

**Oregon Department of Education
Child Nutrition Programs
CACFP Administrative Reimbursement Waiver Request**

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
Lynne Reinoso
Manager, Community Nutrition Programs
255 Capitol Street NE
Salem, OR 97310
lynne.reinoso@state.or.us

2. Region: Western Region

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

This waiver is limited to CACFP Family Day Care Home (FDCH) 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Allow ODE CNP to reimburse Oregon CACFP Family Day Care Home Sponsoring organizations at a higher administrative reimbursement than would normally be reimbursed due to the sharply declining number of claiming homes during the COVID-19 emergency. Reimbursement would be based on the number of active day care homes that filed claims during the month of January 2020 or the current claim month, whichever is higher.

Challenge: The number of CACFP participating family day care homes due to the COVID-19 emergency results in reduced administrative earnings by FDCH Sponsoring organizations. Oregon FDCH Sponsors estimate a reduction in the number of homes claiming meal reimbursement for April 2020. FDCH sponsors have a number of fixed costs which will be hard to pay for with administrative earnings based on a lower number of claiming providers from April through the end of the COVID-19 federal emergency. Sponsors still have work to accomplish through this time but won't have enough funds to support all associated costs related to that work.

Goals: Assist FDCH sponsors to maintain staff and operations through a fair administrative reimbursement during the COVID-19 impact. Allow Day Care Home Sponsoring organizations to claim administrative reimbursement based on the number of active day care homes that filed claims during the month of January 2020 or the current claim month, whichever is higher.

Expected Outcomes: FDCH Sponsors will have the ability to continue their operations during and beyond the COVID-19 emergency.

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

[Section 12(l)(2)(A)(i) of the NSLA]:

7 CFR 226.12(a)(i-iv) Sponsoring organizations for day care homes shall receive payments for administrative costs. During any fiscal year, administrative costs payments to a sponsoring organization may not exceed the lesser of (1) actual expenditures for the costs of administering the Program less income to the Program, or (2) the amount of administrative costs approved by the State agency in the sponsoring organization's budget, or (3) the sum of the products obtained by multiplying each month the sponsoring organization's: (i) Initial 50 day care homes by 120 dollars; (ii) Next 150 day care homes by 91 dollars; (iii) Next 800 homes by 71 dollars; and (iv) Additional day care homes by 63 dollars.

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

ODE CNP selected the month of January because based on administrative earnings and reported expenses, the sponsor earnings were very close to the reported administrative expenses for all FDCH sponsoring organizations. In addition the month of January is most reflective of the number of homes that were claiming with each sponsor prior to the COVID-19 emergency.

CNPweb, Oregon's online claiming system, can accommodate the issuance of additional administrative funds for FDCH sponsors. FNS 44 forms would be completed per waiver approval instructions, if different than the standing instructions. FNS would also need to provide instructions on reporting FDCH sponsoring organization administrative earnings when/if the earnings are lower than what can be substantiated by the number of homes.

ODE CNP will provide detailed information and instructions to all participating institutions on the waiver process. FDCH sponsoring organizations will be required to request approval for the use of the waiver(s) and must submit and maintain documentation of all costs for the affected months. The waiver may not be made available if the sponsor has reduced staffing levels during the claim month, which would result in a reduced administrative cost. The use of the waiver will be limited to the duration of the state-mandated stay at home requirement, through June 30, 2020, or through the national emergency, whichever is latest.

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]:

ODE CNP does not anticipate any barriers as this time. 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:

ODE CNP does not anticipate challenges with the implementation of this waiver.

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]:

ODE CNP does not anticipate, and it is not intended that this waiver will increase the overall cost of the program to the Federal government. . The overall cost to the Program is anticipated to be less than pre-COVID-19 costs because the additional administrative costs would be offset by the reduced number of meals claimed by FDCH providers.

10. Anticipated waiver implementation date and time period:

Requested Start Date: Effective with the submission of reimbursement claims for the Month of April 2020.

Requested End Date: Upon expiration of the state-mandated stay at home requirement, through June 30, 2020, or the federally declared public health emergency, whichever is latest.

11. Proposed monitoring and review procedures:

ODE CNP will conduct a desk audit of all paid and reported FDCH sponsoring organization administrative costs for the affected claim month(s) and will follow up with sponsors accordingly if there are claim discrepancies or unallowed costs. During the review process, State Agency staff will confirm whether the waiver has been implemented correctly and in compliance with regulatory requirements through an extensive review of the sponsor's CACFP FDCH records. Documentation of waiver activities will be maintained in the state system.

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

CACFP FDCH will provide a report about the use of the waiver to USDA by December 31, 2020. This report will provide data and an analysis of the waiver impact to include:

1. A description of how the waiver impacted the continuing operation of FDCH sponsoring organizations
2. The quantity of paperwork necessary to administer the program
3. The number of CACFP FDCH sponsoring organizations that used the waiver
4. 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(l)(1)(A)(ii) of the NSLA]:

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

14. Signature and title of requesting official:



Name: Lynne Reinoso

Title: Manager, Community Nutrition Programs, ODE CNP

Email address for transmission of response: lynne.reinoso@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: