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## REGULATORY BACKGROUND

- 1) **The Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program, dated March 27, 2020 and the extension dated June 8, 2020 (COVID-19, Child Nutrition Response #27)**, specifically allows for the flexibilities listed below for all CACFP sponsoring organizations that are approved for this waiver:
  - FNS waives the requirement at 7 CFR 226.16(d)(4)(iii) that sponsoring organizations review each CACFP facility three times each year. For a sponsor’s current review year (**FY2020**), CACFP sponsors may conduct two reviews of their CACFP facilities.
  - FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(A) that at least two of the three reviews must be unannounced. For a sponsor’s current review year (**FY2020**), only one CACFP facility review is required to be unannounced.
  - FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(B) that at least one unannounced review must include observation of a meal service. (**FY2020**)
  - FNS waives the requirement at 7 CFR 226.16(d)(4)(iii)(D) that not more than six months may elapse between reviews. (**FY2020**)
  - FNS does not waive the requirement at CFR 226.16(d)(4)(iii)(C) that at least one review must be made during each new facility’s first four weeks of Program operations but allows sponsoring organizations to review new CACFP facilities as a **desk audit**. (**FY2020**)

**These flexibilities expired on August 31, 2020, therefore, if the sponsor anticipates challenges with meeting the monitoring requirements for all facilities required per 7 CFR 226.16(d)(4)(iii), in FY2021, the sponsor may submit an official waiver request to DECAL that will be submitted to USDA for consideration. Sponsors that would like to must review the DECAL Policy Memorandum, [Child Nutrition Program Waiver Request Guidance and Protocol \(Revised\), July 13, 2018](#) and respond to items #4, #5, #6 and #8 in a Word document. Please note, sponsors are also required to issue a notice informing the public that a waiver request has been submitted to DECAL. Please submit the official waiver request and a copy of the public notice to [Sonja.Adams@dec.al.ga.gov](mailto:Sonja.Adams@dec.al.ga.gov). A copy of the memorandum can be found [here](#).**

- 2) **The Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Food Program (COVID-19, Child Nutrition Response #96)**, dated April 20, 2021, extends offsite monitoring via desk review/audit until 30 days after the public health emergency ends to CACFP sponsors who have requested this waiver and received approval from DECAL.

To ensure Program integrity during this time, sponsoring organizations should, to the maximum extent practicable, continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver allows for offsite monitoring and is effective immediately, and remains in effect until 30 days after the public health emergency ends.

Nutrition Services implemented a new process for Child Nutrition Program (CNP) operators to request COVID-19 related USDA nationwide waivers. Beginning March 15, 2021, any new requests for waivers must be completed through an online Waiver Participation Form in the new USDA Waivers Module in GA ATLAS. Operators will still be required to complete the applicable [Waiver Request Form](#); however, these forms must now be uploaded to the USDA Waivers Module as part of the new process. NOTE: If you have already submitted and have been approved to utilize a waiver, you do not have to submit the request again.

For general questions about the waiver, please contact Tammie Baldwin at [Tammie.Baldwin@dec.al.ga.gov](mailto:Tammie.Baldwin@dec.al.ga.gov) or 404-656-6332. You may also contact your assigned Technical Assistance Coordinator or the Nutrition TA Mailbox at [NutritionTA@dec.al.ga.gov](mailto:NutritionTA@dec.al.ga.gov).

## SPONSOR MONITORING GUIDANCE

This guidance has been developed to ensure the health and safety of sponsored staff and facilities can be maintained and to assist our CACFP sponsors in developing an alternate virtual monitoring process (desk review/audit) to ensure sponsors are in compliance with monitoring requirements per USDA regulations during this public health emergency.

- If the sponsoring organization cannot meet the monitoring requirements per 7 CFR 226.16(d)(4)(iii) and/or sponsored facilities are closed due to COVID-19 and a monitoring visit cannot be conducted, the sponsor may request a waiver as outlined in #1 above.
- The sponsoring organization may also submit a second waiver for offsite monitoring, which can be utilized for all monitoring visits during FY2021 as outlined in #2 above.
- Sponsoring Organization should review all elements of program operations found at 7 CFR 226.16.(d)(4)(i) that they would normally review while on-site to the best of their ability.
- In situations where direct observation normally occurs, sponsors should review and verify records by observing photos and/or live or recorded videos. Sponsors may also conduct interviews with facility staff and program participants to verify information in photos via phone or video conference.
- In accordance with 7 CFR 226.16(d)(4)(iii)(A) at least two of three monitoring visits must be unannounced. If the sponsor plans to conduct an unannounced review virtually (off-site), the sponsor must contact the facility by the way of an unscheduled phone or video call.
- In accordance with 7 CFR 226.16(d)(4)(iii)(B) at least one unannounced review must include observation of a meal service. A sponsor can observe and/or request a meal observation virtually (off-site) when the sponsor makes the request during an unscheduled phone or video call.
- An **unannounced off-site review** is an unscheduled phone call to the facility where the sponsor makes a request for photos and records, in order to review all elements of program operations without prior notification. The timeframe to submit all requested records begins at the point of contact.
- An **announced off-site review** is a scheduled call and/or notification by the sponsor notifying the facility a review is due and the review will be conducted on XX date.

In November 2020, USDA issued additional monitoring guidance, *Monitoring of the Child Nutrition Programs During the Novel Coronavirus Public Health Emergency and Sponsoring Organization Monitoring of the Child and Adult Care Food Program Federal Fiscal Year 2021*, *Off-site Monitoring During the COVID-19 Public Health Emergency*. (This information can be found on our DECAL website under COVID-19 Resources).

## PRE-PLANNING VIRTUAL MONITORING VISITS

- The off-site monitoring waiver does not omit the sponsor from conducting all required monitoring visits in FY2021. The sponsor is responsible for ensuring that virtual/desk reviews are conducted on all facilities under the sponsoring organization if on-site monitoring will not be conducted.
- The sponsor should pre-plan and prepare prior to conducting the virtual monitoring visit(s).
  1. First, make sure your sponsoring organization has the required monitoring waiver approvals.
  2. Second, the sponsoring organization will need to determine if the facility is due an unannounced or announced monitoring visit.
    - a. If **Unannounced**, then it would be acceptable to conduct a virtual monitoring visit (desk review/audit) on any sponsored facility under the sponsors organization. An unannounced off-site review is an unscheduled phone call to the facility where the sponsor makes a request for photos and records, in order to review all elements of program operations without prior notification. The timeframe to submit all requested records begins at the point of contact.
    - b. If **Announced**, then it would be acceptable to schedule and conduct a virtual monitoring visit (desk review/audit) on any sponsored facility under the sponsors organization.
  3. Third, if a virtual monitoring visit can be conducted, determine whether the facility has any DECAL waiver approvals that allow for any additional flexibilities?

## VIRTUAL MONITORING VISITS

- The virtual monitoring visit(s) includes the following:
  1. Desk Review/Audit
    - a. The sponsor can review the required elements off-site by reviewing documents, electronic systems, or by using other means of technology.
    - b. The sponsor should develop a *Record Request Checklist* based on the Child Care Center Monitoring form or Family Childcare Learning Home Monitoring form questions that must be assessed, or DECAL has developed a Record Request Checklist template that you may use, that can be found [here](#).
    - c. Develop an email template to notify facilities of the desk review and attach the *Record Request Checklist*. (If this is an unannounced review, you do not send the request in advance).
      - ❖ It is acceptable to contact the facility by phone first and let them know what to expect. (unless an unannounced review)
      - ❖ It is acceptable to allow 5 business days for the facility to submit records electronically.
      - ❖ Information that contains Personally Identifiable Information (PII), such as applications or benefit status, should be protected. Information shared by Program operators should be password protected or sent via other secure methods to ensure privacy.
    - d. The sponsor can use the date the records were received or the date the monitor completed the desk review as the *date of review*.
    - e. The sponsor should complete the monitoring form in its entirety and also indicate the following.

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- ❖ Indicate on the monitoring form if the review was conducted as a desk review.
  - ❖ Name and contact information of facility staff interacted with virtually.
  - ❖ Indicate how they observed and completed the meal observation.
2. Virtual Meal Observation
- a. Develop a plan to conduct the virtual off-site meal observation.
    - ❖ The Sponsor can observe the meal service in one of the following ways:
      - Request and obtain pictures of the meal prep and observation
      - Request and obtain a recorded video of the meal prep and observation
      - Schedule a virtual meeting (video conference) with the facility and observe the meal prep and service over Zoom, Skype, GoToMeeting, or any other video platform.
    - ❖ The Sponsor must access/obtain the following to ensure all of the information captures all necessary information to adequately observe a complete meal service.
      - Compliance with Meal Pattern-verify via photos and/or video compliance with photos of table/tray/plate.
      - Meal Service Times-verify via time-stamped photos, photo of clock or video conference.
      - Menus-verify they match the posted menu.
      - Point of Service Meal Counts-verify via photos and/or video of count being taken.
    - ❖ The sponsor should first advise the facility to make every effort to not capture any images of a child during the meal observation. If the sponsor or facility cannot provide visuals without capturing an image with a child, then the sponsoring organization and facility must take steps to safe guard the video or photo to ensure it's not released to anyone other than DECAL without the consent of the child's parent/guardian.
    - ❖ The requested photos can be from any meal service (breakfast, lunch supper or snack).
    - ❖ It is up to the sponsor to determine which date and meal service will be observed/requested.
    - ❖ The sponsor should indicate on the monitoring form, the date and type of meal service observed.
3. Virtual Exit Conference
- a. The sponsor should review the *Summary of Findings* (if any) with the facility and request a signature and date on the Child Care Center/Family Childcare Learning Home Monitoring form.
    - ❖ It is acceptable for the sponsor to schedule a phone conference or virtual meeting (video conference) with the facility over Zoom, Skype, GoToMeeting, or any other video platform.

### RECORD KEEPING

1. The sponsor should be able to complete the entire monitor assessment based on the review of records (desk review) and virtual meal observation.
2. The sponsor should attach the following records to the Child Care Center/Family Childcare Learning Home Monitoring form.
  - ✓ attendance records
  - ✓ 5-day meal counts
  - ✓ Pictures from the meal observation



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3. DECAL or authorized representatives will confirm during monitoring reviews that documentation is on file and that state and federal requirements are being met.

### ADDITIONAL COVID-19 RESOURCES AND WAIVERS

- [Click here](#) for **COVID-19 Resources**
- [Click here](#) for the **DECAL Nutrition FAQs**