

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol-Revised*, May 24, 2018.

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, Manager
P.O. Box 110500
Juneau, AK 99811-0500
Gavin.northey@alaska.gov
(907) 465-8708

2. Region:

Western Region Office

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

All Alaska Department of Education & Early Development Child Nutrition Program (DEED CNP) approved Child and Adult Care Food Program (CACFP) Day Care Home Sponsors (DCH) 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]:

Alaska's population is spread across 365 million acres of landmass, larger than that of the next three largest states, Texas, California, and Montana, combined. In fact, Alaska's landmass is greater than all the other states and territories in USDA's Western Region (Washington, Idaho, Oregon, California, Nevada, Hawaii, Guam, the American Samoa, and Commonwealth of the Northern Mariana Islands) with enough room to spare for 51 Rhode Islands. Alaska is comprised of temperate and boreal forest, tundra, rainforest, and arctic deserts presenting significant variations in climate and weather patterns.

Only 2% of Alaska's landmass is connected to the contiguous United States by highway. The remainder of Alaska uses a combination of marine and air transportation which can be unreliable during harsh winter months in many remote parts of Alaska. These challenges transpire into costs of food and staple supplies that are often double those of comparable products in urban areas of Alaska.

Sponsoring day care homes in rural Alaska has proven difficult for Alaska's sole at-large DCH sponsor. Administrative funding for sponsors does not outweigh the cost and time required to travel to rural Alaska meaning that DCH sponsors are unable to serve them in a timely and costly manner. Often unpredictable weather further exacerbates costs by creating a significant risk for delays in monitoring schedules. Economizing schedules by scheduling back-to-back reviews or rural facilities requires significant flexibility and margin for risk such as delayed or missed flights and impassable rivers and roads.

Virtual monitoring has proven to be an ideal means of performing interim monitoring between on-site reviews. Permitting DCH sponsors to perform two of the three annually-required home monitoring visits remotely balances the need to provide essential food security to all of Alaska's children with the need to ensure federal nutrition programs meet integrity and operational standards.

There are approximate 190 day care homes in Alaska. 11 homes one or more hours from an urban area or hub community on the road system, 27 are in a rural area where there is regular passenger jet service, and three are only accessible by small plane or marine vessel. Approving this waiver ensures that such homes will continue to receive nutritious meals benefits from CACFP.

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

- 7 CFR 226.16(d)(4)(iii) Frequency and type of required reviews
 - Specifically that all three reviews must be conducted on-site
- Guidance Memo and Attachment: CACFP 07-2023

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

Alaska DEED requests a waiver permitting sponsors of rural providers to perform two out of three of the annually required monitoring visits virtually. Virtual visits shall be unannounced and only allowed when both the provider and sponsoring organization are in good standing. DEED further requests that sponsors be permitted to perform virtual preapproval visits, however, the first four-week visit shall be performed in-person.

Rural provider will, for the purpose of this waiver, be defined as meeting one of the following criteria:

- Being in a remote location only accessible by air or marine travel
- Being in a community that has three or fewer homes and is more than two hours of driving distance, one-way, from the sponsoring organization's office or the reviewer's home if the reviewer works from home. Two hours will be 110 miles of road; the sponsor may provide documentation to substantiate that a shorter distance requires two or more hours of drive time.

Sponsoring organizations requesting to implement this waiver shall submit a monitoring procedure to DEED that details how they will implement this waiver. Additionally, any sponsor utilizing this waiver shall implement an online data collection system that can be reviewed from the sponsor's administrative offices to ensure daily meal counts are entered timely. If providers wish to have the ability to receive funds through CACFP they will agree to this additional requirement to ensure integrity of the program is maintained.

DEED will require written approval of the sponsor monitoring procedure to include how virtual monitoring visits will be conducted, either via video or photograph. The procedure will include how sponsors will ensure visits are complete and how they will address provider(s) that miss their unannounced visit. Additionally, the procedure will demonstrate how and when a monitor will determine if a provider will be determined seriously deficient due to missed virtual visits.

All other monitoring requirements will be followed as required. The first four-week visit for new providers will be in person. Serious Deficiency follow-up reviews will be conducted in person.

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 burdens exist at the State-level.

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

There are no anticipated challenges for Alaska DEED or sponsors as they have completed virtual monitoring in the past and should have adequate procedures in place.

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

Alaska DEED does not anticipate this waiver will increase the overall cost of the program to the Federal Government.

10. Anticipated waiver implementation date and time period:

The requested effective date is 1 October 2024 through 30 September 2025, with an opportunity to request for an extension of the request.

11. Proposed monitoring and review procedures:

Alaska DEED will have a meeting with the sponsoring organization to discuss the monitoring and review procedures of day care homes under the sponsorship. Alaska DEED will provide technical assistance on conducting virtual reviews via video conferencing and photographs, and use of electronic monitoring such as use of software with built-in integrity features or other means of providing timestamped documentation. Sponsors found to have compliance issues as related to this waiver will work with the state agency on an individualized corrective action plan. Documentation of waiver activities will be maintained in the state system.

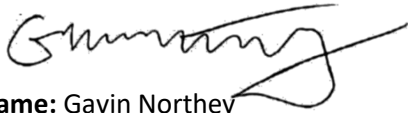
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

By 31 December 2025 Alaska DEED will report if there are CACFP sponsors participating in this waiver, as well as challenges and successes associated with this waiver.

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

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

14. Signature and title of requesting official:



Name: Gavin Northey

Title: Manager, Child Nutrition Programs

Email: Gavin.northey@alaska.gov

Phone: (907) 465-8708

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:**