

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:

This waiver is limited to SFAs approved to operate NSLP/SBP in non-eligible areas that are in good standing to operate under SSO or SFSP open site.

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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Due to a statewide shelter-in-place order and school closure mandate for COVID-19, Child Nutrition Programs (CNP) is requesting a waiver for the above listed SFAs to claim reimbursement under SFSP/SSO for non-congregate meal service in non-area eligible sites who demonstrate they are complying with the requirement to target low-income children, as determined on a case-by-case basis by the AK CNP.

Preliminary data indicates that most non-area eligible sites have been successful at meeting the 50% participation rate threshold of low-income family participation due to the specific targeting of those families approved for free and reduced-price meals; however, not all sites consistently meet the 50% minimum.

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

7 CFR 225.6(3)(15) "Maintain children on site while meals are consumed." *See more citations below.

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 SFSP/SSO sponsors on the waiver process; affected SFSP/SSO Sponsors will be required to apply for the waiver. The use of the waiver will be limited to times of documented closures due to COVID-19.

Existing Sponsors

- Be in good standing
- Located in an area experiencing a documented unanticipated school closure
- Sponsor must maintain this documentation

- Sponsor must ensure that the site supervisor is available at the site to document the number of meals served and ensure the integrity of meal service
- Meals served in sealed containers such as sealed sack lunch bags must contain all required meal components

7. 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]:

DEED has issued local waivers to support non-congregate feeding waivers at area eligible and non-area eligible sites; at non-area eligible sites we have required SFAs to clearly describe processes to target families eligible for free or reduced-price meals. Examples include analysis of POS to identify participation and determine if low-income families are participating, personal calls to low-income families, and direct robo-calls to low-income families. We have not approved non-area eligible sites that did not clearly describe outreach efforts that target low-income families.

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

None at this time.

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]:

There is no anticipated increase in costs to the federal government; even if this waiver is approved as written, we do not anticipate 100% participation rate statewide.

10. Anticipated waiver implementation date and time period: For the remainder of the federal fiscal year, to be revisited if COVID-19 remains an issue.

11. Proposed monitoring and review procedures: DEED does not plan on conducting any additional monitoring as a result of the waiver, but will require reporting on sites and meals. We may also review documentation from these meal services at a regularly scheduled SFSP (or NSLP) review, such as meal count forms, production records, and cycle menus.

12. Proposed reporting requirements: DEED will review final meal counts when they are submitted with claims for reimbursement in the SFSP Child Nutrition Database. Additionally DEED will report this data in the FNS 418/FNS 10 reports as applicable and fulfill any additional WRO/FNS data requests.

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]:

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

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(I)(1)(A)(ii) of the NSLA *To be posted by Tuesday, 3/31/20

Regional Office Analysis and Recommendations:

Jo Nam Chew 3/27/20

*The Richard B. Russell National School Lunch Act (NSLA) allows the use of school data to establish area eligibility in the CACFP (Title 42, US. Code [42 USC] 1766[f][3][A][ii][I][bb]) and SFSP (42 USC 1761[a][I][A][i][I]). The NSLA also allows the use of census data to establish Tier I eligibility for CACFP day care home (42 U S C 1766[f][3][A][ii][I][aa]) and area eligibility for SFSP sites (42 U S C 1761[a][I][A][i][I]).

Title 7, Code of Federal Regulations Section 225.2 defines ' areas in which poor economic conditions exist'.

FNS Policy Memorandum SP 10-2015, CACFP 04-2015, SFSP 03-2015 provides guidance on the use of school and census data to establish area eligibility in the CNPs.