



Food and
Nutrition
Service

January 06, 2021

Braddock
Metro Center

Ms. Jo Dawson
Program Manager
Alaska Department of Education and Early Development
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Juneau, AK 99811

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Alexandria
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Dear Ms. Dawson:

This letter is in response to the December 10, 2020 waiver request from the Alaska Department of Education and Early Development (AK DEED). AK DEED requested to waive the following statutory and regulatory requirements:

Summer Food Service Program (SFSP)

7 CFR 225.7(d)(2)(ii)(B) the requirement to annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the State in the prior year.

Child and Adult Care Food Program (CACFP)

- 42 USC 1766(d)(2)(C)(i) [7 CFR 226.6(m)(6)(i-ii)] the requirement that independent centers and sponsoring organizations are reviewed at least once every three years and the requirement that at least 15 percent of the total number of facility reviews required must be unannounced.
- 7 CFR 226.16(d)(4)(iii)(A) the requirement that at least two of the three required reviews must be announced.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, AK DEED provided an alternative oversight plan that includes reviewing all Program operators. This includes all SFAs that are due for a School Meal Programs Administrative Review based on the previously approved 5-year administrative review cycle.

For SFSP the state will meet all review elements under 7 CFR 225.7(d). AK DEED has requested a waiver of the requirement to annually review the number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total

program meal reimbursements in the state in the prior year as the increase in the number of SFAs that transitioned to SFSP will exceed the State agency's capacity to conduct timely reviews.

For CACFP, the state will meet all review elements under 7 CFR 226.6(m)(3)-(5). AK DEED and Sponsoring organizations will conduct the required reviews that are specified in the regulatory citations that the state is requesting to waive, but any required unannounced reviews will be conducted as announced reviews due to challenges, such as technological barriers

For all Programs, SFAs and sponsoring organizations will be subject to follow-up reviews, when applicable, due to compliance issues in any previous reviews. The State agency will monitor any reviews conducted this year to determine compliance trends compared to previous years. Program Sponsors receiving an off-site monitoring review in fiscal year (FY) 2021 may be subject to a full or targeted review in FY 2022 based on the following risk factors:

- Overall compliance issues and risk of repeat findings;
- Delay in response to State agency request for initial review documents and/or corrective action documentation; and
- Significant Program growth.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request and activities within do not increase the overall costs of the Program to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen Program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance, which is critical to ensure that current Program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves AK DEED's waiver requests through September 30, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirement will facilitate AK DEED's ability to successfully carry out the purpose of the Programs.

AK DEED's oversight plan, as discussed above, provides assurance that the State will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, AK DEED must take Program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that for the duration of this waiver, the AK DEED provide the FNS Western Regional Office (WRO) a quarterly written report. The report must provide information on how the AK DEED is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

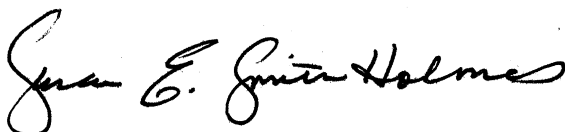
- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of Program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program; and
- A summary of any technical assistance measures that were provided.

Should the AK DEED determine this waiver is no longer necessary prior to the expiration of the waiver, please notify the FNS WRO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS WRO.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division
Child Nutrition Programs