

FLORIDA DEPARTMENT OF HEALTH

CHILD CARE FOOD PROGRAM WAIVER REQUEST

Child Nutrition Programs (CNPs) are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, 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 CNPs, including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), USDA Food for CNP, 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.

1. State agency submitting waiver request and responsible State agency staff contact information:

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

Yashica Ceasar, Bureau Chief
850-245-4598
Yashica.Ceasar@flhealth.gov

Tiffany Henry, Policy Manager
850-901-6637
Tiffany.Henry@flhealth.gov

Kendrick Harris, Field Operations Manager
850-245-4362
Kendrick.Harris@flhealth.gov

2. Region:

Southeast Regional Office (SERO)

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

The Florida Department of Health, Bureau of Child Care Food Programs (CCFP) is requesting these waivers on behalf of all participating CCFP institutions and sponsoring organizations that are currently in good standing with the State Agency (SA).

4. 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

CCFP is requesting the following statewide waivers due to the impact of Hurricane Ian. Institutions in the affected area are experiencing issues with the availability of food items to meet the meal pattern, loss of records, inability to maintain records, inability to file claims and facility damage including anything from roofs to the entire facility. The challenges that the SA and CCFP institutions may face if these waivers are **NOT** approved include a decrease in access to healthy meals due to unanticipated school and child care facility closures.

- A. Allow participating institutions the option to serve meals in a **non-congregate setting** during unanticipated school and child care closures. Allowing children to take CCFP meals off-site provides continued access to the meals during unanticipated school and child care facility closures.
- B. Allow the State Agency to waive meal pattern requirements on a case-by-case basis for CCFP institutions when there is a disruption to the food supply.
- C. Allow all sponsoring organizations the option to waive pre-approval visits for the next 90 days, postpone the required 4-week review for new facilities to 12 weeks for the next 90 days, and allow for more than 6-months to elapse between reviews of existing facilities for the next 90 days. Waive the requirement for on-site reviews and allow for desk reviews of the facilities claim paperwork for the next 90 days. The SA is aware that the COVID-19: Child Nutrition Response #96 is in place to address this flexibility.
- D. Allow institutions up to 90 days from the last day of the claim month to file their claim for reimbursement without having to use a one-time exception and provide a Corrective Action Plan.
- E. Waive the State Agency’s requirement to conduct on-site meal reviews and on-site sponsoring organization reviews for the next 90 days and allow for desk reviews of an institution’s claim paperwork to suffice for the required monitoring review. The SA is aware that the COVID-19: Child Nutrition Response #95 is in place to address this flexibility.
- F. Request on behalf of sponsoring organizations to waive the requirements to distribute reimbursement to sponsored facilities within 5 days of receipt of the monthly reimbursement. Sponsors have reported loss of electricity and loss of internet connectivity that may prevent a timely distribution of funds.
- G. Request exemption for record retention requirements when records have been destroyed on a case-by-case basis for CCCFP Institutions.

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

7 CFR 226 Citation	Requirement to be Waived
7 CFR 226.2	Waive any reference to group or congregate feeding of meals as defined in 226.2. "Meals means food which is served to enrolled participants at an institution, child care facility or adult day care facility and which meets the nutritional requirements set forth in this part. However, children participating in at-risk afterschool care centers, emergency shelters, or outside-schools-hours care centers do not have to be enrolled."
7 CFR 226.20	Meals served to children meet the meal pattern requirements specified in 226.20.
7 CFR 226.16(d)(4)(iii)	<p><i>"Frequency and type of required facility reviews.</i> Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section. In addition:</p> <p>(A) At least two of the three reviews must be unannounced;</p> <p>(B) At least one unannounced review must include observation of a meal service;</p> <p>(C) At least one review must be made during each new facility's first four weeks of Program operations; and</p> <p>(D) Not more than six months may elapse between reviews.</p>

7 CFR 226.10(e)	Claims not postmarked and/or submitted within 60 days shall not be paid with Program funds unless FNS determines that an exception should be granted.
7 CFR 226.6(m)(3)(vii)	<i>Review Content.</i> If an independent center, observation of a meal service.
7 CFR 226.16(g), 7 CFR 226.16(h)	“Each sponsor shall disburse any reimbursement payments for food service due to each day care home within five working days of receipt from the State agency.” “Sponsoring organizations shall make payments of program funds to child care centers, adult day care centers, emergency shelters, at-risk afterschool care centers, or outside-school-hours care centers within five working days of receipt from the State agency...”
7 CFR 226.15(e)	Each institution shall establish procedures to collect and maintain all program records required under this part, as well as any records required by the State agency. Failure to maintain such records shall be grounds for the denial of reimbursement for meals served during the period covered by the records in question and for the denial of reimbursement for costs associated with such records.

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

CCFP will provide detailed information and instructions to all participating institutions on the waiver process. CCFP contractors will be required to request approval for the use of the waiver(s). The alternative procedures would allow CCFP contractors in good standing to serve meals to children in a non-congregate setting during unanticipated school closures due to the impact of Hurricane Ian. This includes an allowance for CCFP contractors to provide multiple meals and snacks at one time for up to a 5-day period.

The alternate procedures will also allow CCFP contractors to spend less time on paperwork and administrative requirements and allow them to focus more on serving nutritious meals to children in need.

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

No barriers have been identified at the State Agency level. 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:

We do not anticipate that this waiver will present any challenges to the State Agency or to CCFP contractors.

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

The requested waiver does not increase the overall cost of the program to the Federal Government. The waiver is intended to replace meals that would have been served in a congregate setting at the CCFP site had the site (or school) not experienced an unanticipated closure.

10. Anticipated waiver implementation date and time period:

The waiver will begin September 23, 2022 and is requested to remain in place through December 31, 2022.

11. Proposed monitoring and review procedures:

CCFP will work with approved contractors on the approval, implementation, and reporting of this waiver. During the review process, State Agency staff will confirm whether the waiver(s) have been implemented correctly and in compliance with regulatory requirements through an extensive review of the contractor's CCFP records.

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

CCFP will provide a report about the use of the waiver to USDA by June 30, 2023. This report will provide data and an analysis of the waiver impact to include:

1. A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in the CCFP
2. A description of how the waiver impacted the quantity of paperwork necessary to administer the program
3. The number of CCFP contractors that used the waiver
4. The number of meals served at sites that used the waiver
5. A summary of findings, if any, associated with the use of the waiver

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

www.floridahealth.gov/ccfp

14. Signature and title of requesting official:



Yashica Ceasar, MS

Bureau Chief

Bureau of Child Care Food Programs

Address: 4052 Bald Cypress Way, Bin A-17, Tallahassee, FL 32399

Requesting official's email address for transmission of response: Yashica.Ceasar@flhealth.gov

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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: