



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

October 10, 2024

Dustin Melton, Director
Oregon Department of Education
255 Capitol St

Dear Dustin Melton:

This letter is in response to the waiver renewal request from the Oregon Department of Education Child Nutrition Programs (ODE CNP) received on October 2, 2024, regarding monitoring review requirements for sponsoring organizations of family day care homes (FDCH) in good standing. ODE CNP requested to waive the Child and Adult Food Care Program (CACFP) monitoring review requirement for sponsoring organizations to conduct onsite monitoring reviews of FDCHs. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves ODE CNP's waiver request to waive the regulations at 7 CFR 226.16(d)(4)(iii), as related to onsite monitoring reviews, as specified below.

Specifically, ODE CNP is requesting that CACFP sponsoring organizations in good standing be permitted to conduct two of the three annual required monitoring reviews of FDCHs virtually, for FDCHs outside of a 100-mile radius or more than two hours traveling time from the sponsoring organization's office. In addition, ODE CNP is requesting that sponsoring organizations in good standing be permitted to conduct one of the three annual required monitoring reviews of FDCHs virtually, for FDCHs within a 100-mile radius of the sponsoring organization's office. ODE CNP would continue to require that sponsoring organizations comply with all other monitoring review requirements at 7 CFR 226.16(d)(4)(iii), including annually conducting two unannounced monitoring reviews and one onsite meal service observation for all FDCHs.

In its waiver request, ODE CNP stated that Oregon has three CACFP sponsoring organizations serving FDCHs. ODE CNP has been unsuccessful in finding organizations that are willing to become a sponsor in Eastern and Central Oregon with the administrative funding available and the cost of monitoring. During the public health emergency, one of the sponsoring organizations was able to serve those geographic regions of the State through the use of virtual monitoring. Efforts by the sponsoring organization to increase staffing to support CACFP onsite monitoring in that region of the State have been unsuccessful. ODE CNP stated that, without this waiver approval, the sponsoring organization would cease offering services in multiple counties within the State. The withdrawal would affect 58 providers and over 850 children.

ODE CNP would require eligible CACFP sponsoring organizations to submit, for review and written approval, monitoring plans including specifications for conducting virtual monitoring reviews, and procedures for video/photographic reviews, addressing missed unannounced reviews, and serious deficiency determinations. All other monitoring requirements, such as pre-approval visits, first four-week reviews, and follow up reviews, will comply with 7 CFR 226.16(d)(4)(iii).

FNS has determined that allowing some virtual reviews will facilitate program operations and help mitigate financial and administrative challenges associated with these requirements while not compromising integrity of the Child and Adult Care Food Program. Therefore, provided that the sponsoring organization submits an acceptable virtual monitoring plan as described above, ODE CNP is approved to:

- Permit all sponsoring organizations of FDCHs that are in good standing to conduct one annual monitoring review offsite; and
- Permit all sponsoring organizations of FDCHs that are in good standing to conduct a second offsite monitoring review for those providers that are located outside of a 100-mile radius, or two hours traveling time, from the sponsoring organization's office.
- Please note, for all sponsors at least one onsite monitoring review must be unannounced and include a meal service observation.

This waiver is in effect from October 10, 2024, through September 30, 2025.

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, ODE CNP must provide the FNS Western Regional Office (WRO) 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 FDCHs were monitored offsite during the waiver period;

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- 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.

FNS appreciates the exceptional effort of ODE CNP to implement innovative monitoring requirements and to continue providing nutritious meals to the community. If you have any questions or concerns, please contact the FNS WRO.

Sincerely,

Megan Geiger
Acting Director
Program Monitoring and Operational Support Division
Child Nutrition Programs

Electronic Copy: Marisa Cheung, WRO