

**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

**2. Region:** Southwest

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

DHS approved Institution in good standing, who is already approved to serve at risk meals, may operating food service during an unanticipated school closure due to the COVID-19 outbreak.

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**

Attachment A

**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]:**

Provide at risk meals to students during possible school closures due to COVID-19. This waiver will only apply to CACFP At risk sites presently approved. During this waiver period only one meal can be provided through CACFP At risk due to the many SSO and SFSP operating across the state. Our goal is to only allow for a possibility of three total meals.

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

At-risk afterschool care center provisions. 226.17a (2)(b) *Eligible at-risk afterschool care programs— (1) Eligible programs.* To be eligible for reimbursement, an afterschool care program must:

- (i) Be organized primarily to provide care for children after school or on weekends, holidays, or school vacations during the regular school year (an at-risk afterschool care center may not claim snacks during summer vacation, unless it is located in the attendance area of a school operating on a year-round calendar);
- (ii) Have organized, regularly scheduled activities (i.e., in a structured and supervised environment);
- (iii) Include education or enrichment activities; and

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

Waiver will allow at risk providers to give a meal to a child to be consumed off site. Removing the requirement for congregate feeding and structured enrichment/education opportunities.

**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]:**

Both the Arkansas Department of Education and the Arkansas Department of Human Service has requested waivers to remove congregate feeding from SSO and SFSP and to allow the meals to be picked up and consumed off site while schools are closed due to COVID-19

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

The review of programs in area in which the corona virus outbreak is happening. Due to the need for Social Distancing DHS will not provide onsite reviews of these meals as they are delivered. The review will have to be determined after the fact based on receipts for food and milk purchased to ensure that enough was purchased to feed the number of meals claimed.

**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]:**

We see no additional cost per meal for the Federal government. We cannot at this time predict the participation rate.

**10. Anticipated waiver implementation date and time period:**

From the time the waiver is approved by USDA, until the emergency school closure has ended. Schools will report which days they will be out and the days they plan to serve meals.

**11. Proposed monitoring and review procedures:**

Institution will submit approval requests to the state agency before implementation. Institutions will be tracked by the state agency. After the school district is open for business again, the state agency will request a narrative of how the waiver was implemented on the local level and report the number of meals served during the waiver period.

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

DHS will report to USDA SWRO the number of waivers, school district names, duration of closures, and any other information requested by USDA on an on-going basis. After districts return to normal business and submit their reimbursement, DHS will report the number of at-risk 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]:**

Notice of requested waivers have been added to DHS/DCCECE home page.  
<https://humanservices.arkansas.gov/about-dhs/dccece>

## **IMPORTANT INFORMATION REGARDING USDA WAIVERS**

The Department of Human Services/Division of Child Care and Early Childhood Education (DHS/DCCECE) has applied for four waivers from USDA. DHS/DCCECE will provide an update on the approval process. The four waivers are as follows:

1. A congregate feeding waiver for Summer Feeding Service Program (SFSP) that will allow approved SFSP to hand out meals at approved locations and the children to consume these meals off site for a limited time period. (THIS WAIVER HAS BEEN APPROVED); [Waiver Information](#)
2. A waiver to allow programs approved for a meal pattern exception if supplies are not available; [Waiver Information](#)
3. An Area Eligibility Waiver that would allow all schools, regardless of their free and reduced number, to be allowed to participate in SFSP during a limited time; [Waiver Information](#)
4. A waiver to allow CACFP At-risk sites serve meals even with school not being in session and without an educational or enrichment activity. This will allow approved providers to hand out a meal for a limited time frame. [Waiver Information](#)

**14. Signature and title of requesting official:**

---

**Thomas Sheppard**  
**Assistant Director Division of Child Care and Early Childhood Education/ DHS**

**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:**

**J** 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:**