

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

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

Alaska Department of Education and Early
Development Child Nutrition Programs
Jo Dawson, Program Manager
PO Box 110500
Juneau, AK 99811-0500
907-465-8708

2. Region: Western Region

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

These waivers are limited to SFSP and NSLP/SBP sponsors in good standing approved to operate July 1, 2022 – May 30, 2023; and CACFP sponsors approved to operate July 1, 2022 thru September 30, 2023.

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]:

These waivers are requested to support flexibility as sponsors continue to respond to and recover from the COVID-19 pandemic. These waivers allow the state agency and program sponsors to be responsive if conditions require program modifications due to COVID-19 related issues that impact standard operating procedures.

These waivers will help us to reduce administrative burden to the fullest extent possible when program sponsors face closures or significant reduction in hours/enrollment for social distancing. These waivers will allow the state agency to continue to provide administrative and operational flexibility, where possible, while maintaining program integrity in providing nutritious meals during COVID-19 response.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

See attachment

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

Alaska DEED/CNP will provide detailed information and instructions to the program sponsors on the waiver process; sponsors will be required to apply for the waivers and may be required to provide implementation data.

These waivers will allow monitoring requirements to be met thru in-person and/or virtual visits by both the State Agency as well as program sponsors.

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]:

DEED has issued waivers for non-congregate feeding, parent pick-up, and meal time requirements during the past two years due to COVID-19; it is our request to have the ability to approve waivers for alternate meal services if a community experiences high levels of COVID-19 if the agency has the capacity to provide meals- to- go in a safe manner. These waivers will include the accommodations for bulk meals and delivery if invoked due to local conditions.

In order to be eligible for the waiver, a program site will have to be in the “high” category using the CDC’s Community Level Databank (<https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>). A waiver would only be approved while a community is in the high category or if enrolled programs face building closures or limited attendance for social distancing regardless of the CDC levels (including school sites).

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

None at this time; however, we do anticipate unserved children if we experience additional waves of the pandemic if the waivers are not approved.

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]:

There is no anticipated increase in costs to the federal government.

10. Anticipated waiver implementation date and time period:

- NSLP/SBP 7/1/22 – 5/30/23
- CACFP 7/1/22 – 9/30/23
- SFSP 7/1/22-8/30/22 for regular SFSP, and thru 5/30/23 for unanticipated school closures if virtual school/distance delivery is not implemented

11. Proposed monitoring and review procedures:


Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements.

12. Proposed reporting requirements: DEED will provide data on program sponsor use of the waivers as requested by USDA.

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]:

[Alaska Department of Education and Early Development, Child Nutrition Programs \(https://education.alaska.gov/cnp\) pending](https://education.alaska.gov/cnp_pending)

14. Signature and title of requesting official:



Name: [Jo Dawson](#)

Title: Child Nutrition Programs Manager

Alaska Department of Education and Early Development

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:

Summer 2022 and SY 2022-23 Child Nutrition Programs 12(l) Waiver Checklist

**Longest effective dates are in italics; actual effective dates are contingent on date of approval*

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):

The waivers in this section apply to SFSP and SSO for summer 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- ☐ Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (*May 1, 2022-September 30, 2022*)
- ☐ Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)] (*May 1, 2022-September 30, 2022*)

National School Lunch Program (NSLP) and School Breakfast Program (SBP):

The following waivers are intended to provide needed flexibility to support school food authorities (SFAs). FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- ☐ Waiver 3: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 4: Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 5: Meal Service Times [7 CFR 210.10(l) and 220.8(l)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 6: Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)] (*July 1, 2022 – June 30, 2023*)

School Year Administration (NSLP/SBP/SFSP):

The following waivers allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

- ☐ Waiver 7: Local School Wellness Policy Triennial Assessment [42 U.S.C. 1758b(b) and 7 CFR 210.31(e)(2)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 8: Food Service Management Company (FSMC) contract duration [7 CFR 210.16(d), 7 CFR 225.16(h)(7)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 9: Administrative Review Onsite Requirements [7 CFR 210.18] (*End of PHE** – June 30, 2023*)

- Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)] (*End of PHE** – June 30, 2023*)
- Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)] (*End of PHE** – June 30, 2023*)
- Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)] (*End of PHE** – June 30, 2023*)

Reporting Requirements (NSLP):

The following waivers allow State and local Program operators to appropriately allocate their limited staffing resources to meal service to best ensure safe service of meals to children as they respond to and recover from the COVID-19 pandemic.

- ☐ Waiver 10: FNS-874 Second (Independent) Review of Applications [42 U.S.C. 1796(c)(b)(6)(E)(iii) and 7 CFR 245.11(b)(2)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 11: FNS-640 Administrative Review Data Report [42 U.S.C. 1769c(b)(1)(c)(iv) and 7 CFR 210.18(n)] (*July 1, 2022 – June 30, 2023*)

Special Milk Program (SMP):

The following waivers are intended to provide needed flexibility to support schools and institutions in continuing to offer milk. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate milk service is limited by the COVID-19 pandemic.

- ☐ Waiver 12: Non-Congregate Milk Service [42 U.S.C. 1772(a)(1) and 7 CFR 215.1] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 13: Parent/Guardian Milk Pickup [42 U.S.C. 1772(a)(7), 7 CFR 215.7(d)(2)(i), and 7 CFR 215.13a(a)] (*July 1, 2022 – June 30, 2023*)

Fresh Fruit and Vegetable Program (FFVP):

The following waivers are intended to provide needed flexibility to support schools in continuing to participate in the FFVP. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when the FFVP elementary school is closed for in-person instruction and congregate meal service is limited by the COVID-19 pandemic.

- ☐ Waiver 14: Parent/Guardian FFVP Pickup [42 U.S.C. 1769a] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 15: Alternate Site [42 U.S.C. 1769a(a)] (*July 1, 2022 – June 30, 2023*)

Unanticipated School Closures:

The waivers in this section apply to SFSP and SSO during unanticipated school closures. FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- ☐ Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (*October 1, 2022 – April 30, 2023*)
- ☐ Waiver 17: Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)] (*October 1, 2022 – April 30, 2023*)
- ☐ Waiver 18: Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)] (*October 1, 2022 – April 30, 2023*)
- ☐ Waiver 19: Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)] (*October 1, 2022 – April 30, 2023*)

Child and Adult Care Food Program (CACFP):

The waivers in this section apply to CACFP. FNS expects that operational flexibilities under these waivers will only be implemented by Program operators when congregation is limited by the COVID-19 pandemic. FNS expects that monitoring flexibilities will only be implemented when pandemic conditions interfere with the ability of State agencies and sponsoring organizations to conduct reviews onsite.

- ☐ Waiver 20: Non-Congregate Meal Service [42 U.S.C 1753(b)(1)(A) and 7 CFR 226.19(b)(6)(iii)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 21: Parent/Guardian Meal Pick-Up [7 CFR 226.2] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 22: Meal Service Times [7 CFR 226.20(k)] (*July 1, 2022 – June 30, 2023*)
- ☐ Waiver 23: State Agency Onsite Monitoring Visits [7 CFR 226.6(b)(1) and 226.6(m)(6)] (*End of PHE** – June 30, 2023*)
- ☐ Waiver 24: Sponsoring Organization Onsite Monitoring Visits [7 CFR 226.16(d)(4)(iii)] (*End of PHE** – June 30, 2023*)

****** Current nationwide waivers of onsite monitoring for NSLP, SBP, and CACFP remain in effect until 30 days after the end of the Public Health Emergency (PHE). The end of the PHE will be declared by the U.S. Department of Health and Human Services.