

Child Nutrition Program (CNP) Waiver Request

State Agency (SA) and Region: Arkansas Department of Human Service Southwest Region	SA Contact Person and Title: Thomas Sheppard, Assistant Director Division of Child Care and Early Childhood Education	Date of Request Submission: August 07, 2020
Email Address: Thomas.sheppard@dhs.arkansas.gov	Phone Number: 501-396-6158	Name and Title of SA Authorizing Official: Tonya Williams Director
Program/ Waiver Type CACFP At-Risk / Modification of Enrichment Component Requirement	Waiver Request # AR	Division of Child Care and Early Childhood Education
<p>Provide the justification for why the Program waiver is necessary. Include details on how the waiver will improve services under the Program and/or address or remove impediments to the efficient operation and administration of the Program.</p> <p>While current nationwide waiver extensions allow CACFP At-Risk operators to serve non-congregate meals, utilize flexible mealtimes, and allow for parent meal pick-up with no child present, operators in Arkansas have expressed concern about how to implement the continued enrichment component requirements safely under the COVID-19 flexibilities.</p> <p>Arkansas recognizes the importance of the enrichment activities to the At-Risk program and thus seeks to continue the enrichment requirement. However, many “traditional” enrichment activities promote the congregate gathering of children which is against the healthcare professional’s recommendation to practice physical distancing.</p> <p>With this in mind, Arkansas DHS is seeking approval to broaden the scope of enrichment to include virtual /non-congregate options. Examples include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Providing education materials/pamphlets with grab and go meals; • Providing online/virtual versions of the activities usually provided at a site; and/or • Providing resources with links to various educational/virtual activities. <p>By broadening this scope, Arkansas DHS recognizes that the activities may not be “organized” or “regularly scheduled”, as in offering group activities on a regularly scheduled basis to all at the same time, per the requirements of the regulations (cited below). Therefore, Arkansas DHS is seeking a waiver of this more stringent definition.</p>		
<p>Identify the statutory or regulatory requirements requested to be waived.</p>		

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Arkansas DHS is asking for the flexibility to broaden the definition of “education and enrichment activities” as written in the following requirements:

- 7 CFR 226.17a(b)(ii and iii) - *To be eligible for reimbursement, an afterschool care program must have organized, regularly scheduled activities and include education or enrichment activities*

Description of any steps taken to address statutory and regulatory barriers at the State level.

In this instance, the requirement to *be eligible for reimbursement, an afterschool care program must have organized, regularly scheduled activities and include education or enrichment activities*, increases the risk of infection for the duration of time that COVID-19 presents a public health emergency. Arkansas DHS believes modifying this enrichment requirement is the best option for ensuring safe and continued participation in the program while still promoting the spirit and purpose of the At-Risk program.

Provide a description of the alternative procedures to be followed by SA staff in order to carry out the requested waiver of Program requirements and the anticipated impact these procedures will have on Program access and agency operation, including technology, TDA systems, and monitoring, if the waiver is granted.

Arkansas DHS will implement a waiver opt-in process for CACFP At-Risk operators wishing to serve meals under this flexibility. The process will include:

- A request method that allows a Program Operator to:
 - Provide justification for the waivers, description of proposed enrichment activities, and indication of how long the waivers will be necessary (if known at the time of request); and
 - Attest that all other Program regulations will be adhered to throughout the duration of the waivers.
- A tracking system for all sponsors or sites granted a waiver to be shared with Arkansas DHS staff.

Arkansas DHS does not anticipate a negative impact on Program access; by allowing operators to implement these flexibilities, the goal is to maintain or minimize the negative impact on Program participation caused by COVID-19.

Arkansas DHS has, in place, a waiver request process that can be modified for this situation, so the anticipated impact on agency operations is minimal.

Describe anticipated challenges Arkansas DHS may face when implementing the waiver.

Arkansas DHS implemented similar waiver tracking procedures successfully during the unanticipated school closure period from March 20, 2020 through June 30, 2020. Thus, the infrastructure is in place to continue tracking Program operators serving meals under these modified requirements.

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Provide the anticipated implementation date and time period for which the waiver is needed.

Arkansas DHS is requesting that the modified enrichment component definition be effective when schools begin operating School Year 2020-21 through the school's official end date.

Description of how the waiver will not increase the overall costs of the Program. If the waiver will increase the overall costs, provide details on how the costs will be paid from non-Federal funds.

As these waivers only affect meal service location, Arkansas DHS does not anticipate an increase to Program costs.

Provide the SA's proposed monitoring review procedures that will ensure proper oversight and integrity of the Program. If applicable, include monitoring details on how the agency will ensure increased costs of the Program will not be paid from Federal funds.

Arkansas DHS will maintain a tracking system to identify all operators granted a waiver and the months in which the waiver is utilized. Arkansas DHS will also provide technical assistance throughout the duration of the waivers.

Provide the SA's proposed reporting requirements of the outcome of the waiver implementation, if it is approved. Include details on how the effect of the waiver on the efficient operation and administration of the Program will be evaluated by the agency. The SA will report this information to FNS after the end of Program operation for the current year.

Arkansas DHS will track and report the following to USDA as required:

- Number of operators granted the waivers;
- Number of meals served/claimed by operators granted a waiver; and
- Length of time granted waivers were in effect per sponsor.

This data will be analyzed to determine (1) overall impact of COVID-19 on meal service across the state and (2) impact on Program participation.

Provide information to support how the agency has provided notice and information to the public regarding the proposed waiver.

Public notice and information of this waiver request is posted on Arkansas DHS/DCCECE web site at <https://humanservices.arkansas.gov/about-dhs/dccece>

This CNP waiver request applies to: All CNP Program Operators All CACFP Institutions
 All SNP SFAs All SFSP sponsors

If not all then **specify all that apply:**

This waiver only applies to CACFP operators serving meals under the At-Risk Afterschool Care program.


Signature of SA Authorizing Official

8-6-20
Date

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Regional Office Response

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.

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

Approved

Effective date of approval _____ Expiration date of approval _____

Denied

Reason for denial:

Signature

Title

Date