

**Alaska Department of Education & Early Development
Child Nutrition Programs
Waiver Request for Unanticipated School Closures**

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

Alaska Department of Education & Early Development (DEED) Child Nutrition Programs
Gavin Northey, Program Manager, 907-465-8708 or gavin.northey@alaska.gov Samantha
Simien, NSLP Program Coordinator, 907-465-8709 or samantha.simien@alaska.gov

2. Region:

Western Region

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

State of Alaska DEED requests this waiver on the behalf of all program operators of the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), and Seamless Summer Option (SSO), who are in good standing.

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

The goal of this waiver is to provide the opportunity for NSLP, SBP, SFSP, and SSO program operators to respond timely in the event of an unanticipated school closure due to Natural Disasters, Unscheduled major building and equipment repairs, Court orders related to school safety or other issues, and Labor management disputes.

AK DEED wishes to provide the following flexibilities during the aforementioned events:

- Congregate meal service
- Meal service time
- Offer versus serve
- Meal service directly to children
- Parent/Guardian Meal Pickup
- Alternate Site

Waiving these requirements will assist program operators to ensure there is no disruption in children's access to meals when these unanticipated school closures occur.

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

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

SFSP and SSO Unanticipated School Closures (Schools buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1),(2), and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

NSLP and SBP Unanticipated School Closures (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A), and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l), and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

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

Alaska DEED will provide technical assistance to program operators to clarify the flexibilities that are available in response to unanticipated school closures. AK DEED does not expect any challenges from program operators in implementing these waivers as operators were able to utilize similar flexibilities in prior years in response to the COVID-19 pandemic.

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]:

No regulatory barriers at the state level.

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

Emergency situations require emergency responses in a timely manner, and with this waiver AK DEED will have the ability to provide the approval or denial of the flexibilities in less time. AK DEED does not anticipate these waivers will present any challenges to the SA or SFAs.

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]:

AK DEED does not anticipate this waiver will increase the overall cost of the program to the Federal government because all sites are approved to participate, this waiver merely waives barriers to participation due to the disaster emergencies.

10. Anticipated waiver implementation date and time period:

AK DEED requests to implement this waiver immediately and in effect accordingly:

- NSLP and SBP through June 30, 2023
- SFSP and SSO through April 30, 2023

It is important to align waiver dates to allow for varied school calendars.

11. Proposed monitoring and review procedures:

AK DEED will track and provide oversight to SFAs that are approved to serve meals under this waiver.

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

AK DEED will send a report to FNS by September 30, 2023, identifying the data and events that warranted the utilization of these waivers.

13. 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]:

<https://education.alaska.gov/cnp/nslp>

14. 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]:
<https://education.alaska.gov/cnp/nslp>

Signature and title of requesting official:



Title: AK DEED CNP Program Manager

Requesting official's email address for transmission of response: gavin.northey@alaska.gov

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:

- Check this box to confirm 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:**