# CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), 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), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should 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.

For more information on requests for waiving Program requirements, refer to SP 15- 2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

**Subject of waiver request:** Family Day Care Home monitoring requirements

# State agency submitting waiver request and responsible State agency staff contact information:

MA Department of Elementary and Secondary Education (MA DESE) Office for Food and Nutrition Programs (FNP)

Shannon Raymond

Training Specialist, Special Nutrition Programs 135 Santilli Highway

Everett, MA, 02149 Shannon.Raymond@mass.gov 781-338-6471

# Region:

Northeast Regional Office (NERO)

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

All MA DESE FNP approved CACFP Sponsoring Organizations of Family Day Care Homes in good standing.

1. **Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

Over the last seventeen years, USDA requirements surrounding the CACFP have steadily and significantly increased without proportionate increase of administrative funding for sponsoring organizations.

Massachusetts has fifteen Family Day Care Home sponsors, of which five are considered large family day care sponsors that operate statewide. These five sponsors serve over 92% of all family day care home providers in Massachusetts, sponsoring almost 3,200 homes. These sponsors work to monitor all these homes across all comers of the Commonwealth-from the Berkshires and Western Mass., through outer Cape Cod. The specific challenge that these 5 sponsors face is reaching the two islands off of Cape

Cod-Nantucket and Martha's Vineyard. To access homes on the islands requires taking the ferry over to the island and bringing a car over on the ferry, or flying to the island and coordinating on-island transportation. Once the summer season arrives, reservations for car spots can be nearly impossible to reserve, and managing on-island transportation can be very costly with summer surge pricing. Additionally, flights to/from the islands are limited and require significant time with travel to/from the airport, airport security, and potential delays.

Because of these challenges with accessing the islands, FDC sponsors are often unable to manage the administrative burden to sponsor these homes, and as such they elect not to promote the CACFP or onboard new providers in this area. This leaves providers and children on the islands without access to the CACFP. The islands are already an underserved population as year-round residents struggle to find affordable childcare as much of the housing on the islands is used for summer rentals. The families that support the businesses on the island and are busiest during the summer months when tourism is at its peak are also facing a childcare shortage. Expanding the number of providers, and supporting the current providers is essential for families on the island. Several state and city agencies are working to increase the number of child care providers in these underserved populations through financial, educational, and other incentivizing

programs.

With the expansion of CEP eligibility all schools in Nantucket and several schools on Martha's Vineyard now qualify providers as eligible for Tier I rates. This means that all homes in Nantucket are eligible for Tier I rates, and two of the largest attendance areas on Martha's Vineyard are now eligible for Tier I rates. MA DESE is aware of **11**

unsponsored providers on Nantucket, and 10 unsponsored providers on Martha's Vineyard.

MA DESE is requesting a waiver to limit the requirement for onsite monitoring to just one (1) of the three (3) annual visits. If granted, this will significantly reduce the burden on the sponsoring organization to coordinate the time and travel on and off the island, and work around peak tourism season while still maintaining appropriate spacing of the reviews. By allowing two of the three required monitoring visits to be completed virtually, FDC Sponsors would be able to sponsor providers on the island, as well as promote and market the CACFP to currently unsponsored homes. All five of Massachusetts' Family Day Care Home Sponsors have been successful in using virtual monitoring through the course of the pandemic.

# Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

* + 7 CFR 226.16(d)(4)(iii) Frequency and type of required reviews

o Specifically that all three reviews must be conducted on-site

* + Guidance Memo and Attachment: CACFP 07-2023
1. **Detailed description of alternative procedures and anticipated impact on Program operations, including *technology, State systems, and monitoring:***

MA DESE is requesting that for any provider residing on Nantucket (towns: Downtown Nantucket, Siasconset) or Martha's Vineyard (towns: Aquinnah, Chilmark, Edgartown, Oak Bluffs, TisburyNineyard Haven, West Tisbury), two of the three required monitoring visits may be conducted virtually. One of the virtual visits will be required to be unannounced. The onsite visit will be required to be unannounced and the monitor must observe a meal service as part of the review.

MA DESE will require of sponsoring organizations that they provide a monitoring procedure for how they plan to conduct the onsite and virtual visits for providers residing on the islands.

MA DESE will require written approval of the sponsor monitoring procedure to include how virtual monitoring visits will be conducted, via video (either Zoom, Microsoft Teams, FaceTime or another platform). The procedure will include how sponsors will ensure visits are complete and how they will address provider(s) that miss their unannounced visits. Additionally, the procedure will demonstrate how and when a monitor will determine if a provider will be determined seriously deficient due to missed virtual visits, in addition to other regulatory reasons for serious deficiency determination.

All other monitoring requirements will be followed as required. Pre-Approval visits and four-week visits will be conducted in person for new providers. Serious Deficiency follow-up reviews will be conducted in person.

# Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

MA DESE does not anticipate any regulatory barriers at this time.

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

MA DESE does not anticipate any challenges with the implementation of this waiver, as all sponsoring organizations successfully implemented virtual/off site monitoring successfully during the pandemic.

# 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(1)(1)(A)(iii) of the NSLA]:

MA DESE does not anticipate that this waiver will increase the overall cost of the program to the Federal Government.

# Anticipated waiver implementation date and time period:

* + Waiver Request Start Date: Upon approval
	+ Waiver Request End Date: September 30, 2025, with an opportunity to request an extension.

# Proposed monitoring and review procedures:

MA DESE will host a training for FDCH Sponsors to address the monitoring requirements covered by this waiver. MA DESE staff will provide technical assistance to sponsors in their development of procedures for offsite monitoring.

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

MA DESE will report the number of CACFP sponsors participating in this waiver, as well as the challenges and successes associated with this waiver, by December 31, 2024.

# Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(l)(A)(ii) of the NSLA]:

Link to public notice: https://[www.doe.mass.edu/cnp/newsletter.html](http://www.doe.mass.edu/cnp/newsletter.html)

1. **Signature and title of requesting official:**
* Signature:
* Title: Director, Food and Nutrition Programs

Robert.M.Leshin@mass.gov

Title:

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 lmowledge, experience and work with the State.*

**Date request was received at Regional Office:**

* Date Received:

□ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(l)(A)(ii) of the NSLA**

* + Link:
* **Regional Office Analysis and Recommendations:**

□ Recommend Denial

□ Recommend Approval

**Explanation:**