Arkansas Department of Human Services (AR DHS)
Child Nutrition Program Waiver Request for Various Flexibilities in Summer 2022
and SY 2022-2023 Due to COVID-19

Subject of waiver request:
AR DHS is requesting a suite of waivers (see attached checklist) for Summer 2022 and School Year 2022-2023 that will give Child Nutrition Program operators various operational and administrative flexibilities in the event that their operations are interrupted by COVID-19-related issues.

1. State agency submitting waiver request and responsible State agency staff contact information:
   • Name of State agency: Arkansas Department of Human Services
   • State agency contact: Pamela Burton, Assistant Director, Division of Child Care and Early Childhood Education/Health and Nutrition Unit
   • Mailing address: PO Box 1437, S155, Little Rock, AR 72201
   • Telephone number: 501-320-8978
   • Email address: Pamela.Burton@dccece@dhs.arkansas.gov
   • State agency Authorizing Official: Pamela Burton

2. Region:
   Southwest

3. Eligible service providers participating in waiver and affirmation that they are in good standing:
   Only AR DHS and organizations contracted with AR DHS for NSLP/SBP, CACFP, and SFSP that are in good standing will be eligible for this waiver. Organizations are considered in good standing when there is no outstanding debt owed to AR DHS related to Child Nutrition Programs or any other program the state administers. In addition, organizations are considered in good standing when there is no current designation for the organization or any of its principals for being determined seriously deficient in any Child Nutrition Program.
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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Due to the current exceptional circumstances of the coronavirus public health emergency, AR DHS is submitting a waiver of multiple requirements in preparation for potential obstacles that could hinder, both for AR DHS and our Child Nutrition Program (CNP) operators, standard operations and administration of the Child Nutrition Programs.

Child Nutrition Program operators are continuing to face extensive supply chain and staffing challenges as they work to transition back to normal operations, and the risks of continued COVID-19 outbreaks and surges are still lingering. AR DHS desires to provide administrative and operational flexibility, where possible, while maintaining program integrity in providing nutritious meals during COVID-19 response.

AR DHS understands that the circumstances of the pandemic differ now than in years past and is planning to provide extensive technical assistance and training in the coming months on how to request, implement, and track these waivers in a manner that is more targeted than in the past.

Challenges Without the Waiver

• Decreased program participation as the public health emergency continues and COVID-19 cases continue to cycle through pockets of the state as new variants arise.

• CNP Operators continue to face uncertainty in how to best streamline operations while continuing to respond to pandemic related challenges, especially supply chain disruptions and staffing shortages. Without these waivers, sponsors will spend an extraordinary amount of time completing activities related to regulatory burden rather than focusing on properly servicing students and children.

Goal of Waiver to Improve Services

• Continued flexibility of meal service options; non-congregate meal service, parent/guardian meal pickup, meal service times, and offer versus serve provide CNP operators the flexibility needed to continue to provide meals in response to COVID-19. While AR DHS hopes that these waivers will not be necessary, having them available will ensure a quicker transition in operations should an outbreak occur.

• Decreased administrative pressures for the CNP operator for this next transitional year. CNP operators are working to transition back to normal operations, but the supply chain and labor shortages continue to plague their efforts. These waivers will allow for additional flexibility when needed during this next school year.

• Maintaining CNP operator and site program participation and minimizing hunger in the local communities.

• Allowing AR DHS staff the time to update and provide targeted technical assistance and training for CNP operators as they navigate COVID-19-related challenges.

Expected Outcome of Waiver

• CNP operators will have an opportunity to transition back to normal operations while having support tools they can rely on should COVID-19 cases start to rise in their areas. AR DHS will use the CDC data
tracker to determine if a county is identified with cases in the “high” category according to the following website: [CDC COVID Data Tracker: County View](#).

- CNP operators will implement flexibilities, as needed, to minimize the negative impact on program participation that are still caused by COVID-19 challenges.
- Simplify program administration for CNP operators, so they can focus on the highest priority needs of their program/sites.

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

   Please see attached checklist.

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

   If approved, there are no significant impacts on technology, state systems, or monitoring. Each organization wishing to opt in to any of the waivers will do so by completing a form to designate which waiver(s) it will designate as well as a statement it will provide the information requested to report the data associated with each waiver designated. There will be no impact since programs will be providing the same reimbursable meals it does without a waiver. The impact is that children will continue to receive meals even when there is a potential COVID barrier that would otherwise shut down meal operations. The state is conducting both virtual and in-person monitoring at this time to ensure all institutions are reviewed within their normal review cycle.

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]:

   There are no state statutory or regulatory barriers that would prohibit AR DHS from implementing flexibilities associated with these waivers.

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

   Given the many unknowns regarding the COVID-19 public health emergency, at this time, it is difficult to anticipate the potential impact an outbreak will have across the state of Arkansas on our large number of CNP operators. AR DHS must ensure that our implementation procedures account for a large-scale outbreak. However, these challenges will be minimal given the lessons already learned throughout the pandemic. Similarly, CNP operators have become accustomed to operations under these waivers and will thus see fewer challenges than in the past.

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

   AR DHS does not anticipate an increase to Program costs.

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

    AR DHS is requesting to begin the implementation of these waivers effective immediately through the dates established on the attached checklist.
11. Proposed monitoring and review procedures:

Monitoring of CNP operator performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements. Additionally, AR DHS will implement a request/opt-in procedure to identify sponsors utilizing the waivers.

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

Within a year of approval, AR DHS will report to USDA the number of sponsors that used this waiver along with any additional requirements provided by USDA.

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

Public notice and information of this waiver request is posted on the AR DHS web site at:
Waiver Requests - Arkansas Department of Human Services

14. Signature and title of requesting official:

• Signature: Pamela Burton
• Title: Assistant Director, Division of Child Care and Early Childhood Education/Health and Nutrition Unit
• Email: Pamela.Burton@dhs.arkansas.gov

Requesting official’s email address for transmission of response:
Pamela.Burton@dhs.arkansas.gov; Louise.Scott@dhs.arkansas.gov; JoEllen.Collin@dhs.arkansas.gov

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:

• Date Received: _____________________________

☐ 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.

Regional Office Analysis and Recommendations:
☐ Recommend Approval
☐ Recommend Denial

Explanation: