**Fiscal Year 2024**

**Healthy Tots Act & Child and Adult Care Food Program**

**Participation Waiver**

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| --- | --- |
| **Name of Child Development Facility:** (List all organizations under your ownership) | |
| **Owner/Executive Director Name:** | |
| **Contact Person:** | |
| **Phone Number:** | **Email Address:** |
| **Main Mailing Address:** | |

The purpose of the Federal Child and Adult Care Food Program (CACFP) and the District’s Healthy Tots Act of 2014, effective February 26, 2015 D.C. Law 20-155; D.C. Official Code §§38-281 et. seq. (HTA) are to support and enhance child care facilities’ ability to serve high-quality and nutritious meals. Through financial support and technical assistance, the CACFP and the HTA provide tremendous benefits that can enhance an organization’s meal and wellness programs. According to the HTA, all child development facilities must participate in the CACFP if 50% or more of the enrolled children are eligible for subsidized child care. Facilities may be exempted from this requirement if a waiver is granted through the Office of the State Superintendent of Education (OSSE). The expectations of the Federal CACFP is that organizations have the capacity to comply with the Program’s performance standards. However, if an organizations does not have such a capacity this could cause hardship and threaten the organization’s viability. Therefore, organizations that are unable to meet the performance standards may be a granted a waiver excusing them from participating in the CACFP and receiving HTA benefits. The hardship factors are based on the CACFP performance standards and the HTA eligibility requirements. In addition, organizations able to prove exemption pursuant to the HTA implementing regulations, 5A DCMR §§1000.3 and 1000.10 will be granted a waiver.

**Applying for a waiver:**

1. Review the exemption/hardship factors.
2. Check the factor(s) that reflects your organization.
3. If applying for a waiver based on a hardship, complete the “Hardship Explanation” section.
4. Submit the document to the HTA Program Specialist Sheena King at [sheena.king@dc.gov](mailto:sheena.king@dc.gov).

Waivers are granted at the discretion of OSSE. Waivers based on hardship factors will be effective for fiscal year 2023. It will expire on October 1, 2024.

Exemptions pursuant to the HTA implementing regulations, 5A DCMR § 1000.10 will be effective for the period identified next to each factor.

**5A DCMR § 1000.10 EXEMPTION FACTORS**

An exemption will be granted based on the following incompatibility factors:

* The organization’s application to participate in CACFP was previously denied because it did not meet all the Program requirements of 7 CFR § 226.6 *et. seq.*

Exemption period: Fiscal Year 2024.

**Date application was denied (Month & Year):**

* **The organization has been declared seriously deficient and has been terminated, disqualified from the CACFP participation and placed on the USDA National Disqualification List (NDL), i.e. the State Agency has determined that the organization is unable to meet one or more of the requirements of 7 CFR 226.**

Exemption period: 7 years from the date of disqualification or until serious deficiency corrective action plan has been approved by the Food and Nutrition Services National Office.

*(There is no set timeline designated for the NDL removal process. Review of the request and submitted corrective action is based on factors affecting the administration of CACFP at the SA, USDA FNS RO, and National Office levels.)*

**Date of disqualification (Month & Year):**

**HARDSHIP FACTORS**

**Choose the one factor that best reflects your organization’s operations.**

A waiver may be granted for good cause based on the following hardship factors:

**FINANCIAL**

* The organization does not have adequate funds within its current budget to cover cost that may exceed the CACFP reimbursement, such as paying a cook’s salary, upgrading an inadequate cooking area, contracting for meals, paying any debt in the event of a temporary interruption in Program payments, or repaying a claim is assessed against the institution pursuant to 7 CFR §226.6 (b)(1).

Hardship Justification

Provide the following documents:

* Most recent organizational budget showing revenues and expenses
* Menu

Complete the “Hardship Explanation” section with the following information.

* Who provides meals?  Facility  Parents
* If your facility provides meals and/or snacks, describe the foods served for each meal type?

 Breakfast  AM Snack  Lunch  PM Snack  Super

 The organization’s most recent A-133 audit reveals areas that demonstrates the organization may not be able to meet the CACFP financial viability standards pursuant to 7 CFR §226.6 (b)(1).

Hardship Justification

Provide the following documents:

* Most recent A-133 audit
* Menu

Staffing/Organizational Structure

* The organization does not employ enough staff to maintain required children/teacher ratios when CACFP duties must also be completed, e.g. preparing meals or completing paperwork pursuant to 7 CFR §226.6 (b)(1).

Hardship Justification

Provide the following documents:

* Staffing Pattern, including director and administrative staff.
* Menu
* The organization does not have the staffing resources to provide comprehensive oversight of the CACFP pursuant to 7 CFR §226.6 (b)(1).

Hardship Justification

* Staffing pattern, including director an administration staff
* Menu

**HARDSHIP JUSTIFICATION**

|  |  |
| --- | --- |
| H**HARDSHIP EXPLANATION: DESCRIBE IN DETAIL YOUR ORGANIZATION’S HARDSHIP.**  *Attach documents that will support your explanation, such as audits, budgets, organizational charts, staffstafsst staff duties enrollment data, etc.* | |
|  | |
| **DOES YOUR ORGANIZATION HAVE THE RESOURCES TO ALLEVIATE THE HARDSHIP CIRCUMSTANCES WITHIN A YEAR?**   * YES  No. If no, Explain. | |
| **HOW WILL YOUR ORGANIZATION ALLEVIATE THE HARDSHIP?** | |
| **WHAT TRAINING OR TECHNICAL ASSIANSTNCE MAY OSSE PROVIDE TO ASSIST YOUR**  **ORGANIZATION IN OVERCOMING THIS HARDSHIP?** | |
| **OWNER/EXECUTIVE DIRECTOR SIGNATURE** | **DATE** |