

**CACFP Monitoring Adjustments for Sponsoring and Independent Institutions
COVID-19 Emergency Health
Waiver Request
Early Childhood Education and Care Department (ECECD)**

State agency staff contact information:

Early Childhood Education and Care Department (ECECD)
Loren Miller
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Region: Southwest Region

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

The Early Childhood Education and Care Department (ECECD), Family Nutrition Bureau (FNB) affirms that only eligible service institutions in good standing and those that have satisfied all legal and regulatory obligations with the State and have no unresolved administrative review findings or pending adverse actions, will be considered to participate in this proposed waiver.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Challenge:

ECECD recognizes the exceptional circumstances the COVID19 Pandemic has created and requests approval to readjust the State Agency's current monitoring schedule for Sponsoring and Independent Institutions.

ECECD's CACFP program must annually review at least 33.3 percent of all sponsoring organizations and institutions. During the FFY20, ECECD lost several months of administrative reviewing time while it responded to the most urgent needs of New Mexicans during the pandemic. State agencies were instructed to limit contact with public and staff were required to telework. Shelter in Place orders by Public Health Officials and the New Mexico State Governor in place since the beginning of the pandemic have been in effect. In addition, a significant number of institutions closed unexpectedly, some were able to reopen intermittently and some closed their doors permanently in FFY19. With the shifting priorities, school and institution closures, and need to retrain staff on how to complete Remote Audits, the ECECD's CACFP did not complete the required 33% reviews.

Goal:

To maintain program integrity while minimizing potential exposure to COVID-19.

Expected Outcomes:

New Mexico CACFP has and will identify any institutions that are high risk; currently under an active Serious Determination; and, newly added Institutions, or institutions that have not been reviewed in over three years, and will not consider those institutions as candidates for recalibration. Institutions that fall into the categories listed above will have a FFY21 review to mitigate any undue jeopardy to CACFP's Program integrity.

ECECD's CACFP is committed to the health and safety of participants and children in care, the health and safety of the staff of institutions and the health and safety of its own staff, contributing to the collective efforts to decrease the risk of COVID 19 exposure. Therefore, whenever possible, ECECD will conduct a Remote Audits in lieu of in-person reviews.

Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

226.6 (m) (2) (6) Frequency and number of required institution reviews. The State agency must annually review at least 33.3 percent of all institutions. At least 15 percent of the total number of facility reviews required must be unannounced. The State agency must review institutions according to the following schedule:

- (i) Independent centers and sponsoring organizations of 1 to 100 facilities must be reviewed at least once every three years. A review of such a sponsoring organization must include reviews of 10 percent of the sponsoring organization's facilities;
- (ii) Sponsoring organizations with more than 100 facilities must be reviewed at least once every two years. These reviews must include reviews of 5 percent of the first 1,000 facilities and 2.5 percent of the facilities in excess of 1,000; and
- (iii) New institutions that are sponsoring organizations of five or more facilities must be reviewed within the first 90 days of Program operations.
- (n) Program irregularities. Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS and OIG may make investigations at the request of the State agency, or whenever FNS or OIG determines that investigations are appropriate.

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

If approved, ECECD's CACFP will identify any institutions that are High Risk, currently under an active Serious Determination or Newly added Sponsors, and will conduct a Remote Administrative review in order to fulfil the Administrative obligations stated under 226.6 (m) (2) (6). Institutions not falling under this category will be recalibrated for Administrative Review cycles so that NM CACFP can meet the 33.3% review threshold. Technical Assistance, training, and support will continue for all institutions.

Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

There are currently no State level regulatory barriers related to this specific issue. The State of New Mexico has continued to respond to the COVID19 crisis by evoking all Nationwide Waivers offered to States. The State of New Mexico is currently under shelter in place orders declared by Public Health Officials and the New Mexico State Governor.

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

Our State does not anticipate that the establishment of this statewide waiver will pose any challenges.

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(1)(1)(A)(iii) of the NSLA]:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government. This waiver will not require any additional administrative costs outside of the normal oversight that the USDA FNS already provides. There are no additional staff costs to implement this waiver either.

Anticipated waiver implementation date and time period:

The State of New Mexico requests to implement the waiver starting October 1, 2020 through September 30, 2021.

Proposed monitoring and review procedures:

The State of New Mexico will utilize the existing program monitoring procedures as detailed in 7 CFR § 226.6.

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

No later than October 31, 2021, the State of New Mexico will report to FNS the number of monitoring visits that took place under this waiver, including the percentage of program reviews achieved.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:

Public Notice:

<https://www.nmececd.org/>

January 13, 2021. The New Mexico Early Childhood Education and Care Department (ECECD) is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to request approval to readjust the ECECD's current monitoring schedule for Sponsoring and Independent Institutions in response to the COVID 19 public health crisis.

On March 11, 2020, New Mexico State Governor Michelle Lujan Grisham declared a State of Public Health Emergency for the State of New Mexico and the Cabinet Secretary for the New Mexico Department of Health issue a Public Health Declaration on March 12, 2020 to limit mass gatherings due to COVID-19, among other restrictions enacted since the beginning of the pandemic.

This waiver will not cost any additional administrative duties outside of the normal oversight that the USDA FNS already provides. Remote Monitoring conducted during FFY20 will be similar in scope and breadth as a review conducted in-person.

Signature and title of requesting official:

For the Early Childhood Education and Care Department, Division of Early Care, Education and Nutrition



Alejandra Rebolledo Rea,
Division Director
Early Care, Education and Nutrition

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:

- Date Received: _____
- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(1)(1)(A)(ii) of the NSLA**
- **Regional Office Analysis and Recommendations:**
 - Recommend Approval
 - Recommend Denial