

**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 (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 Sponsoring Organizations 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:

Illinois State Board of Education, Nutrition Department
Mark Haller, Director Nutrition
mhaller@isbe.net
(217) 782-2491

2. Region:

Midwest Region

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

Any Illinois State Board of Education (ISBE) approved FDCH Sponsoring Organizations who meets all the following requirements:

- In good standing; and
- Approved by ISBE to operate a Child Nutrition Program

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]:

Illinois State Board of Education Nutrition Department is requesting a state – wide waiver to allow Illinois Day Care Home Sponsoring Organizations the opportunity to conduct one off-site monitoring review during the program year on behalf of our 9 Day Care Home Sponsoring Organizations who monitor approximately 4,500 providers.

These Sponsoring Organizations are facing staffing shortages and increased operating costs. Travel time and distance for required monitoring is creating a hardship when multiple attempts or return visits are required. 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 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 Day Care Home Sponsoring Organizations to alleviate staff time spent on travel and reduce the burden and financial strain on Day Care Home Sponsoring Organizations. The ability to conduct one off-site monitoring review for all providers would significantly reduce travel time and costs to the organization.

ISBE expects that this waiver will allow organizations to reduce costs while still meeting monitoring requirements. It would also reduce the potential of home Sponsoring Organizations ending their agreements with the State agency. This would eliminate the need for other Sponsoring Organizations to take on additional providers when they already have limited resources within their own organizations.

Day Care Home Sponsoring Organizations were able to successfully utilize waivers for off-site monitoring during the pandemic. Continued flexibility would positively impact Day Care Home Sponsoring Organizations.

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

The Department is requesting a waiver to the following regulations and requirements to be performed offsite for one monitoring review per provider:

7 CFR 226.16(d)(4)(iii) Frequency and type of required reviews, specifically all three reviews must be conducted on-site.

USDA Guidance memo and attachment: CACFP07-2023.

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

Interested Sponsoring Organizations must notify the State Agency of their intent to participate in the waiver by completing a request form. This request form will require the Sponsoring Organization to submit their updated monitoring plan, details of their off-site technology platforms, an explanation of how the plan will ensure thorough completion of off-site visits, and a contingency plan for any missed virtual visits. ISBE will review these request forms and based on the information provided by the Sponsoring Organizations, grant approval for them to use the off-site waiver.

There will be no impact on program operations for the State Agency or Sponsoring Organization levels. There are some providers who may not have computers or the ability to utilize virtual platforms. In these cases, the Sponsoring Organizations would still need to complete an on-site visit.

The State agency will continue to carry out normal monitoring via administrative reviews. Sponsoring organizations found to have noncompliance issues related to this waiver will receive technical assistance from the State agency. If implemented, the State agency will collect feedback on how the use of the waiver benefitted the home Sponsoring Organization. Please see detailed description under number 6 to satisfy this.

1. Sponsoring Organizations will be asked to provide an alternative monitoring plan if they seek approval to use this waiver.
2. Sponsoring Organizations will be asked to provide a description of the technology platform they will use to conduct off-site monitoring visit they seek approval to use this waiver.
3. Sponsoring Organizations will be asked to provide their monitoring plan outlining how they will ensure visits are complete if they seek approval to

use this waiver.

4. Sponsoring Organizations will be asked to provide their monitoring plan that explains how they will handle missed virtual visits if they seek approval to use this waiver.
5. This waiver will not raise the operating costs of the State Agency. Instead, it will enable Sponsoring Organizations to fulfill their monitoring responsibilities while reducing organizational expenses related to mileage, fuel, and staff time.

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 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:

ISBE does not anticipate any challenges with waiver implementation. Rather, it is anticipated that this waiver will allow Sponsoring Organizations to carry out their monitoring duties while saving the organization funding on mileage, gas, vehicle usage and staff time. This waiver will not raise the operating costs of the State Agency, how it will allow organizations to implement cost saving measures and remain financially viable, while continuing to serve the home providers.

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]:

The waiver will not increase the cost of the Program to the State or 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:

The State agency will continue to carry out normal monitoring via administrative reviews. Sponsoring Organizations found to have non-compliance issues as related to this waiver will receive technical assistance from the State agency. If implemented, the State Agency will collect feedback on how the use of the waiver benefitted the Day Care Home Sponsoring Organizations.

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

ISBE will report all FNS data required by USDA within the timelines required.

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://www.isbe.net/Pages/Waivers-Public-Notices.aspx>

14. Signature and title of requesting official:



Title: Director of Nutrition

Requesting official's email address for transmission of response:

mhaller@isbe.net

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:**