

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

Arkansas Department of Human Services, Division of Child Care and Early Childhood Education, Health and Nutrition Unit

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), 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:

Arkansas Department of Human Services/ Division of Child Care and Early Childhood Education/Health Nutrition Unit.

2. Region: Southwest

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

DHS will approve Institutions in good standing who were approved in the SFSP program for Summer 2019. A public or private school who participates in the NSLP, even if they didn't participate in SFSP in 2019 application will be fast tract for SFSP approval even if they didn't participate last year in SFSP whose school is closed due to the COVID-19 outbreak. Schools will be given the first priority.

The institution must operate in communities where schools are closed in connection with the COVID-19 outbreak.

The institution must be pre-approved by DHS to ensure coordination of feeding services with the public School in the area

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

SFAs with sites not meeting area eligibility requirements have no option for Federal feeding programs without a Federal declaration of disaster. State and community leaders and school district personnel have expressed a need to continue to feed students during this time.

Goal:

Allow non-Area Eligible SFA's in good standing, to feed students under emergency school

closure provision of the Summer Food Service Program or Seamless Summer Option.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The Arkansas Department of Human Service Division of Child Care and Early Childhood education request a waiver of regulations at 7 CFR 225.14 (3) "conducting a food service for children from areas in which poor economic conditions exist," where schools have publicly announced extended closure due to COVID-19.

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

If approved, Arkansas DHS will review all applications and verify that the requesting sponsor is located in an area where schools have been closed due to COVID-19. There are no impacts on technology, State systems, or monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

ADE/DESE Commissioners Memo providing guidance for schools regarding COVID-19
<http://adecm.arkansas.gov/ViewApprovedMemo.aspx?id=4328>

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

Arkansas DHS does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by schools and communities that are experiencing unanticipated school closures because of COVID-19.

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(1)(1)(A)(iii) of the NSLA]:

While it is difficult to anticipate the exact outcomes in a corona virus outbreak, we believe there is a potential for an increased cost to the Federal government if a large enough number of students participate in the SFSP program.

10. Anticipated waiver implementation date and time period:

From the time the wavier is approved by USDA, until the emergency school closure has ended, providers will be asked to report which days the school is closed, the days they plan to serve meals and number of meals served under this waiver.

11. Proposed monitoring and review procedures:

Each participating institution must request and receive approval and from the State Agency before implementation of the this wavier. The State Agency (SA) will determine eligibility for SFSP and approve institutions to begin service. Approve institutions will be tracked by the SA. After the school is open for business again, the SA will request a narrative of how the waiver was implemented.

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

DHS will report to USDA SWRO the number of waivers, institutions, duration of closures, and any other

information requested by USDA on an on-going basis. After the school returns to normal business, DHS will report the number of serving sites and number of meals served.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:

Providers will be notified via a mass alert email. And the wavier will be displayed in our resource library for all providers.

14. Signature and title of requesting official:

 3/13/2020
Thomas.Sheppard@dhs.arkansas.gov

Title: Assistant Director, Health and Nutrition Unit, Division of Child Care and Early Childhood Education
Requesting official's email address for transmission of response

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(1)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:
