PART 6
MONITORING

Monitoring is the process of visiting and reviewing centers. Monitoring is critical to the effective operation of the Program. As part of the review and monitoring process, State agencies and sponsors must provide technical assistance. This assures that participants receive nutritious meals and that institutions receive proper financial reimbursement.

- STATE AGENCY MONITORING REQUIREMENTS
- SPONSORING ORGANIZATION MONITORING REQUIREMENTS
- CORRECTIVE ACTION
- APPEALS
State agency monitoring requirements

State agencies must provide technical and supervisory assistance to sponsors and independent centers to ensure effective Program operation, monitor progress towards achieving Program goals, and ensure that there is no discrimination in the Program.

Review Content

State agencies must assess each institution’s compliance with the requirements related to:

• Recordkeeping
• Meal counts
• Administrative costs
• Any applicable guidance issued by FNS, the USDA, or the State
• If applicable, facility licensing and approval
• If an independent center, observation of a meal service
• If a Sponsor, training and monitoring of facilities
• All other Program requirements

Frequency and Number of Reviews

State agencies must adhere to the following review schedule when monitoring sponsors and independent centers:

• Annually review at least 33.3 percent of all institutions.
• At least 15 percent of the total number of facility reviews must be unannounced
• Independent centers and sponsors of one to 100 centers must be reviewed at least once every three years

• Sponsors with more than 100 centers must be reviewed at least once every two years (these reviews must include five percent of the first 1,000 centers and two and a half percent of the centers in excess of 1,000)
• New sponsors with 5 or more centers must be reviewed within the first 90 days of operations [7 CFR 226.6(m)]

Civil Rights

Institutions also must comply with the following civil rights laws and compliance will be monitored by the State agency:

• Title VI of the Civil Rights Act of 1964
• Title IX of the Education amendments of 1972
• Section 504 of the Rehabilitation Act of 1973
• The Age Discrimination Act of 1975
• The USDA’s regulations concerning nondiscrimination
Monitoring SFAs that participate in NSLP and CACFP

When the same State agency administers both CACFP and the NSLP/SBP, monitoring of the financial management portion of the Child Nutrition Programs must be combined to ease the burden on SFAs and ensure that the complete nonprofit food service is reviewed. Where two separate State agencies administer the Programs, the State agencies must determine which agency will monitor the financial management portion of the SFA Child Nutrition Programs.

Additionally, States are encouraged to combine CACFP and NSLP monitoring of programmatic requirements, including meal pattern compliance, counting, and claiming. State agencies may wish to implement a memorandum of understanding (MOU) between the two agencies to address review requirements. MOUs between State agencies must be approved by the appropriate FNS Regional Office (CACFP 04-2013: Streamlining At-risk Meal Participation for School Food Authorities, November 28, 2012).

SPONSORING ORGANIZATION MONITORING REQUIREMENTS

Each sponsoring organization must provide adequate supervisory and operational personnel for the effective management and monitoring of the Program at all At-Risk Afterschool centers under its sponsorship.
Pre-approval Visits and Training Requirements

Sponsors must conduct pre-approval visits to each center to discuss Program benefits and requirements and ensure that the facility is capable of providing the proposed meal service. State agencies may waive the requirement for pre-approval visits for centers that operated as SFSP sites. SFAs are not required to conduct pre-approval visits to schools participating in NSLP. Sponsors must also conduct training on Program duties and responsibilities to key staff from all sponsored centers prior to the beginning of Program operations.

At a minimum, training must include instruction appropriate to the level of staff experience and duties on:

- Program meal patterns
- Meal counts
- Claims submission
- Review procedures
- Recordkeeping requirements
- Reimbursement system

Sponsors must provide additional annual training sessions for key staff from all sponsored child care facilities [7 CFR 226.16(b)].

Review Elements

Reviews must:

- Determine whether a facility has corrected problems noted on prior reviews (if any)
- Include a reconciliation of the facility’s meal counts with enrollment and attendance records for a five day period
- Assess the facility’s compliance with Program requirements related to:
  - Program meal patterns
  - Licensing or approval
  - Attendance at annual training
  - Meal counts
  - Menu and meal records

If a sponsor conducts two unannounced reviews of a facility in one year and finds no serious deficiencies, the sponsor may choose not to do a third review of that facility that year. However, the first review in the next review year must occur no more than nine months after the previous review 7 CFR 226.16(d).
Follow up Reviews

If during a facility review, a sponsor finds one or more serious deficiencies, that facility’s next review must be unannounced [7 CFR 226.16(d)(4)(v)].

Health and Safety

When an institution’s conduct poses an imminent threat to the health or safety of children or the public, the State agency must suspend the institution’s participation in CACFP. If the institution is cited by State or local health or licensing officials for an offense that constitutes serious health and safety violations, the State agency must immediately declare the institution seriously deficient in addition to suspending its participation in CACFP. If the State agency, rather than the health or licensing officials, discovers conditions that might constitute an imminent threat to public health or safety, the State agency is required to notify the appropriate State or local licensing or health authorities and to take action based on those recommendations [7 CFR 226.6(c)(5)(i)]. For more information regarding health and safety violations, please visit the Serious Deficiency, Suspension, and Appeals Handbook.
Frequency and Type of Required Reviews

Sponsors must adhere to the following review schedule:

- Review each facility three times per year.
- At least two of the reviews must be unannounced.
- At least one unannounced review must include observation of a meal service.
- At least one review must be during each new facility’s first four weeks of operations.
- No more than 6 months may elapse between reviews.

Sponsors must ensure that the timing of unannounced reviews is varied in a way that would ensure they are unpredictable to the facility (CACFP 16-2011: Child Nutrition Reauthorization 2010: Varied Timing of Unannounced Reviews in the Child and Adult Care Food Program, April 7, 2011). For example, the sponsor should not make unannounced reviews at the same time and day of week for each review so that the facility can predict when the review will take place.

Sponsors that operate both SFSP and CACFP At-Risk Meals are not required to monitor their sites following the SFSP requirements during the summer and then monitor those same sites again following the CACFP requirements during the school year. Instead, such sponsors may follow the CACFP monitoring schedule year-round. If sponsors choose to follow the CACFP monitoring schedule year-round, one of the three annual reviews must occur during the summer, review for SFSP requirements, include the review of a meal service, and be unannounced; two reviews must occur during the school year, review for CACFP requirements, at least one must include the review of a meal service, and at least one must be unannounced (CACFP 12-2013: Transitioning from the Summer Food Service Program to Child and Adult Care Food Program At-Risk Afterschool Meals, May 31, 2013).

CORRECTIVE ACTION

If a participating institution has committed one or more serious deficiencies, the institution’s executive director and chairman of the board of directors must receive a notice of serious deficiency. The notice must identify responsible principals and individuals and must be sent to those persons as well. The notice will specify appropriate corrective action and the time periods for completing the corrective action for the institution and responsible principals and individuals.

If one or more serious deficiencies result in a disallowance (a determination that the institution must repay the State for unearned reimbursements) the State must establish an overclaim. To the extent possible and appropriate, the State must identify the person or persons responsible for the deficiencies for the purpose of assigning financial responsibility to the responsible principal or responsible individual, in addition to the institution. Failure to take corrective action to fully and permanently correct the serious deficiency by the allotted time will result in proposed termination [7 CFR 226.6(c)].
A facility may appeal the proposed termination by requesting an administrative review within 15 days of receiving the notice of proposed termination. A hearing is then held by the administrative review official, and the official must inform the State agency, the institution’s executive director, and the chairman of the board of directors, and the responsible principals and responsible individuals, of the administrative review’s outcome within 60 days of the State agency’s receipt of the request for an administrative review [7 CFR 226.6(k)].

**QUESTIONS AND ANSWERS**

1. **WHAT ARE THE STATE ADMINISTRATIVE MONITORING REQUIREMENTS FOR AT-RISK AFTERSCHOOL INSTITUTIONS?**

   In CACFP, State agencies must comply with 7 CFR 226.6(m) in conducting reviews of those institutions that have agreements with the State agency to provide At-Risk Afterschool Meals or Snacks. According to these regulations, State agencies must annually review 33.3 percent of all CACFP institutions, including those operating At-Risk Afterschool Programs. At least 15 percent of the required reviews must be unannounced. Additionally, the current regulations require that State agencies ensure that:

   - Independent centers and sponsors of one to 100 facilities are reviewed at least once every three years; a review of such sponsors must include reviews of ten percent of the sponsors’ facilities.
   - Sponsors with more than 100 facilities must be reviewed at least every two years. These reviews must include reviews of five percent of the first 1,000 facilities and two and a half percent of the facilities in excess of 1,000.

   - Reviews of newly participating sponsoring organizations with five or more child care facilities must be completed within the first 90 days of Program operations.

   In conducting these reviews, State agencies must ensure that sponsors are operating eligible At-Risk Afterschool Care Programs (i.e., programs that provide children with regularly scheduled activities in an organized, structured, and supervised environment), and are complying with all Program requirements.