

**Oregon Department of Education
Child Nutrition Programs
Site Monitoring**

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 (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.

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

Oregon Department of Education
Child Nutrition Programs
Dustin Melton
Director, Child Nutrition Programs
255 Capitol Street NE
Salem, OR 97310
dustin.melton@state.or.us

2. Region: Western Region

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

All CACFP Sponsoring Organizations in good standing.

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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

FNS Nationwide waiver Child Nutrition Response Covid-19 #27:

- Allows to CACFP sponsors to monitor facilities two times (instead of three) this fiscal year, and only one must be unannounced
- Waives the requirement for at least one unannounced review to include the observation of a meal service
- Waives the requirement that no more than six months elapse between reviews
- Allows new facility reviews to be done by desk audit.
- Requires new facility reviews to be completed within the facility's first four weeks of operation.
- This waiver is in effect through August 31, 2020

This waiver does not allow any monitoring waivers other than the new facility reviews and the first four week visits to be completed via desk audit.

Challenge:

Given the community impact of COVID-19, and the emphasis on physical distancing to reduce the spread of the virus, in-person Sponsor monitoring visits have become a challenge and a health hazard. In Oregon, child care is closed unless operating as an Emergency Child Care.

Completing the monitoring visits onsite poses a risk to increased exposure for populations most at risk of developing and spreading of COVID-19 and to CNP sponsor staff. Social distancing is integral to the control of the COVID-19.

Completing in-person on-site is also at risk due to COVID-19 and some sponsors may need flexibility in the required frequency of monitoring requirements depending on their staffing levels that may be diminished due to illness, being in a high-risk group, or other needs that keep them from working.

Due to safety precautions for staff and the public, the Office of Child Care (OCC) has suspended all in-person monitoring visits. Per the OCC's current guidance, the only visits that are allowed to be conducted in-person is when a child welfare complaint is made. Also, the Oregon Department of Education has suspended employee travel. CACFP Providers have expressed safety concerns to OCC regarding monitoring visits from CACFP sponsors. ODE CNP surveyed FDCH sponsors and found that they are continuing to make a large number of home visits which potentially exposes children, staff and families to the virus.

Oregon has had two COVID-19 outbreaks in Oregon CACFP-participating sponsors. One is a Kindercare child care center at their Lake Grove site (Portland Metro Area). The other outbreak is in eastern Oregon with the Oregon Child Development Coalition (OCDC) Migrant center in Nyssa. These

outbreaks elevate the concerns of sponsor site monitoring with in the state. There could be more outbreaks in other centers or family day care homes that we are not aware of.

Kindercare: <https://www.wweek.com/news/state/2020/06/30/oregon-child-care-facility-reports-covid-19-outbreak-among-first-in-nation/>

OCDC: <https://www.malheurenterprise.com/posts/7402/nyssa-child-education-facility-linked-to-five-covid-cases>

In response to COVID-19 and the Oregon governor's Executive Orders [20-19](#), [20-08](#) and [20-12](#) and the June 30, 2020 [Executive Order](#), the Oregon Early Learning Division Office of Child Care (OCC) created a process for licensed child care providers, public schools, and employers or other entities to launch new, [Emergency Child Care](#) facilities. In addition, Oregon has license exempt providers that typically offer care to three or fewer children.

Also, effective July 15, 2020 the Governor recently applied [further restrictions for Oregonians](#). Oregon's face covering requirement has been expanded to apply to outdoor public spaces when six feet of distance cannot be maintained. In addition, indoor social get-togethers of more than 10 people will be prohibited.

Goals:

To keep CACFP Sponsoring Organization staff safe. To keep child care staff safe. To keep children in care and their families safe.

ODE CNP is requesting that in addition to FNS Nationwide waiver Child Nutrition Response Covid-19 #27, Oregon CACFP Sponsoring Organizations in good standing be allowed to conduct all monitoring visits through desk audit, with phone and/or video follow up as needed, through September 30, 2021.

This waiver would greatly limit interaction and proximity to other participants therefore decreasing the risk of COVID-19 exposure.

Expected Outcomes:

Improved safety and mitigation of the spread of COVID-19. Peace of mind for CACFP Sponsoring Organization staff, providers, children and their families due to having one less person exposed to their child care setting. CNP Sponsors will complete remaining required monitoring visits as desk audits, with phone and/or video follow up, thus limiting interaction and proximity to other participants to help reduce the risk of COVID-19 exposure.

Specific Program requirements to be waived (include statutory and regulatory citations).

NSLA Sec. 17(d)(2)(B)(i) [42 U.S.C 1766(d)(2)(B)(i)]:

(B) Required reviews of sponsored facilities:

(i) In general:

(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

7 CFR 220 .2 Definitions

Unannounced review means an on-site review for which no prior notification is given to the facility or institution.

7 CFR 226.16(d)(4)(iii)(A-D) that outline the requirements of the three required Sponsor reviews, including language that reviews must be conducted in the facility.

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

ODE CNP does not anticipate any required Program operational changes, including those affecting technology, State systems and monitoring.

If approved, ODE CNP will provide technical assistance to sponsors on process and procedures for planning and preparing desk audits and telephone or video conferencing in place of an onsite monitoring visits.

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]:

ODE CNP does not anticipate any regulatory barriers as this time. In fact, the state order for physical distance will not allow for safe monitoring of child or adult care facilities.

Anticipated challenges State or eligible service providers may face with the waiver implementation:
ODE CNP does not anticipate challenges with the implementation of this waiver.

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]:

ODE CNP does not anticipate this waiver will increase the overall cost of the program to the Federal government.

Anticipated waiver implementation date and time period:

Requested Start Date: Upon approval through September 30, 2021

Proposed monitoring and review procedures:

ODE CNP will provide CNP Sponsors with technical assistance on conducting desk audits, phone calls and video conferencing. Sponsors found to have non-compliance issues as related to this waiver will work with the state agency on an individualized corrective action plan. Documentation of waiver activities will be maintained in the state system.

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

By December 31, 2021 ODE CNP will report the number of CACFP Sponsors and Facilities monitored through desk audits and any challenges and/or successes associated with the waiver.

Link to or copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]: To be posted by Tuesday, July 14, 2020.

<https://www.oregon.gov/ode/students-and-family/childnutrition/Pages/COVID-19.aspx>

Signature and Title of requesting official:



Name: Dustin Melton

Title: Director, Child Nutrition Programs, ODE CNP

Email address for transmission of response: dustin.melton@state.or.us

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

Regional Office Analysis and Recommendations: