

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

- **State agency submitting waiver request and responsible State agency staff contact information:**

Alaska Department of Education & 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:**

The Alaska Department of Education, Child Nutrition Programs is requesting to allow sponsors to be approved, on a case-by-case method, to serve non-congregate meals in SFSP/SSO during unsafe air quality/smoke advisories. This request is for 6 sponsors and 30 sites statewide upon approval by the state agency.

- **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 extremely warm and dry temperatures in Alaska, the fire season has started early; currently there are more than 550,000 acres of fire in the state. Additionally, there are many wildfires in the Yukon Territory of Canada; the smoke from both areas has caused much of Alaska to be under periodic air quality advisories. The poor air quality increases the risk of health issues to children and program operator staff.

This waiver will allow program operators in affected areas to serve meals to students and allow the students to consume the meals off site in a less hazardous environment, as well as minimize the time program operator staff must remain at the meal service sites and prolong their exposure to the poor air quality.

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

7 CFR 225.6(e)(15)

(e) *State-Sponsor Agreement*. A sponsor approved for participation in the Program must enter into a permanent written agreement with the State agency. All sponsors must agree in writing to:

(15) Maintain children on site while meals are consumed

FNS Instruction 786-8 revision 1 (paragraph 2): The authorizing legislation and program regulations clearly intend that meals reimbursed under the programs are to be served and consumed as part of the school program, on school or school-related premises. Therefore, school meals given to children to take home are not reimbursable. Relevant for any Alaska SFAs utilizing the SSO under the NSLP.

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

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 non-congregate meal service will be limited to outdoor meal or park sites during times of documented air quality advisories of “unhealthy to sensitive groups; unhealthy; very unhealthy; and hazardous”. Monitoring is reported by the [Alaska Department of Environmental Conservation, Division of Air Quality](http://dec.alaska.gov/Applications/Air/airtoolsweb/Aq/) (<http://dec.alaska.gov/Applications/Air/airtoolsweb/Aq/>) or the [Federal Environmental Protection Agency, AirNow](https://www.airnow.gov/index.cfm?action=airnow.local_city&mapcenter=1&cityid=700) (https://www.airnow.gov/index.cfm?action=airnow.local_city&mapcenter=1&cityid=700).

Program sponsors would be required to meet the following criteria in order to be approved by the state agency for a waiver:

- Be in good standing
- No significant findings from the current or prior year
- Located in an area experiencing air quality advisories of “unhealthy to sensitive groups” or higher as reported by the state or federal reporting agencies
 - Sponsor must maintain this documentation
- Provide a menu for State Agency approval
- Meals served in sealed containers such as sealed sack lunch bags that contain all required meal components
- Only one meal per child will be provided for each child present

- **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]:**

No barriers have been identified at the state agency level; we are already in communication with program sponsors with outdoor meal or park sites impacted by air quality.

- **Anticipated challenges State or eligible service providers may face with the waiver implementation:**

DEED CNP does not anticipate these waivers will present any challenges to the SA or Sponsoring Organizations. The challenges DEED CNP and SFAs may face if the waiver is not approved include:

- A reduction of children participating in SFSP/SSO sites, particularly those located at outdoor meal sites or parks.
- Possible health issues by sponsor staff or children due to exposure to the poor air quality.

- **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]:**

DEED CNP does not anticipate that this waiver will increase the overall cost of the program to the Federal government. The waiver will allow program sponsors and DEED CNP to continue SFSP/SSO operations in areas impacted by smoke resulting from the fires across our state and Canada.

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

To be effective immediately through September 2019.

- **Proposed monitoring and review procedures:**

DEED CNP will work with approved sponsors on the application and reporting on this waiver. Monitoring will include documentation of air quality alerts and assessing impact in participation data. The state agency will request sponsor retained site-level data at the conclusion of the program year.

- **Proposed reporting requirements (include type of data and due date(s) to FNS);**

DEED CNP will report to FNS by October 31 data on the number of sites, the criteria used to determine sponsor waiver eligibility, the dates of service in a non-congregate capacity, and the number of meals served.

- **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 & 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:

x **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:

The Western Regional Office supports Alaska's request to waive program requirements as specified under the scope of this waiver request for three Summer Food Service Program sponsors in Alaska impacted by ongoing wildfires. Flexibility in the communal feeding requirement is necessary as children, food service staff should not be outside when the Alaska Department of Environmental Conservation, Division of Air Quality issues advisories for unhealthy to sensitive groups; unhealthy; very unhealthy; and hazardous. Approval will afford Alaska the ability to continue serving healthy meals to children in need during this time of need.