting official:

S:/Arianne McConchie, CACFP Lead Supervisor

Requesting official's email address for transmission of response:

Arianne.Mcconchie@k12.wa.us

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:**