



Food and
Nutrition
Service

January 26, 2021

Braddock
Metro Center

1320
Braddock
Place
Alexandria
VA 22314

Ms. Brooke Pickett, Program Manager
Montana Department of Public Health and Human Services
PO Box 4201
1625 11th Ave.
Helena, MT 59620-4201

Dear Ms. Pickett:

This letter is in response to the January 14, 2021, revised waiver request from the Montana Department of Public Health and Human Services (MT DPHHS). MT DPHHS requested to waive the following statutory and regulatory requirements in the Child and Adult Care Food Program (CACFP):

- 42 USC 1766(d)(2)(B)(i)(I) and 7 CFR 226.6(m)(6), the requirement that at least 15 percent of the total number of facility reviews required must be unannounced; and,
- 42 USC 1766(d)(2)(B)(ii) and 7 CFR 226.16(d)(4)(iii)(A), the requirement that at least two of the three facility reviews must be unannounced.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, MT DPHHS proposed to continue monitoring CACFP institutions off-site in order to operate safely while maintaining program integrity. MT DPHHS will conduct unannounced reviews as off-site announced reviews. In order to ensure continued program integrity, MT DPHHS will continue monitoring per regulations as desk reviews and announced reviews, and plans to meet the CACFP frequency and timing of review requirements off-site. Training and technical assistance will continue to be provided.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall cost of the Program to the Federal Government, rather it allows the State agency

to alter its oversight activities in order to strengthen Program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance, which is critical to ensure that current Program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves MT DPHHS's waiver request through December 31, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate MT DPHHS's ability to successfully carry out the purpose of the programs.

MT DPHHS's oversight plan, as discussed above, provides assurance that the State will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible program participants. In addition, as part of this waiver, MT DPHHS must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that, for the duration of this waiver, MT DPHHS provide the FNS Mountain Plains Regional Office (MPRO) a quarterly written report. The report must provide information on how MT DPHHS is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of Program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program; and
- A summary of any technical assistance measures that were provided.

Should MT DPHHS determine this waiver is no longer necessary prior to December 31, 2021, please notify the FNS MPRO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS MPRO.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saracino", is written over a horizontal line.

Jessica Saracino
Acting Director
Program Monitoring and Operational Support Division
Child Nutrition Programs