



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:** Alaska Department of Education and Early Development
2. **Region:** Western Regional Office
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:** All Child and Adult Care Food Program (CACFP) Day Care Home Sponsors (DCH) in good standing approved by the Alaska Department of Education and Early Development (DEED).
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:

- How the current challenges and burdens impact sponsoring organizations' ability to monitor their facilities, maintain facility participation in the Program, and assessment of how a waiver may provide the opportunity to address these challenges and burdens.
- The number of CACFP sponsoring organizations and/or facilities affected by the waiver request.

Geographical barriers: Alaska's population is spread across 365 million acres of landmass, larger than that of the next three largest states, Texas, California, and Montana, combined. In fact, Alaska's landmass is greater than all the other states and territories in USDA's Western Region (Washington, Idaho, Oregon, California, Nevada, Hawaii, Guam, the American Samoa, and Commonwealth of the Northern Mariana Islands) with enough room to spare for 51 Rhode Islands. Alaska is comprised of temperate and boreal forest, tundra, rainforest, and arctic deserts presenting significant variations in climate and weather patterns. Only 2% of Alaska's landmass is connected by roads.

Currently, Alaska has only one at-large SO and there are approximate 190 day care homes in Alaska. 66 homes are more than an hour in one direction on the road system, 27 are in a rural area where there is regular passenger jet service, and three are only accessible by small plane or marine vessel. Approving this waiver ensures that such homes will continue to receive nutritious meals benefits from CACFP.

ii. The following criteria must be included in the request of a Second Off-site Monitoring Review

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: Where the provider's location is accessible only by air or marine vessel, or where overland transportation requires the use of an all terrain vehicle or snow machine.
 - 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:

State agencies should provide, in detail, a plan for off-site monitoring visits by sponsoring organizations and specify which reviews will be conducted off-site. Please note that in all cases, sponsoring organizations of DCHs must conduct at least one unannounced review on-site annually which includes the observation of meal service. If requesting a second off-site monitoring review, at a minimum, the criteria listed above must be used for justification. Please include the following 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.
- Effective oversight measures the State agency will implement to ensure Program integrity.
- A description of the alternative monitoring plan
- The technology platform that will be used to conduct the off-site monitoring visit.
- How sponsors will ensure visits are complete.
- How sponsors will address providers that miss their virtual visit.
- 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.
- An explanation of how onsite monitoring would increase operating costs.

DEED will accept electronic waiver requests from sponsoring organizations (SO).

The SO's waiver request will include:

- Location(s) where waiver will be implemented
- Identify the specific technology platform(s) to be used for monitoring and how the(se) platforms will:
 - Provide real-time video
 - Capture documentation such as menus, enrollment forms, attendance logs, and meal counts
- Monitoring procedures including:
 - How an unannounced virtual monitoring will be initiated
 - Method for observing meal service
 - Method for reviewing documentation
 - What backup procedures are in place if the monitor cannot reach the provider
 - What procedures are in place if the provider does not respond to monitor's primary or backup communication methods
 - Procedures for unexpected loss of internet connection
- Reporting requirements sufficient for the State Agency to meet its requirements in question #12

DEED will review waiver requests to ensure that the SO's plan satisfies program integrity expectations. SOs must be in good standing and are subject to triennial administrative reviews. DEED will accompany the SO on at least one virtual monitoring to review the process and identify any areas for improvement.

The SO determines the specific technology platform and alternative monitoring procedures including how it will ensure visits are complete and procedures for missed visits. The plan must address the above stated requirements and be approved by DEED.

Sponsoring day care homes in rural Alaska has proven difficult for Alaska's sole at-large DCH sponsor. Administrative funding for sponsors does not outweigh the cost and time required to travel to rural Alaska meaning that DCH sponsors are unable to serve them in a timely and costly manner. Often unpredictable weather further exacerbates costs by creating a significant risk for delays in monitoring schedules. Economizing schedules by scheduling back-to-back reviews or rural facilities requires significant flexibility and margin for risk such as delayed or missed flights and impassable rivers and roads. Virtual monitoring has proven to be an ideal means of performing interim monitoring between on-site reviews. Permitting DCH sponsors to perform two of the three annually-required home monitoring visits remotely balances the need to provide essential food security to all of Alaska's children with the need to ensure federal nutrition programs meet integrity and operational standards.

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 are no regulatory burdens at the state level.

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

DEED does not anticipate any challenges.

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]:

DEED do not anticipate any cost increase 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:

(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:

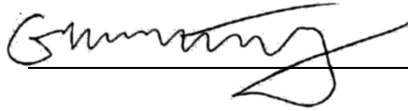
- A description of how the waiver impacted meal service operations and eligible participants' access to nutritious meals and snacks;
- A description of how the waiver has facilitated sponsoring organizations' oversight abilities and responsibilities;
- A summary of how many sponsoring organizations were 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.

Annual reporting will be completed by 30 September 2025.

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]:

<https://education.alaska.gov/cnp>

14. Signature and title of requesting official:



Title: Child Nutrition Program Manager

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:**