



Food and  
Nutrition  
Service

January 26, 2021

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

Melissa Jordan, Division Director  
Florida Department of Health  
Bureau of Child Care Food Programs  
4052 Bald Cypress Way, Bin A-17  
Tallahassee, FL 32399

Dear Ms. Jordan:

This letter is in response to the December 23, 2020 waiver request from the Florida Department of Health, Bureau of Child Care Food Programs (CCFP). CCFP requested to waive the following regulatory requirements:

Child and Adult Care Food Program (CACFP)

- 7 CFR 226.6(m)(3)(vii) If an independent center, observation of a meal service; and
- 7 CFR 226.16(d)(4)(iii)(B) At least one unannounced review must include observation of a meal service.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, CCFP requested to waive the observation of a meal service for those contractors who have not had past meal pattern deficiencies or do not demonstrate issues with their supporting documentation. To ensure program integrity, CCFP has proposed to meet all other regulatory requirements in the CACFP off site through a virtual desk review.

To ensure program integrity in the CACFP, CCFP will continue to conduct all other monitoring off site per regulations. CCFP plans to provide all facilities with a detailed review plan including a list of required review documentation requested during a desk audit. Documentation will include meal count records, menus, and food receipts. If CCFP determines through the requested documentation that the meal pattern requirements have been met, they will waive the observation of meal service. If it is determined after review of documentation that an institution has violated the meal pattern, failed to purchase enough food, or the food purchased does not match the

menu, the State CCFP will issue the appropriate disallowances for the review month and conduct a virtual meal observation.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall costs of the Program(s) to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance, which is critical to ensure that current program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves CCFP's waiver request effective through September 30, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above regulatory requirements will facilitate CCFP's ability to successfully carry out the purpose of the Programs.

CCFP's oversight plan, as discussed above, provides assurance that CCFP will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, CCFP must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that, for the duration of this waiver, CCFP provide the FNS Southeast Regional Office (SERO) a quarterly written report. The report must provide information on how CCFP is implementing its oversight plan and quantify 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 the State agencies oversight abilities and responsibilities;

- 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.

Should CCFP determine this waiver is no longer necessary prior to September 30, 2021, please notify the FNS SERO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS SERO.

Sincerely,



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