

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

- **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
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Juneau, AK 99811-0500
907-465-8708

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

This waiver would impact Alaska Fresh Fruit and Vegetable Program (FFVP) operators awarded this grant. Award of the FFVP grant is contingent upon being an eligible NSLP sponsor in good standing. FFVP schools that would participate in this waiver are those implementing a remote learning model for some or all class instruction due to the COVID-19 pandemic and wish to continue offering the FFVP to students at alternate school sites when the awarded FFVP elementary school building is not open for pickup. These FFVP schools would be employing remote learning either to all students during building closures, or to a portion of students participating in a blended learning model that limits building access for face-to-face learning on alternate days from online learning.

- **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]:**

Challenge: When SFAs experienced unanticipated school closures during SY20-21 they were able to continue offering the FFVP with SSO or SFSP meals in a non-congregate setting, including home delivery, under USDA FNS memorandums SP12-2020 and SP19-2020 addressing Fresh Fruit and Vegetable Program during COVID-19. However, awarded FFVP school sites were only able to provide the FFVP serving at the awarded site when alternative pick-up locations were identified for meals. For SY21-22, COVID-19 considerations have led brick and mortar schools to make plans to implement remote learning models for some or all their students for an indeterminate length of time based on level of community spread of COVID-19. As remote learning models are implemented throughout a district and meal pick up locations are identified, it is restrictive to only be able to offer FFVP servings at awarded FFVP schools. Requiring the FFVP to operate only at the awarded school site is problematic because typically the elementary schools house some of the smallest kitchens and serving infrastructure. Many districts plan to serve non-congregate meals at locations with the largest facility to

accommodate multiple students to operate safely during the COVID-19 pandemic. Not allowing districts to select the location to best serve their students may prohibit the service of the FFVP due to the requirement to have the FFVP only served from the awarded elementary school site.

Goal: A desire to reach all FFVP eligible students, many SFAs would like to be able to provide the FFVP serving along with the NSLP/SBP and SSO meals being picked up by parents or guardians in a way that limits potential student exposure to COVID-19. This waiver will reduce sponsor burden of having to operate the FFVP at the awarded school site if meals are served at alternate locations.

Expected Outcome: The Alaska DEED CNP has a goal to reduce the burden on sponsors to allow them to distribute the FFVP at locations that work best for them to reach the most children and support safety protocols during this pandemic.

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

Alaska DEED CNP requests to waive the requirement at Section 19(a) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1769a) that limits the availability of Fresh Fruit and Vegetable Program (FFVP) foods to elementary schools.

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

There are no impacts on technology, State systems, or monitoring. If approved, Alaska DEED CNP will require FFVP sponsors to submit a COVID-19 FFVP Alternative Location Waiver Request. The State agency will provide technical assistance to sponsors on processes and procedures for serving the FFVP during times of remote learning to qualifying students. State agency monitoring of FFVP reimbursements will continue to ensure operating and administrative costs are allowable. The use of the waiver will be limited to times of documented school closures or blended models of remote learning provided on alternating days of in-building face-to-face instruction due to COVID-19.

- **Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:**

No barriers have been identified at the state agency level. There are currently no state-level regulatory barriers related to this specific issue.

- **Anticipated challenges State or eligible service providers may face with the waiver**

implementation:

There are no anticipated challenges with this waiver request.

- **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(I)(1)(A)(iii) of the NSLA]:**

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since only those schools who receive competitive FFVP grant funds will participate. Grant funds are limited and awarded based on good standing in the NSLP program as well as a demonstration of high free and reduced percentages in the student population. This flexibility will ensure school food service can utilize the funds available to them to serve students. Alaska DEED CNP does not anticipate that this waiver will increase the overall cost of the grant program to the Federal government.

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

To be effective for school year 2021-2022.

- **Proposed monitoring and review procedures:**

State agency staff will approve individual school district written requests to implement the waiver and monitor implementation of this waiver. The State agency will continue to provide technical assistance and guidance to sponsors as they navigate school closures due to the COVID-19 outbreak.


- **Proposed reporting requirements (include type of data and due date(s) to FNS);**

Continue to report data to USDA as required.

- **Link to or copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

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

- **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

***Please note that the public notice will be posted on DEED site by May 4, 2021*

Regional Office Analysis and Recommendations:

WRO finds the Alaska Department of Education & Early Development (DEED) provides a compelling justification to operate FFVP at alternate sites during SY 21-22 to reduce the spread of COVID-19. As many school districts continue to operate virtual and/or hybrid learning, there are less available school sites distributing NSLP/SBP meal service. The current requirement for FFVP to be distributed to eligible students at FFVP-awarded sites is therefore prohibitive. Alaska DEED has a goal to reduce the burden on sponsors to allow them to distribute FFVP benefits at locations that work best for them, while at the same time reaching as many FFVP-eligible children as possible all while supporting safety protocols during the pandemic. Alaska DEED will approve individual school district written requests to implement this waiver, and provide any technical assistance needed.

Kari Kramer 3 May 2021

Kari A Kramer