

**Oregon Department of Education  
Child Nutrition Programs  
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  
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:**

All Oregon Department of Education Child Nutrition Programs (ODE CNP) CACFP, SFSP, NSLP, SSO, Afterschool At-Risk Sponsors 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]:**

This waiver request is based on USDA Policy Memo CACFP 12-2014, SP 46- 2014, SFSP 18-2014 where it states on page five, "Other exceptional emergency situations or man-made disasters, such as human pandemic or chemical plant explosions, may impact the ability of schools, institutions, and sponsors to continue normal program operations. In this circumstance, FNS may approve flexibilities to accommodate the needs of severely impacted areas."

ODE CNP is requesting a waiver of in-person Sponsor monitoring requirements for all sponsored facilities, sites or schools throughout Oregon due to the Federal State of Emergency due to COVID-19.

**Challenge:**

Given the community impact of COVID-19, and the emphasis on social distancing to reduce the spread of the virus, in-person Sponsor monitoring visits have become a challenge and a health hazard. In addition, effective March 23, 2020 the Oregon Governor issued an [Executive Order](#) which we result in closure of a number of child care facilities and *requires* social distancing throughout the state.

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 waivers timely 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.

**Goals:**

To allow CNP Sponsors to continue operating if allowed by Executive Order, and those that can operate will have the supports to continue ensuring program compliance while adhering to the National Emergency, and the social distancing required by the Oregon Executive order. To allow CNP sponsors to request flexibility with waiver frequency based on their unique challenges due to staffing or other issues during the COVID-19 situation.

**Expected Outcomes:**

CNP Sponsors complete 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. If CACFP, SFSP or NSLP sponsors have a need for a reduced monitoring schedule due to the COVID-19 impacts, sponsors would apply for the waiver and ODE CNP would review and approve/deny monitoring frequency waivers.

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

7 CFR 226.16(d)(4)(iii)(A-D) that outline the requirements of the three required Sponsor reviews.

7 CFR 226.16(d)(4)(iii)(A) At least two of the three reviews must be unannounced;

(B) At least one unannounced review must include observation of a meal service;

(C) At least one review must be made during each new facility's first four weeks of Program operations; and

(D) Not more than six months may elapse between reviews.

7 CFR 225(d)(2)and(3)

2) Sponsors shall visit each of their sites at least once during the first week of operation under the Program and shall promptly take such actions as are necessary to correct any deficiencies. (included in waiver submitted to FNS 12/2019)

(3) Sponsors shall review food service operations at each site at least once during the first four weeks of Program operations, and thereafter shall maintain a reasonable level of site monitoring. Sponsors shall complete a monitoring form developed by the State agency during the conduct of these reviews.

7 CFR 210.8(a)(1)(2)

1) *On-site reviews.* Every school year, each school food authority with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under §210.18(h), as prescribed by FNS for each school under its jurisdiction. The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the school food authority shall: ensure that the school implements corrective action; and, within 45 days of the review, conducts a follow-up on-site review to determine that the corrective action resolved the problems

In order to support all Oregon Child Nutrition Program Sponsors during this time of social distancing ODE CNP is requesting that in-person Sponsor monitoring requirements for sites and facilities be waived for the duration of this public health emergency. Sponsors is to require only two visits during this monitoring year, and that unannounced visits, the 4-week review of a new facility and the six months between visits regulation are waived during this pandemic.

7 CFR 220.11(d)(1)

(1) *On-site reviews.* Every school year, each school food authority with more than one school shall perform no less than one on-site review of the breakfast counting and claiming system and the readily observable general areas of review identified under §210.18(h) of this chapter, as specified by FNS, for a minimum of 50 percent of schools under its jurisdiction with every school within the jurisdiction being reviewed at least once every two years. The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the school food authority shall ensure that the school implements corrective action, and within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems.

**6. 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.

CNP sponsors will submit a request to conduct and document site monitoring via desk audit with phone or video follow up. If CACFP, SFSP or NSLP sponsors have a need for a reduced monitoring schedule due to the COVID-19 impacts, sponsors would apply for the waiver and ODE CNP would review and approve/deny monitoring frequency waivers.

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.

**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]:**

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

**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(I)(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.

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

Requested Start Date: upon approval

Requested End Date: Upon expiration of the federally declared public health emergency.

**11. 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.

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

By December 31, 2020 will report the number of CNP sponsors participating in this waiver for desk audits and monitoring frequency, as well as challenges and successes associated with the waiver.

**13. 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 12/27/19**

<https://www.oregon.gov/ode/students-and-family/childnutrition/sfsp/Pages/default.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](mailto: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:**