



## **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(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 Child Nutrition Programs (CNP), 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 XX-2018, CACFP XX-2018, SFSP XX-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, Month XX, 2018.

**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

Melissa Jordan,  
Division Director  
850-245-4577

[Melissa.Jordan@flhealth.gov](mailto:Melissa.Jordan@flhealth.gov)

Tiffany Henry, Interim  
Policy Administrator  
850-901-6637

[Tiffany.Henry@flhealth.gov](mailto:Tiffany.Henry@flhealth.gov)

Danielle Sharp,  
Field Operations Administrator  
850-901-6646

[Danielle.Sharp@flhealth.gov](mailto:Danielle.Sharp@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 this waiver on behalf of the State Agency (SA) and sponsoring organizations that are currently in good standing with the State Agency (SA). Sponsoring organizations that are not currently in good standing with the SA will not be eligible to participate in this waiver.

**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]:**

The goal of this waiver is to improve on customer service with sponsoring organizations and SA facilities and to allow staff to spend more time focusing on technical assistance.

CCFP is requesting the following statewide waivers due to the COVID-19 pandemic:

- A. By waiving the requirement of observing the meals during desk audits will assist its facilities with the difficulties that virtual meal observations or photos cause during a hectic and chaotic meal service.
- B. By waiving the observed meal requirement, it will allow the SA and Sponsors to focus on the facilities that are having difficulties meeting the meal pattern requirements.

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

7 CFR 226 Citation	Requirement to be Waived
7 CFR 226.6(m)(3)(vii)	<i>Review Content.</i> (vii) If an independent center, observation of a meal service;
7 CFR 226.16 (4)(iii)(B)	<i>Sponsoring Organization provisions.</i> At least one unannounced review must include observation of a meal service.

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

During fiscal year FY2019-2020 SA reviewed approximately 63% of the 2,094 contractors. Based on the review findings from FY2019-2020, the SA anticipates waiving approximately 95% of the observed meal portion of the review during FY2020-2021.

The SA consistently reviews more than the federal requirements; however, if the waiver is not approved, the SA anticipates that it will perform less reviews for FY2020-2021. Virtual reviews and reviewing pictures of meal service requires more time. The sponsors may also have difficulties conducting 100% of their reviews if they are required to spend the time conducting virtual reviews or reviewing pictures of meal service.

By waiving 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, it will allow those facilities to focus on their current meal service to ensure that all regulatory requirements are met during the meal service. Meal times are often a chaotic time of day for

## Attachment A

staff at the facilities and requiring the facility staff to participate in a virtual meal observation can cause un-do burden on staff.

### State Agency

- A. SA will provide its facilities with a detailed review plan that includes a list of required review documentation that will be requested during desk audits.
- B. SA will review all requested documentation, including menus, meal count records and food receipts to determine compliance with program rules. If it is determined that the institution has purchased enough food, that the food matches the menus and the food meets the meal pattern requirements, the SA will waive the observation of the meal service.
- C. If after reviewing the documentation it is determined that the institution did not purchase enough food or if the food purchased does not appear to match the menus or does not meet the meal pattern requirements, the SA will issue the appropriate disallowances for the review month and will contact the institution to conduct a virtual meal observation or a picture of meal preparation and meal service. Monitoring staff may also conduct interviews with staff and Program participants to verify information in photos via telephone or video conference

### Sponsoring Organizations

- D. Sponsoring organizations will provide facilities with a detailed review plan that includes a list of required review documentation that will be requested during desk audits.
  - E. During the monthly claim edit verification the sponsor will review all requested documentation, including menus, meal count records and food receipts to determine compliance with program rules. If it is determined that the facility has purchased enough food, that the food matches the menus and the food meets the meal pattern requirements, the sponsor will waive the observation of the meal service.
  - F. If after reviewing the documentation it is determined that the facility did not purchase enough food or if the food purchased does not appear to match the menus or does not meet the meal pattern requirements, the sponsor will issue the appropriate disallowances for the review month and will contact the institution to conduct a virtual meal observation or a picture of a meal service. Monitoring staff may also conduct interviews with staff and Program participants to verify information in photos via telephone or video conference.
- 7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(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, Sponsoring Organizations or to the SO's facilities.

**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(l)(1)(A)(iii) of the NSLA]:**

During the waiver period of desk audits, this waiver does not increase the overall cost of the program to the Federal Government.

By not having to observe a meal virtually or by picture it will save man hours for the SA and Sponsors so that more time will be focused on technical assistance for the facilities that might require it.

**10. Anticipated waiver implementation date and time period:**

The waiver will begin October 1, 2020 and remain in place through the end of September 2021.

**11. Proposed monitoring and review procedures:**

State Agency

- A. SA will provide its facilities with a detailed review plan that includes a list of required review documentation that will be requested during desk audits.
- B. SA will review all requested documentation, including menus, meal count records and food receipts to determine compliance with program rules. If it is determined that the institution has purchased enough food, that the food matches the menus and the food meets the meal pattern requirements, the SA will waive the observation of the meal service.
- C. If after reviewing the documentation it is determined that the institution did not purchase enough food or if the food purchased does not appear to match the menus or does not meet the meal pattern requirements, the SA will issue the appropriate disallowances for the review month and will contact the institution to conduct a virtual meal observation or a picture of meal preparation and meal service. Monitoring staff may also conduct interviews with staff and Program participants to verify information in photos via telephone or video conference

Sponsoring Organizations

- D. Sponsoring organizations will provide its facilities with a detailed review plan that includes a list of required review documentation that will be requested during desk audits.
- E. During the monthly claim edit verification the sponsor will review all requested documentation, including menus, meal count records and food receipts to determine compliance with program rules. If it is determined that the facility has

purchased enough food, that the food matches the menus and the food meets the meal pattern requirements, the sponsor will waive the observation of the meal service.

- F. If after reviewing the documentation it is determined that the facility did not purchase enough food or if the food purchased does not appear to match the menus or does not meet the meal pattern requirements, the sponsor will issue the appropriate disallowances for the review month and will contact the institution to conduct a virtual meal observation or a picture of a meal service. Monitoring staff may also conduct interviews with staff and Program participants to verify information in photos via telephone or video conference.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS): State agency will be able to report**

CCFP will provide a report about the use of the waiver to USDA by December 31, 2021. This report will provide data and an analysis of the waiver impact to include:

- a. The SA will require sponsors to submit a waiver so that the SA can report how many sponsors used the waiver.
- b. At the end of the 2020-2021 fiscal year, the SA will report to the USDA how many observed meals were waived during the period of the waiver.

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

[www.floridahealth.gov/ccfp](http://www.floridahealth.gov/ccfp)

**14. Signature and title of requesting official:**



Title: Delegated Authority for Melissa Jordan, Division Director  
Requesting official's email address for transmission of response:  
Melissa.Jordan@flhealth.gov

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**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:**

**XX Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**

The SERO supports this monitoring waiver request and oversight plan. Received on 12/23/2020 and acknowledge receipt the same day.