

**Waiver Request for New Hampshire Oversight and Monitoring for USDA Child Nutrition Program Administrative Review Activities 2022-2023 due to Staff limitations. Office of Nutrition Programs and Services has two positions that are vacant and the SFSP staff will be out on extended medical leave. The two positions are as follows: Administrator II and Program Specialist. The Program Specialist IV is the only CACFP person qualified to Review the Sponsors. The Program Specialist IV will be out on extended medical leave.**

1. **State agency submitting waiver request and responsible State agency staff contact information:**

New Hampshire Department of Education (NHED)  
Office of Nutrition Programs and Services  
Patty Carignan  
101 Pleasant Street  
Concord, NH 03301  
603-271-3860  
Patricia.j.carignan@doe.nh.gov

2. **Region:**

Northeast

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

Any childcare centers or nonprofit institutions approved by the NH Education Department, Office of Nutrition Programs and Services (ONPS) to operate food services under the Child and Adult Care Food Program. Currently, there are 30 Child and Adult Care Food Program (CACFP) organizations that are in good standing with ONPS.

#### **Current Program Demographics**

Of the 30 CACFP sponsors, 30 CACFP sponsors are serving meals under CACFP.

Due to the staff, new processes are being developed at all levels for program year 22-23 and it is acknowledged that different oversight activities, other than the Administrative Review processes required by regulations, are needed.

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

**Office of Nutrition Programs and Services has two positions that are vacant and the SFSP staff will be out on extended medical leave. The two positions are as follows: Administrator II and Program Specialist IV which we are unable to hire until after July 2023 due to budget restraints that are beyond the control of the SA. The Program Specialist IV is the only CACFP person qualified to Review the Sponsors. The Program Specialist IV will be out on extended medical leave. The SA would try to hire a contractor to conduct the CACFP Reviews, however, we have an extensive process to do so. The SA would have to put together an RFP and get it approved from Fiscal and G&C before we can even advertise. This process is usually 2-3 months before approval of the RFP and then the process of award of the RFP and Contract is beyond the original 2-3 months.**

**Due to the above description the ONPS which will make the onsite portion of any Child Nutrition Program Administrative Review not possible. This is rather unfortunate as we know there is a large amount of technical assistance and guidance provided during any onsite Administrative Review (AR). This level of technical assistance and guidance is still needed, regardless of whether the AR occurs or not. In addition, technical assistance, guidance and correction provided during the Administrative Review helps ensure program integrity, (including identifying any potentially fraudulent activity).**

**Due to this challenge, the NHED's goal is to provide half of the 10 Reviews that are due for FY 23 and only complete 5 of the reviews and complete them through a Desk Review option. In FY 24 ONPS will start the review process with the 5 that were to be completed in FY 23. The 5 that will be completed will be ones that are in good standing and the ONPS feels that they can wait to be reviewed in FY 24.**

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

**The NH Department of Education requests a waiver of the following regulations for the Administrative Reviews (AR) and approval of completing 5 AR Desk Reviews and push the other 5 good standing AR reviews to FY 24.**

**Please note that the NHED is not taking on new CACFP Sponsors at this time, however, we do allow Centers/FDCH/Adult Centers to come under an existing Sponsor. However, we will allow SFA's to add on At Risk after school Snack/Supper.**

**7 CFR 226.6(m)(4) Review of sponsored facilities.**

**7 CFR 226.6(m)(6) Frequency and number of required institution reviews. Annually review at least 33.3% of all institutions according to the schedule:**

**Review independent centers and sponsoring organizations of 1 to 100 facilities at least once every three years and include reviews of 10% of their facilities;**

**Review sponsoring organizations with more than 100 facilities at least once every two years and include reviews of 5 percent of the first 1,000 facilities and 2.5 percent of the facilities in excess of 1,000; and**

**Review new institutions that are sponsoring organizations of five or more facilities within the first 90 days of Program operations.**

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

**The NH Department of Education will provide USDA with data when requested. There are no impacts on technology, State systems, or monitoring.**

- 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]:**

**There are currently no State level regulatory barriers related to this specific issue.**

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

**At this time, the NH Education Department does not anticipate challenges from the establishment of this statewide waiver at the state or sponsor level. Rather, it is anticipated the waiver will reduce challenges to the State agency, while allowing the State agency to continue to provide technical assistance and guidance oversight to all NH Child Nutrition meals programs.**

- 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]:**

**Due to the fact that the meal service will be operating as it normally would under CACFP, the establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government.**

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

**The anticipated implementation for the monitoring waiver is effective upon approval and it will remain in effect through September 30, 2023 for the CACFP.**

- 11. Proposed monitoring and review procedures:**

## **New Hampshire Technical Assistance and Program Integrity Procedure**

### **Background**

**At this time we currently have 2 vacancies (an Administrator and 1 Program Specialist II). Also, due to the inability of the New Hampshire Department of Education (NHED) to conduct Administrative Reviews for NH Child Nutrition Programs in Desk Review process. The State agency will instead provide a limited amount of ARs and complete them through a Desk Review. The New Hampshire Child Nutrition staff will:**

- 1. Conduct a Desk AR for 5 out of the 10 reviews due to staff limitations. The AR information will be kept for 3 years plus the current.**
- 2. Track all AR Reviews for all Sponsors on a tracking spreadsheet that is kept for three years plus the current.**
- 3. Monitor all CACFP claims submitted into the NHED online system.**

### **Procedure for Technical Assistance and Guidance Meetings**

**Each State agency Reviewer will...**

- Follow the AR process only through a Desk Review. All documents needed will be sent via email or mail. During the Zoom/Teams meeting, I will ask them to walk around and show me where all necessary documentation needs to be and follow the AR questions.**
- Review claims procedures for reimbursement in the online claiming area of MyNHDOE to determine current claiming numbers.**
- Contact the Administrative Review contact person at each Sponsor to schedule a Zoom meeting, Teams meeting and/or a phone meeting. Determine a mutually agreed upon date and time of the approximately one – two hour meeting (depending on the size of the organization).**

If noncompliance is found during the AR Desk meeting or after review of submitted documents, the SA will act immediately by contacting the Sponsor. The Sponsor must correct the noncompliance and submit a statement of correction as well as any documents that support correction. This submission must be completed 30 days after the AR meeting.

**Tracking TA Meeting Information**

A tracking sheet has been developed to track corrections needed from the AR Desk Review. Both the answers to the questions from the meetings and the tracking spreadsheet will be the tools needed to provide necessary data to USDA. Please see below for a snippet of the tracking spreadsheet.

NH DOE Food & Nutrition CACFP TA Tracking FY 2022						
Sponsor Name	Site Name	Date of ATAM	ONPS Staff TA Meeting Lead	Contact Information/ Attendees for TA	TA Phone/Zoom Session Date	Date Notification to SFA or
Easter Seals NH, Inc.	Adult Day Program					
	Child Development & Family					
	Child Development Center					
	Day Out Program Rochester					
Second Start	First Start Children's Center					
Nashua Adult Learning Center	Dr. Crisp School					
	Early Childhood Adventures					
	Fairgrounds Elementary					
	Mt. Pleasant School					
Tri-County Cap Head Start	Berlin Area Head Start					
	Colebrook Area Head Start					
	Conway Area Head Start					
	Groveton Area Head Start					
	Littleton Area Head Start					
	Ossipee Area Head Start					
	Plymouth Area Head Start					

The headings of information collected are:

- ONPS Staff Reviewer
- Contact Information/Attendees for AR Meeting
- AR Phone/Zoom Session Date
- Date Notification of AR Meeting Sent to Sponsor
- List Findings
- Date Letter of Correction Sent and Date Correction Response Due
- Date Correction Response Received
- Date of TA Meeting Closure
- Additional Notes

**Monitoring of Claims Procedure**

The NHED ONPS staff know the organizations and sponsors well and know, in general, what a normal claim should be for these entities. If, for example, a claim for reimbursement contains numbers that are exceptionally higher than normal when compared to prior year claims for the same time period, the claim will be placed on hold and the entity will be contacted immediately to determine the reason. For institutions that are serving CACFP, “exceptionally higher” is defined as a claim for reimbursement that contains monthly meal count numbers that are 95% or higher than possible based on the total number of children in any category of free, reduced or paid. The NHED claim system flags and places on hold unusual claims, including those with exceptionally high (95% or higher) monthly meal counts. Any claims that are flagged will be reviewed by NHED ONPS staff. The NHED ONPS staff will contact the entity for an explanation of the claim and, if needed, technical assistance and guidance will be provided by our staff. This information will be documented in the SAU file on the shared drive.

If noncompliance or potential fraudulent activity is found during either the AR meeting or the review of claims submitted to the NHED, the State agency will act immediately to correct the issue.

### TA Training Conference

Based on the AR that the ONPS is intending to carry out through this waiver request as well as questions received from Sponsors topics will be gathered for a Child Nutrition Training Conference in August 2023, along with mini trainings being offered monthly. Due to the fact that many agenda topics will only be identified after the AR begin, NHED cannot provide a full list of topics that may be trained on at the conference. However, a few are already known to NHED and are listed in the next paragraph.

NHED ONPS intends on having our normal conference during a one-week period. Monthly mini trainings will be offered virtually and will be developed from the “corrections needed” data gathered through the AR as well as from any questions answered via normal phone calls. The trainings will either be created from pieces of existing NHED ONPS power point presentations or new power point presentations, depending on the content needed. At this time, topics NHED ONPS knows will be included are: Meal Counting and Claiming Compliance, Meal Pattern Compliance, FSMC and Vendor contracts and Area Eligibility in CACFP At Risk Afterschool meals. An example of a recent claims training can be found at the following link: [Child and Adult Care Food Program | Department of Education \(nh.gov\)](#) Please scroll down to Trainings to see claim training provided. Please note this is only an example as the NHED ONPS offers numerous training opportunities to both Sponsor and School administrators and child nutrition food service employees. For example, NHED ONPS offers a NSLP Basics Workshop, a CACFP Basics

Workshop and a SFSP Basics Workshop annually, which will also be revised for use in the Wellness & Learning Conference.

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

The 5 AR will be documented on the CACFP AR Spreadsheet and will be available for Review for 3 years plus the current.

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

**Notice to be released:**

The NH Department of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to decrease the amount of Administrative Reviews and to conduct them as Desk Reviews due to the limitations of staff.

**13. Signature and title of requesting official:**

**Kelly Rambeau, Administrator IV, Office of Nutrition Programs and Services,  
NH Dept. of Education**

\_\_\_\_\_ *Kelly Rambeau MPH* \_\_\_\_\_

Title: Administrator IV

Requesting official's email address for transmission of response:

[kelly.a.rambeau@doe.nh.gov](mailto:kelly.a.rambeau@doe.nh.gov)

**Patty Carignan, Program Specialist, Office of Nutrition Programs and Services,  
NH Dept. of Education**

\_\_\_\_\_ *Patricia J Carignan* \_\_\_\_\_

Title: Program Specialist IV

Requesting official's email address for transmission of response:

[patricia.j.carignan@doe.nh.gov](mailto:patricia.j.carignan@doe.nh.gov)

**Phone: 603-271-3862**

**NH Dept. of Education**

**101 Pleasant St.**

**Concord, NH 03301**

---

**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:**

**Confirming 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: Recommend Approval**