

**CACFP Free Meals Reimbursement during COVID-19**  
**Public Health Emergency**  
**Waiver Request**  
**New Mexico Children, Youth and Families**  
**Department (CYFD)**

**State agency submitting waiver request:**

Children, Youth and Families Department  
Loren Miller  
Bureau Chief, Family Nutrition Bureau  
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**Region:** Southwest Region

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

The Children, Youth and Families Department (CYFD)/Early Childhood Services Division (ECS), Family Nutrition Bureau (FNB) affirms that only eligible service institutions in good standing and 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.

Please note, Children, Youth and Families Department (CYFD)/Early Childhood Services Division will become a separate agency from CYFD as of July 1, 2020. The CYFD / Early Childhood Services Division will be known as Early Childhood Education and Care Department (ECECD).

**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]:**

New Mexico is committed to being proactive when responding to the unprecedented challenges created by the COVID19 Health Emergency. Faced with the worst stretch of job losses on the record, Child Care Providers struggle to continue to keep employees working and food inventory stocked. New Mexico is requesting a waiver for Income Eligibility Requirements and reimburse meals at the Free rate for all child care providers in New Mexico. First responders and essential workers still depend on child care for children, and our providers have responded valiantly to the call, however, child care providers in New Mexico are faced with a significant loss of income in which they have no response for. By paying all Centers at the Free Rate for meals will allow our Providers to meet the nutritional needs of children, and will allow Providers to continue to respond to meet the needs of New Mexico's children.

**Specific Program requirements to be waived (include statutory and regulatory citations).**

**[Section 12(I)(2)(A)(i) of the NSLA]:**

§226.23(e)(1) Application for free and reduced-price meals. (i) For the purpose of determining eligibility for free and reduced price meals, institutions (other than emergency shelters and at-risk afterschool care centers) shall distribute applications for free and reduced price meals to

the families of participants enrolled in the institution. Sponsoring organizations of day care homes shall distribute applications for free and reduced price meals to day care home providers who wish to enroll their own eligible children in the Program. At the request of a provider in a tier II day care home, sponsoring organizations of day care homes shall distribute applications for free and reduced price meals to the households of all children enrolled in the home, except that applications need not be distributed to the households of enrolled children that the sponsoring organization determines eligible for free and reduced price meals under the circumstances described in paragraph (e)(1)(vi) of this section. These applications, and any other descriptive material distributed to such persons, shall contain only the family-size income levels for reduced price meal eligibility with an explanation that households with incomes less than or equal to these levels are eligible for free or reduced price meals. Such forms and descriptive materials may not contain the income standards for free meals. However, such forms and materials distributed by child care institutions other than sponsoring organizations of day care homes shall state that, if a child is a member of a SNAP or FDPIR household or is a TANF recipient, the child is automatically eligible to receive free Program meal benefits, subject to the completion of the application as described in paragraph (e)(1)(ii) of this section; such forms and materials distributed by sponsoring organizations of day care homes shall state that, if a child or a child's parent is participating in or subsidized under a Federally or State supported child care or other benefit program with an income eligibility limit that does not exceed the eligibility standard for free or reduced price meals, meals served to the child are automatically eligible for tier I reimbursement, subject to the completion of the application as described in paragraph (e)(1)(ii) of this section, and shall list any programs identified by the State agency as meeting this standard; such forms and materials distributed by adult day care centers shall state that, if an adult participant is a member of a SNAP or FDPIR household or is a SSI or Medicaid participant, the adult participant is automatically eligible to receive free Program meal benefits, subject to the completion of the application as described in paragraph (e)(1)(iii) of this section. Sponsoring organizations of day care homes shall not make free and reduced price eligibility information concerning individual households available to day care homes and shall otherwise limit the use of such information to persons directly connected with the administration and enforcement of the Program. However, sponsoring organizations may inform tier II day care homes of the number of identified income-eligible enrolled children. If a State agency distributes, or chooses to permit its sponsoring organizations to distribute, applications to the households of children enrolled in tier II day care homes which include household confidentiality waiver statements, such applications shall include a statement informing households that their participation in the program is not dependent upon signing the waivers. Furthermore, such forms and materials distributed by child care institutions shall state that a foster child is automatically eligible to receive free Program meal benefits, and a child who is a Head Start participant is automatically eligible to receive free Program meal benefits, subject to submission by Head Start officials of a Head Start statement of income eligibility or income eligibility documentation.

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

The State of New Mexico CACFP is deeply committed to program integrity and monitoring of Sponsors. As many programs operate on year round basis for CACFP, current monitoring, reporting and review practices will be upheld and maintained during this timeframe.

**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]:**

The State of New Mexico has continued to respond to the COVID19 crisis by evoking all Nationwide Waivers offered to States.

**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 at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by who are providing services to First responders and essential workers who still depend on child care for their children and are experiencing challenges because of COVID-19. Children can still benefit from meal service and schools and Food Sponsors can use encumbered resources.

**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 will not cost any additional administrative duties outside of the normal oversight that the USDA FNS already provides. Monitoring and oversight of organizations that would participate would be very similar to the monitoring and oversight received by existing organization that are participating in the program. Reimbursement rates would remain the same.

**Anticipated waiver implementation date and time period:**

The State of New Mexico requests to implement the waiver starting March 11, 2020 through September 30, 2020, or when the COVID19 Public Health Emergency is over.

**Proposed monitoring and review procedures:**

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):**

State of New Mexico will utilize existing frequency that is used within the FNS-44, and will report on children served, quantity of meals and quantity of snacks on a monthly basis.

**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]:**

**Public Notice:**

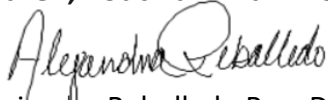
<https://cyfd.org/family-nutrition>

April 18, 2020. New Mexico Children, Youth and Families Department is seeking two waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support schools, child care facilities and communities in providing meals to children in areas affected as a result of the Public Health Emergency due to COVID 19. 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. The first waiver would allow local At-Risk Centers to continue to meet the urgent need of childhood hunger in New Mexico by requesting At-Risk Providers to continue to operate continuously until September 30, 2020. The Second request is to waive Income Eligibility Requirements and reimburse meals at the Free rate for all child care providers in New Mexico who are providing services to First responders and essential workers who still depend on child care for their children.

**Signature and title of requesting official:**

**Children, Youth and Families Department**

 04/18/2020  
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**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