



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

April 11, 2024

Brigette Hires, Administrator

Office of Nutrition

Ohio Department of Education and Workforce

25 S. Front St.

Columbus, OH 43215

Dear Brigette Hires:

This letter is in response to the waiver request from the Office of Nutrition at the Ohio Department of Education and Workforce (DEW) received on March 19, 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 DEW'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, DEW is requesting that CACFP sponsoring organizations (SO) in good standing be permitted to conduct one of the three required monitoring visits virtually for DCH's that have not been seriously deficient in the past 12 months per Program year and are 30 miles away from the home sponsoring organization's office.

In its waiver request, DEW stated that there has been a decline in the number of DCH SO's due to high administrative and transportation costs. Currently, there are seven SO's overseeing all DCH's in Ohio. DEW also stated that SO's of DCH's performed successful virtual monitoring visits to DCH's through the public health emergency (PHE).

DEW would require eligible CACFP sponsoring organizations to apply for use of this waiver, as well as support for review and written approval, monitoring plans which describe how the SO will:

- Conduct one off-site monitoring visit to DCH's at least 30 miles from the SO office;
- Track, identify, and report which monitoring visit was on-site or off-site;
- Ensure all visits are spaced, unannounced, completed and how providers will be addressed if they are unavailable for an off-site visit;
- Meet required reporting elements;

- Determine if a DCH provider is eligible for off-site monitoring;
- Determine if a particular task needs to be conducted on-site or off-site and provide rationale; and
- Meet all other monitoring requirements included in the monitoring policies and procedures in the management plan.

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, DEW is approved to:

- Permit all sponsoring organizations of DCHs that are in good standing to conduct one annual monitoring review off-site for DCH's that have not been seriously deficient in the past 12 months per Program year and are 30 miles away from the home sponsoring organization's office ;
- Require that one on-site monitoring review of each DCH must be unannounced and include a meal service observation; and
- Ensure all monitoring visits are conducted, including unannounced visits, per regulations at 7 CFR 226.16(d)(4)(iii)

This waiver is in effect from April 11, 2024, through September 30, 2024.

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, DEW must provide the FNS Midwest Regional Office (MWRO) 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 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 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 DEW and to DCHs by the sponsoring organization.

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

Sincerely,

Jessica Saracino
Director
Program Monitoring and Operational Support Division
Child Nutrition Programs

Electronic Copy: Jheanell West, MWRO