



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

Indiana Child Nutrition Program State Waiver Request

Summary of Request: With the continued unpredictability of COVID 19 and its effect on local communities within the state, the Indiana Department of Education, School and Community Nutrition requests a waiver for flexibility with sponsor and facility monitoring. This waiver includes an extension of the review cycle and a plan for monitoring program integrity through continued reviews to the extent possible. This waiver is for the FY2022 CACFP fiscal year October 1, 2021 through September 30, 2022.

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

Indiana Department of Education
Office of School and Community Nutrition
Indiana Government Center North, 9th floor
100 North Senate Avenue
Indianapolis, IN 46204

Julie Sutton, Director, Child Nutrition Programs
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Heather Stinson, Assistant Director
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2. Region:

Midwest

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

Eligible service providers include Child and Adult Care Food Program sponsors in good standing that are approved to operate the program.

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]:

The pandemic continues to leave state and local agencies and organizations in a state of uncertainty. Both permanent and repeated temporary closures and staff shortages have resulted in interruptions in program operations. In addition, outbreaks can lead to travel restrictions, and there are ongoing staff health concerns. These intermittent issues make scheduling program reviews unpredictable. In addition, our reviews continue to be conducted primarily as virtual/desk reviews which take longer to complete than in-person reviews. Also,

fewer reviews were conducted in 2020 and 2021 resulting in a large number of reviews required to be completed in 2022. While IDOE will move forward with a plan to complete program reviews to the extent possible, we anticipate falling short of meeting regulatory monitoring requirements.

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

State agency requirements:

226.6(m)(3)(vii) observation of a meal service

- Will be completed whenever possible
- Health/safety concerns will result in a virtual observation
- Only when other limitations prevent the virtual observation of a meal service, will the waiver be used, such as sudden temporary closure of a facility

226.6(m)(6) frequency and number of required institution reviews

- As many program reviews as possible will be completed based on priority/risk (further explained below). Reviews not completed will roll over to FY2023.

226.23(h)(1) verification procedures for nonpricing programs

- Requesting to complete less than 100% verification for non-pricing sponsored facilities other than homes as described in section 6.

Sponsoring organization requirements:

226.16(d)(4)(iii) frequency and type of required facility reviews

- Requesting to waive this regulation for use on a case-by-case bases only when the state agency finds that justification from a sponsor proves their inability to meet it and the sponsors provide an alternate plan that will ensure program integrity.

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

State agency monitoring of institutions:

CACFP institution reviews will be conducted either in-person, virtually, or a combination of both depending on the local situation and health and safety factors affecting each area, field specialist, and agencies/organizations. As many institution and facility reviews will be completed as possible and include the observation of a meal service when possible. However, as we anticipate not being able to complete all reviews, we will push back the review cycle for institutions not reviewed by one more year. Any program reviews not completed in FY2022 will be completed in FY2023. Rolling some reviews forward to 2023 will help to balance out the heavy workload and number of reviews remaining from those unable to be conducted in 2020 and 2021.

Reviews will be prioritized based on risk, including institutions previously seriously deficient, past review findings, unusually large claims, new participation in CACFP, and any other concerns that may arise.

During reviews, in lieu of verifying 100% of income eligibility applications and enrollment forms for all of a non-pricing sponsor's facilities other than homes, the state agency will verify 100% of income eligibility applications and enrollment forms for only those non-home facilities selected for review. For sponsoring organizations of family day care homes, existing verification and enrollment review procedures will continue to be followed.

Institution monitoring of facilities:

Because challenges similar to those of the state agency may also affect CACFP sponsoring organizations, the state is requesting to waive monitoring requirements for sponsors on a case-by-case basis. If sponsors request approval from the state agency to utilize the waiver of requirements at 226.16(d)(4)(iii), outline challenges, and provide a plan for monitoring and maintaining program integrity, the state agency will evaluate and may approve the sponsor requested waiver and alternative plan.

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]:

Indiana does not have any state statutory or regulatory barriers that apply to this waiver request.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

No challenges are anticipated in implementing 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]:

This waiver does not affect the cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Indiana will implement this waiver as soon as approved with the understanding that the waiver will expire September 30, 2022.

11. Proposed monitoring and review procedures:

While section six explains that reviews conducted by the state agency may be either in-person, virtually, or a combination of both, the following is the primary procedure expected to be used:

- Regional field specialists arrive to an institution unannounced, meet with an institution representative, and provide a list and explanation of records needed for the review. While the records are being compiled by the institution's staff, the field specialist may conduct a meal service observation, inspect the kitchen, ask questions, or conduct any other portion of the review necessary while on-site.
- Records are taken to a home office or IDOE office to review documentation.

- Regular communication takes place during the review through email, phone calls, or virtual meetings to complete the review of documentation offsite.
- The review is concluded when records are returned and an on-site meeting with institution representatives takes place to review findings and observations and to answer any questions or provide technical assistance.
- In cases with fewer health/safety concerns, reviews may be conducted fully on-site. In other cases, with greater health/safety concerns, reviews may be conducted fully virtual with records submitted electronically through a secure Google upload option.

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

By December 31, 2022, the Indiana State Agency will report to FNS the following:

- The number of CACFP reviews conducted during FY2022
- The number of CACFP reviews postponed to the next program year (FY2023)