



Food and Nutrition Administration

U.S. DEPARTMENT OF AGRICULTURE

September 21, 2026

Adrianne Schwartz, Child Nutrition Programs Manager

Alaska Department of Education and Early Development

PO Box 110500

Juneau, AK 99811-0500

Dear Adrianne Schwartz,

This letter is in response to the Alaska Department of Education and Early Development (AK DEED) September 3, 2026, request on behalf of the Hydaburg City School District to waive the requirement to meet the annual Community Eligibility Provision (CEP) election deadline for school year (SY) 2026-2027. The U.S. Department of Agriculture's (USDA) Food and Nutrition Administration (FNA) approves this waiver, as it aligns with USDA Secretary Brooke Rollins' commitment to support State innovation through waiver approvals and to prioritize timely and satisfactory customer service.

Specifically, AK DEED has requested a waiver under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)) to waive the statutory requirement at Section 11(a)(1)(F)(x)(I) of the NSLA (42 U.S.C. 1759a) that local educational agencies (LEAs) intending to elect CEP in the following school year must notify the State agency not later than June 30 of the current school year. This requirement is codified in FNA regulations at 7 CFR 245.9(f)(4)(i).

AK DEED is requesting this waiver because the Hydaburg City School District was unable to elect CEP by the June 30 deadline because of administrative challenges and staff turnover. Hydaburg City School District is a low-income, one-school district on an island in Southeast Alaska with high staff turnover. AK DEED will continue to monitor program operations and

perform a thorough analysis of CEP data during the normal School Nutrition Program administrative review process.

To grant a waiver under Section 12(l) of the NSLA, the NSLA requires that the waiver must facilitate the purpose of the Program(s), the public must receive notice and information regarding the proposed waiver, and the waiver must not increase the overall cost of the Program(s) to the Federal Government. FNA finds that AK DEED's waiver request satisfies these statutory requirements.

After reviewing the waiver request and confirming that AK DEED has met the statutory requirements, FNA has determined that approval of this waiver request would facilitate the ability of the State and LEA to carry out the purpose of the Programs. Therefore, pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNA is providing approval for AK DEED to waive the statutory and regulatory requirements at Section 11(a)(1)(F)(x)(I) of the NSLA (42 U.S.C. 1759a) and at 7 CFR 245.9(f)(4)(i) for SY 2026-2027, that require LEAs electing CEP for the subsequent school year to notify their State agency by June 30. The waiver will allow AK DEED to extend the CEP election date for the Hydaburg City School District.

The waiver authority at Section 12(l) of the NSLA requires FNA to review the performance of any State or Program operator that was granted a waiver. Therefore, by December 31, 2026, AK DEED must provide to FNA a report quantifying the impact of the waiver as described below.

The report must include the following:

- A description of how the waiver impacted NSLP and SBP meal service operations,
- A description of whether the waiver resulted in improved services to children; and,
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program.

If you have questions, please contact the appropriate FNA Office.

Sincerely,

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Tina Namian

Deputy Associate Administrator

Child Nutrition Programs