

**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 (CNPs), 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
Child Nutrition Programs
Gavin Northey, Manager
P.O. Box 110500
Juneau, AK 99811-0500
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(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 CACFP FDCH Sponsors 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Over the last seventeen years, USDA requirements surrounding the CACFP have steadily and significantly increased without proportionate increase of administrative funding for sponsoring organizations.

Alaska has four Family Day Care Home Sponsors, with three of these being on military bases in Anchorage and Fairbanks vicinities. The fourth sponsor is a non-profit agency with sole purpose of managing the CACFP for family day care homes across the entire state.

The Alaska CNP realizes that without virtual monitoring option for this sponsor, or potential sponsors, there will be higher probability that providers living in rural communities with limited number of providers will not be able to receive the CACFP benefits. This will be due to increased costs and time required for travel to do on-site monitoring for (at least) three required monitoring visits per year.

The current sponsor is located in Anchorage Alaska and must fly to outlying areas such as Fairbanks, Kodiak, Cordova, and Southeast Alaska to conduct monitoring. They also travel at least 3 hours by car to reach providers in the Kenai Peninsula. The daunting travel requirements have led to other sponsors closing, leaving the state of Alaska with only one sponsor.

During the pandemic, the remaining non-profit sponsor began to provide the CACFP to providers in areas outside of Anchorage/Matanuska Valley through the use of virtual monitoring. Virtual monitoring is not their first choice, but it did allow them to keep providers in Southeast Alaska and other areas of the state during the pandemic. They created a process for completing “unannounced virtual monitoring” that was successful.

Alaska CNP has been unsuccessful in finding organizations that are willing to become a sponsor in Southeast Alaska or the Fairbanks area with the administrative funding available and the cost of monitoring. This waiver could potentially change this if an agency could do limited in-person monitoring to keep their costs within the CACFP administrative reimbursement. It is the hope to have more than one non-profit sponsoring organization in the state of Alaska and perhaps this waiver could help.

We would hope to see the current sponsor keep most of their FDCH providers in more rural areas with the implementation of this waiver. The current sponsor only has 114 family day care home providers so the impact is a small number of providers but would mean a lot to the few that could stay on the 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 CNP is requesting the waiver for isolated providers that are in rural and difficult to access areas compared to the location of the sponsoring organization. For the purpose of this waiver, isolated is defined as being sponsor's the sole provider a given community. Also for the purpose of this waiver, a rural and difficult to access community is defined as being four hours of travel by any combination of air, marine, and surface transportation and one in which the most direct and economic method of travel between the community and the nearest hub requires either two overnights, overnighting in a hub or intermediate town in which the sponsor has no providers, or use of noncommercial lodging. We are requesting that all three required monitoring visits be conducted virtually. At least two of the virtual visits will be required to be unannounced. For new providers, either the pre-approval visit may be virtual with the first visit within four weeks be in-person or the pre-approval visit may be conducted in-person and the first visit within four weeks may be virtual. DEED will operate according to the policy FNS thinks is best.

Each sponsoring organization will submit to DEED CNP a monitoring procedure to include: how they will conduct virtual site-monitoring visits including two unannounced.

The sponsoring organization will implement an online data collection system that can be reviewed from the 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 CNP 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. 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 CNP 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 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:

Requested Start date: Upon Approval.

Requested End date: September 30, 2024, with an opportunity to request for an extension of the request.

11. Proposed monitoring and review procedures:

Alaska CNP will have a meeting with the sponsoring organization to discuss the monitoring and review procedures of family day care homes under the sponsorship. Alaska CNP 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.

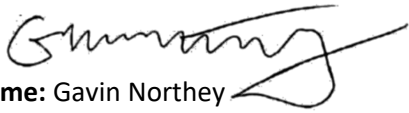
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

By December 31, 2024, Alaska CNP 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: