

**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 sponsor and providers approved to serve the:

- National School Lunch Program
- School Breakfast Program
- Child and Adult Care Food Program At-Risk After School Centers
- Summer Food Service Program, and

- Summer Seamless Option of the NSLP.

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 DEED seeks to prepare for the potential that a school, summer food distribution site, or at-risk afterschool care center could close for any number of reasons to include natural disaster, fire, strike, equipment failure or repair, public health emergency, court order, closure due to food or environmental safety, act or threats of terrorism, structural damage, or any other reason that would cause an unexpected closure of the school and/or food service facilities or infrastructure.

This waiver seeks to specifically address situations that occur at rural schools where the unanticipated closure results in limited service where the school lacks access to the facilities to prepare vegetables that are compliant with vegetable subgroup requirements for the NSLP. There can be situations where school facilities cannot be opened and the school must use ready-to-eat, shelf stable foods. Limited availability of ready-to-eat shelf stable vegetables that meet the full array of vegetable subgroups limit such schools' abilities to serve nutritious meals during the unanticipated closure that are compliant with the meal pattern.

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

- For the National School Lunch and School Breakfast programs
 - 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), and 220.8(a)]
 - Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]
 - Vegetable Subgroup requirements [7 CFR §210.10(c)(2)(iii)]
- For the Summer Food Service Program and Seamless Summer Options
 - 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)]
- For the Child and Adult Care Food Program
 - Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
 - Meal Service Times [7 CFR 226.17a(m)]
 - Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
 - Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B), 1766a(a)(2)(C) and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

In the event of an unanticipated closure, the impacted sponsor shall contact Alaska DEED requesting to exercise some or all options of this waiver for a period of ten or fewer days. Alaska DEED will approve sponsors on a case-by-case basis and will provide guidance and technical assistance as each specific situation warrants. Alaska DEED and the sponsor will regularly communicate to determine if the expected duration of the closure will exceed ten days. If the duration is expected to exceed ten days, Alaska DEED will seek an appropriate waiver for the specific sponsor and site for the extended period of time.

This specific waiver applies to situations in which the school is in a remote location that is not accessible to the Alaska road system and in which the school must serve ready-to-eat shelf-stable foods, and in such situations that the school does not have the ability to readily or cost-effectively procure such foods. In such cases, the school shall be exempt from the requirement to serve minimum weekly portions of each vegetable subgroup. Schools shall be allowed to serve any creditable vegetable including situations in which all vegetable serving requirements are comprised of vegetable fruit juice.

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:

This waiver reduces challenges created by unexpected closures by giving the State and sponsor flexibility to address the situation.

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 CNP 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:

For the National School Lunch and School Breakfast programs, this waiver is to be effective immediately upon approval and shall remain in force until 30 June 2024

For the Child and Adult Care Food Program, this waiver is to be effective immediately upon approval and shall remain in force until 30 June 2024

For the Summer Food Service Program and the Seamless Summer Option, this waiver is to be effective immediately upon approval and shall remain in force until 30 April 2024

11. Proposed monitoring and review procedures:

Alaska DEED will require sponsors to request approval to utilize this waiver and provide oversight, technical assistance, and request an extension from FNS WRO on as-needed basis.

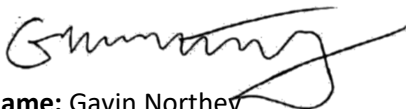
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

Alaska DEED will report the date, location, program(s), and reasons for utilization of this waiver by 30 September 2024.

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(l)(1)(A)(ii) of the NSLA**

• **Regional Office Analysis and Recommendations:**