

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

This waiver would impact various Administrative Review requirements for state agency monitoring of sponsors in the National School Lunch Program, School Breakfast Program, Afterschool Snack Program, Child and Adult Care Food Program, Summer Food Service Program, and Fresh Fruit and Vegetable Program.

- **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]:**

**Challenge:** Alaska Child Nutrition Programs has opted to participate in the USDA FNS Offsite Monitoring waivers; however, due to the many complexities of offsite monitoring and other waiver options at the sponsor level, there are other aspects of monitoring that remain complicated and difficult, if not impossible, to complete in these circumstances.

**Goal:** To develop an AR schedule and process that will meet USDA requirements and support compliance with federal requirements.

**Expected Outcome:** The Alaska DEED CNP has a goal to complete required ARs offsite within timeframes established by USDA for federal fiscal year 2021.

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

Alaska DEED CNP requests a waiver for the following:

- **7 CFR 225.7(d)(2)(ii)(B)** *Annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State in the prior year.*

Due to the high number of SFAs transitioning to SFSP, the one-half of previous year reimbursement requirement will exceed state agency capacity to conduct timely ARs.

- **7 CFR 226.6(m)(6)** *The State agency must annually review at least 33.3 percent of all institutions. At least 15 percent of the total number of facility reviews required must be unannounced.*
- **7 CFR 226.16(d)(4)(iii)(A)** *Frequency and type of required facility reviews. Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section. In addition:*  
*(A) At least two of the three reviews must be unannounced*

Off-site monitoring is not conducive to unannounced reviews; barriers could include the following:

- Lack of immediate response from a site as they are busy caretaking the children;
- Lack of adequate technology at the site such as laptops with video or work phones with ability;
- Lack of bandwidth at site;
- Lack of internet access;
- Lack of personnel on site to deal with a virtual review and caretake the children adequately. When we are at the site we do a lot of waiting because their first priority is the children and we get the attention of the staff in between their other duties.

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

There are no impacts on technology. If approved, Alaska DEED CNP proposes FY21 administrative reviews as follows:

NSLP/SBP:

- Time period: NSLP Program Year 2021 (July 2020 – June 2021)
- Content: All elements of 7 CFR 210.18
- Reviews to conduct, full ARs:
  - SFAs who are participating in NSLP/SBP in FY21 and due for an AR based on the approved 5-year administrative review waiver;
  - SFAs subject to follow-up reviews due to compliance issues in the previous NSLP/SBP review.
- Targeted ARs
  - Including NSLP AR elements for SFAs participating in SFSP for Afterschool Snack

Program and/or Fresh Fruit and Vegetable Program, as applicable.

SFSP:

- Time period: Federal Fiscal Year 2021 (October 2020 – September 2021)
- Content: All elements of 7 CFR 225.7(d)
- Reviews to conduct:
  - SFSP Sponsors who are due for an AR based on the 3-year cycle;
  - SFSP Sponsors subject to pre-approval reviews (unless waived per 7 CFR 225.7(d)(1)(i));
  - SFSP Sponsors subject to first-year reviews;
  - SFSP Sponsors subject to follow-up reviews due to compliance issues in previous SFSP review; and
  - SFSP Sponsors (SFAs only) identified through risk assessment for follow-up review for NSLP/SBP.

CACFP:

- Time period: Federal Fiscal Year 2021 (October 2020 – September 2021)
- Content: All elements of 7 CFR 226.6(m)(3)-(5)
- Reviews to conduct:
  - CACFP Sponsors who are due for an AR based on the 3-year cycle;
  - CACFP Sponsors subject to pre-approval reviews (unless waived);
  - CACFP Sponsors subject to first-year reviews;
  - CACFP Sponsors to ensure that 33% of all approved sponsors are monitored; and
  - CACFP Sponsors subject to follow-up reviews due to compliance issues in previous CACFP. review.

- **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]:**

There are currently no state-level regulatory barriers related to this waiver request.

- **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(l)(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.

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

To be effective for federal fiscal year 2021 (October 2020 – September 2021).

- **Proposed monitoring and review procedures:**

The State agency will monitor the administrative reviews to determine compliance trends with noted comparison to prior year issues. Program Sponsors receiving an off-site monitoring review in FY21 may be subject to a full or targeted AR in FY22 based on the following risk factors:

- Overall compliance issues and risk of repeat findings; this will cross programs (i.e. if an SFA is having issues in SFSP, this could prompt a review in NSLP/SBP the following year);
- Delay in response to State Agency request for AR initial documents and/or corrective action documentation; and
- Significant program growth.

- **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(I)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**