



## **CACFP STATE WAIVER REQUEST 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 (CNP), 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:**

Missouri Department of Health and Senior Services  
Bureau of Community Food and Nutrition Assistance  
Child and Adult Care Food Program  
Marcía Wilson, CACFP Program Manager  
P.O. Box 570,  
Jefferson City, MO 65102

Sarah Walker, Sarah.Walker@health.mo.gov  
Elizabeth Blau, Elizabeth.Blau@health.mo.gov  
Marcía Wilson, Marcia.Wilson@health.mo.gov

Melanie Blochberger, Melanie.Blochberger@health.mo.gov  
Sharon Lensing, Sharon.Lensing@health.mo.gov  
Phone: 573-536-1599 or 800-733-6251

- 2. Region: Mountain Plains Region**
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

The Missouri Department of Health and Senior Services, Bureau of Community Food and Nutrition Assistance (DHSS-CFNA) would like to request the option to waive the requirement for CACFP sponsoring organizations (SO) of family day care homes (FDCHs) in good standing to conduct three onsite CACFP monitoring reviews annually. We request the option to allow the CACFP SOs of FDCHs in good standing to conduct one of the three annually required monitoring reviews offsite for FDCHs under certain circumstances. This waiver request could potentially affect seven SOs of FDCHs that oversee approximately 675 FDCHs.

- 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]:**

The CACFP sponsoring organizations (SO) of family day care homes (FDCHs) may have a variety of challenges that may inhibit or delay the onsite monitoring reviews being completed on time, such as outbreaks of COVID-19, RSV, and/or influenza. There may be difficulties in completing the monitoring reviews onsite, either due to outbreaks of illness in the FDCHs or the illnesses of the SO reviewers. This could especially affect the SOs with only one employee completing the reviews. By allowing offsite monitoring reviews in these circumstances, a higher percentage of the reviews could be completed on time if there was an outbreak in an FDCH or if an SO staff person was still potentially contagious but able to work from home. Without the waiver, more monitoring reviews could be delayed and not meet the USDA requirements. Weather in the winter months could also be a challenge if the SO would need to travel a far distance for the monitoring review.

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

We would only allow one of the three monitoring visits to be off-site.

- 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:**

There will be minimal impact on Program operations since the majority of the monitoring reviews will continue to be conducted onsite. In all cases, sponsoring organizations of FDCHs must conduct two of the three reviews annually onsite, which must be unannounced and include meal observation. In addition, all other monitoring requirements at 7 CFR 226.16(d)(4)(iii) will need to be met. If an SO of FDCHs needs to request to use this waiver, they must submit a

written plan of how they will conduct the offsite monitoring review and specify why it is being requested. The SA will approve or disapprove each request based on the following criteria:

1. Was the request submitted in writing prior to the review?
2. Did the written plan specify how they will conduct the review and why it is being requested?
3. Are the SO of FDCHs and the FDCH provider(s) in good standing?
4. Is the FDCH(s) experiencing a contagious disease outbreak that prohibits the SO from going onsite to complete the review within the USDA time requirements?
5. Does the SO staff have a contagious disease prohibiting them from going onsite to complete the review within the USDA time requirements? If so, is there other staff that could complete the review onsite within the USDA time requirements?
6. Is there another emergency situation prohibiting the onsite monitoring review from being completed within the USDA time requirements?
7. Is the weather playing a factor in travel to complete the monitoring review?

**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]:**

No barriers have been identified at the SA level. There are currently no State-level regulatory barriers related to this specific issue.

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

CFNA does not anticipate this waiver will present any challenges to the SA or sponsoring organizations.

**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]:**

CFNA does not anticipate that this waiver will increase the overall costs of the Program to the Federal Government. The waiver is intended to protect and provide safety measures to CACFP SOs of FDCHs, FDCH providers, and CACFP participants during outbreaks of contagious disease and other emergencies.

**10. Anticipated waiver implementation date and time period:**

January 1, 2025 – September 30, 2025

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

**11. Proposed monitoring and review procedures:**

Sponsoring organizations and sites will continue to be monitored onsite the majority of the time. Offsite monitoring will be completed by virtual observations and submission of USDA-required documentation.

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

Upon request, CFNA will provide a report on the following areas: how the waiver has facilitated the SOs of FDCH oversight abilities and responsibilities, as well as the technical assistance 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]:**

**14. Signature and title of requesting official:**



Title: Health Program Coordinator, CACFP Program Manager

Requesting official's email address for transmission of response:

Marcia.Wilson@health.mo.gov

**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(I)(1)(A)(ii) of the NSLA.

**Regional Office Analysis and Recommendations:**