



January 22, 2026

Kelly Chanay

Director

Kansas State Department of Education

900 SW Jackson, Ste. 102

Topeka, KS 66612

Dear Kelly Chanay:

This letter is in response to the waiver request from the Kansas State Department of Education (KSDE) received on January 6, 2026, requesting to waive the Child and Adult Care Food Program (CACFP) monitoring requirement for sponsoring organizations to conduct onsite monitoring reviews of day care homes (DCHs). As discussed below, under the waiver authority granted at section 12(l) of the National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves KSDE's waiver request to waive the regulations at 7 CFR 226.16(d)(4)(iii), as related to onsite monitoring reviews of DCHs.

KSDE is requesting that CACFP sponsoring organizations in good standing be permitted to conduct one of the three required monitoring visits virtually for DCHs due to required staff travel and facility retention. In its waiver request, KSDE stated that there are currently 15 sponsoring organizations of DCHs with 1,933 providers who are eligible to participate in this waiver.

Upon approval of this waiver, KSDE will allow the sponsoring organization to conduct one review per 7 CFR 226.16(d)(4)(iii) utilizing offsite monitoring procedures to include the required review elements and documentation submitted by providers via Zoom, Teams, FaceTime and Duo. Monitors will also complete their review by conducting an unscheduled phone or video call.

KSDE would require sponsoring organizations to submit, for review and written approval, monitoring plans including how technology solutions will be utilized to perform monitoring reviews as well as provide technical assistance, addressing missed unscheduled reviews and any serious deficiency determinations.

FNS approves KSDE's request to allow sponsoring organizations in good standing to conduct one offsite monitoring review virtually and has determined that continuing to allow some virtual reviews will facilitate program operations and help mitigate challenges related to monitoring in rural areas of the state. Therefore, FNS' approval of this waiver will not compromise the integrity of the CACFP. Provided that the sponsoring organization in good standing submits and receives approval from the State agency for a virtual monitoring plan as described above, KSDE is approved to:

- Permit sponsoring organizations in good standing to conduct one annual monitoring review offsite;
- Require that at least one onsite monitoring review of each DCH provider be unannounced and include a meal service observation; and
- Require that the offsite review includes an unscheduled phone or video call to complete the review.

This waiver is in effect from January 22, 2026 through September 30, 2026.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, no later than November 1, 2026, KSDE must provide the FNS Mountain Plains Regional Office (MPRO) with a written report quantifying the impact of the waiver, as described below. The report must include:

- A description of how this waiver allowed the Program(s) to provide nutritional meals and/or snacks to Program participants;

- A description of how this waiver improved services for the Program(s) participants;
- A description of how the waiver reduced the administrative burden necessary to operate the Program(s);
- A description of how the waiver has facilitated sponsoring organizations' oversight abilities and responsibilities;
- A summary of how many sponsoring organizations utilized this waiver and how many were recruited or retained as a result of the waiver approval;
- A summary of how many DCHs were monitored offsite during the waiver period;
- A summary of the State-approved sponsor specifications for conducting virtual monitoring reviews, and procedures for video/photographic reviews, addressing missed unannounced reviews, and serious deficiency determinations;
- A summary comparison of common findings for onsite and offsite monitoring reviews, including serious deficiencies;
- 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; and
- A summary of any technical assistance measures that were provided by the State agency to sponsoring organizations and to DCH providers by the sponsoring organizations.

FNS appreciates the efforts of KSDE to support institutions in conducting effective monitoring to ensure program integrity. If you have any questions or concerns, please contact the FNS MPRO.

Sincerely,

Jessica Saracino

Acting Associate Administrator

Child Nutrition Programs

Electronic Copy: Jennifer Otey, MPRO