

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST
Waiver Request for Yupiit School District, Tuluksak School

1. State agency submitting waiver request and responsible State agency staff contact information:

Alaska Department of Education and Early Development
Child Nutrition Programs
Samantha Simien, NSLP Coordinator
Samantha.simien@alaska.gov
PO Box 110500
Juneau, AK 99811-0500
907-465-8709

2. Region: Western Region

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

This waiver request is on behalf of the Yupiit School District, Tuluksak School, in Tuluksak, Alaska. The SFA is in good standing.

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]:

The Alaska Department of Education and Early Development, Child Nutrition Programs (DEED CNP) is requesting a waiver for Tuluksak School in Tuluksak, Alaska due to a disaster emergency situation regarding the water line that provides water to their school. This water issue has caused the school to not have access to safe water for drinking, washing hands, dishes, and etc. Tuluksak is an Alaskan Native village with a population of approximately 400 residents, current school enrollment of 120 students with 100% CEP Free Claiming.

On February 9th the community of Tuluksak experienced a break in the water line providing the school with water. Over the next two weeks, a work around system was created to allow the school to haul water in a tank in the back of the truck, pump it into a tank at the school, and run the water through the school building. The water, however, was hauled in an old biohazard tank and was not safe to drink, and had to be processed through a reverse osmosis, system to be safe. This is not adequate means of providing the water needed as it requires a certain amount of pressure to operate. Therefore when the water is low, no drinking or cooking water can be processed. What can be processed is still not enough to conserve and have to cook and serve. This causes

a delay in mealtimes, the ability to provide reimbursable meals with all required components, and provide options for milk as required. When there is no water available, then unanticipated school closures occur and meals need to be provided in a non-congregate setting.

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

DEED CNP is requesting a waiver of the following:

- Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)]
- Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)]
- Meal Pattern [42 U.S.C. 1753(b)(3)(D)(E)] and 7 CFR 210.10(a)(1)(i), 7 CFR 210.10(b), and 7 CFR 210.10(c)
- 7 CFR 210.10(d) and 7 CFR 220.8(d) fluid milk requirement and meal pattern allow the SFA to provide one choice of milk due to the inability to access the proper equipment and clean water to safely provide the powdered nonfat chocolate milk normally offered.
- 7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a) for Parent/Guardian Meal Pickup
- Parent and Guardian Meal Pick-Up during Unanticipated School Closures 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)]
- 7 CFR 210.10(l) and 7 CFR 220.8(l) to all the SFA to serve at mealtimes that are achievable in a meal delivery system;
- Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)], and
- Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)]

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

If approved, the SFA will maintain NSLP meal service by trying to provide food that closely meets the meal pattern requirements (accessible shelf stable meals do not meet all requirements) and provide at least one milk option. They will conduct meal counts, continue to provide menus, and production records. The SFA will report the total number of meals served under this waiver. At times cooked meals may be provided, and other times prepackaged and/or factory packaged shelf stable meals will be provided.

Meals would be served daily to students unless an unanticipated school closure occurs. At that time Parents (Elders) and Students will be able to pick up meals and take them home.

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

The State declared an emergency for the Tuluksak School, due to the water issue. This allowed for the school to receive drinking water and shelf-stable meals from the State of Alaska Food Bank. The current State waivers in place for these regulations are not specific to this type of catastrophic event. This is an unanticipated event that has caused disruption to the day-to-day services that the school provides, and because of it the school will not meet the requirements under 7 CFR 210 and 7 CFR 220 without a waiver from FNS.

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

DEED CNP does not anticipate these waivers will present any challenges to the SA or SFA; the Yupiit School District may face significant unallowable costs if the waiver is not approved.

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

DEED CNP does not anticipate this waiver will increase the overall cost of the program to the Federal government because the site is approved to participate, this waiver merely waives barriers to participation due to the disaster emergency.

10. Anticipated waiver implementation date and time period:

The SFA does not anticipate they will be able to fix the water break and return to normal water delivery until the snow melts and the ground thaws, allowing them to dig and find the pipe that has broken. In the State of Alaska this could be another three months before the ground thaws. We ask that this waiver go into effect for the months of February, March, April, and months forward until the school district can resolve the school's water concern. We would like to request a 90-day approval from the date of this request to be renewed as needed and to terminate the waiver upon resumption of on-site classes or the end of the SY 2022-2023 whichever occurs first.

11. Proposed monitoring and review procedures:

DEED CNP will request meal counts, and may monitor menus, meal count process, and production records. DEED CNP will also require the school district to provide a quarterly summary/update and submit a written request to continue the waiver if needed.

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

DEED CNP will report to FNS the total meals served under this waiver and will submit a summary of the waiver progress upon request.

13. Link to or copy of the public notice informing the public about the proposed waiver

[Section 12(l)(1)(A)(ii) of the NSLA]:

<https://education.alaska.gov/cnp/nslp>

14. Signature and Title of requesting official:

A handwritten signature in cursive script that reads "Samantha Simien". The signature is written in black ink on a white background.

Name: Samantha Simien

Title: NSLP/SBP Coordinator, Alaska Department of Education and Early Development

Email address for transmission of response: samantha.simien@alaska.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:

- 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:

Simien, Samantha S (EED)

From: Jason Charles <jcharles@yupiiit.org>
Sent: Friday, April 21, 2023 11:37 AM
To: Simien, Samantha S (EED)
Subject: Tuluksak School Wavier
Attachments: SKM_450i23042111240.pdf

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From the Tuluksak School Principal; Kary DelSignore " On February 9th the community of Tuluksak experienced a break in the water line providing the school with water. The school had no water to wash hands, dishes, flush toilets, or cook with. Over the next two weeks, a work around system was created to allow the school to haul water in a tank in the back of the truck, pump it into a tank at the school, and run the water through the school building. The water, however, was hauled in an old biohazard tank and not safe to drink as is. The water had to be processed through a reverse osmosis, RO, system to be safe. The RO system requires a certain amount of pressure to operate so when the water levels in the tanks are low, no drinking or cooking water can be processed. Even when we can process drinking water we are limited in the amount that we can process which impacts the ability to cook and serve water and food.

The state declared an emergency for the Tuluksak School, due to the water issue. That allowed us to receive drinking water and shelf-stable meals from the State of Alaska Food Bank. These meals are used for lunches on many days as we are still on water conservation. We try and cook regular menu meals on days when we have sufficient water resources available to cook and wash dishes with. They do not anticipate that they will be able to fix the water break and return to normal water delivery until the snow melts and the ground thaws, allowing them to dig and find the pipe that has broken.

We are requesting a waiver for the NSL program for lunches during the time that the State of Emergency and Disaster Declaration is in effect, as we are limited in when we can cook and serve regular menu meals."

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**Consolidated Waiver Application
Agreement to Waive Regulatory
Requirements of CNP Services due to a
Disaster Emergency**

*Child Nutrition Programs
Finance and Support Services
P.O. Box 110500
Juneau, Alaska 99811-0500*

Alaska Child Nutrition Programs has been authorized to provide the following waivers for SFSP, SSO and NSLP/SBP/FFVP sponsors in good standing.

In order to be eligible for the waiver, a program site will have to be approved by the State Agency and USDA Federal Nutrition Services (FNS). Sponsor must submit a separate Waiver application for each program selected.

Sponsor Name
Yupiit School District

Sites that will participate in selected Eergency Waiver (*attach additional page for additional sites*):

Site Name (s)
TULUKSAK SCOOOL

Select each waiver you wish to utilize during the safety mitigation period.

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):

The waivers in this section apply to SFSP and SSO for summer 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited due to a Disaster Emergency

Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)]

Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)]

National School Lunch Program (NSLP) and School Breakfast Program (SBP):

The following waivers are intended to provide needed flexibility to support school food authorities (SFAs). FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited due to a Disaster Emergency.

Waiver 3: Non-Congregate Meal Service [42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1773(b)(1)(A)]

Waiver 4: Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]

- Waiver 5: Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Waiver 6: Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

School Year Administration (NSLP/SBP/SFSP):

The following waivers allow State and local Program operators to overcome administrative challenges resulting from COVID-19 and to appropriately allocate their limited staffing resources to ensure safe service of meals to children as they respond to and recover from the disaster. FNS expects Program operators will only use these flexibilities for the duration and extent that they are needed.

- Waiver 9: Administrative Review Onsite Requirements [7 CFR 210.18]
Onsite Requirement for SFA Onsite Reviews by February 1 [7 CFR 210.8(a)(1) and 220.11(d)(1)]
Onsite Requirement for Afterschool Care Reviews [7 CFR 210.9(c)(7)]
Onsite Requirement for Periodic On-site Visits when Utilizing an FSMC [7 CFR 210.16(a)(3) and 220.7(d)(1)(iii)]

Fresh Fruit and Vegetable Program (FFVP):

The following waivers are intended to provide needed flexibility to support schools in continuing to participate in the FFVP. FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when the FFVP elementary school is closed for in-person instruction and congregated meal service is limited due to a Disaster Emergency.

- Waiver 14: Parent/Guardian FFVP Pickup [42 U.S.C. 1769a]
- Waiver 15: Alternate Site [42 U.S.C. 1769a(a)]

Unanticipated School Closures:

The waivers in this section apply to SFSP and SSO during unanticipated school closures. FNS expects that flexibilities under these waivers will only be implemented by Program operators when congregated meal service is limited due to a Disaster Emergency.

- Waiver 16: Non-Congregate Meal Service during Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)]
- Waiver 17: Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2, and 225.9(d)(7)]
- Waiver 18: Meal Service Times for Unanticipated School Closures in SY 2022-23 [7 CFR 225.16(c)(1) and 225.16(c)(2)]
- Waiver 19: Meals at School Sites for Unanticipated School Closures in SY 2022-23 [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(d)(1)(iv)]

Child and Adult Care Food Program (CACFP):

The waivers in this section apply to CACFP. FNS expects that operational flexibilities under these waivers will only be implemented by Program operators when congregation is limited due to the disaster emergency. FNS expects that monitoring flexibilities will only be implemented when disaster conditions interfere with the ability of State agencies and sponsoring organizations to conduct reviews onsite. Waiver 20: Non-Congregate Meal Service [42 U.S.C 1753(b)(1)(A) and 7 CFR 226.19(b)(6)(iii)]

- Waiver 21: Parent/Guardian Meal Pick-Up [7 CFR 226.2]
- Waiver 22: Meal Service Times [7 CFR 226.20(k)]
- Waiver 24: Sponsoring Organization Onsite Monitoring Visits [7 CFR 226.16(d)(4)(iii)]

Please describe services affected by the approved Waiver for your program.

Meals to be offered: (Breakfast, Lunch, Snack, FFVP, At-Risk Meals)
Breakfast, lunch, snack, FFVP
Meal Service Time Flexibility (including parent/guardian pick-up and meal delivery):
Elders may pick up meals and take them home Student meals are served in the school unless there is no
Meal Delivery Methods (Curbside pick-up, Mobile sites, Home Delivery):
Meals may be picked up in school cafeteria when the school building is ^{is closed} meals ^{students may take} home
Meal Options (Full week of meals at one time, 2-3 days at one time, Weekend meals, Bulk Food, Shelf-stable meals):
Meals are distributed by the day if the school building is closed, when it is open at regular meal/snack times
Meal Counting Method (Standard POS, Mobile technology, Paper roster, clicker):
Paper roster
Parent or Guardian Pick-Up (Describe processes in place to ensure that meals are distributed only to parents or guardians of enrolled children, and that duplicate meals are not distributed or attach written procedures):
Parents or students pick up meals and homework packets and are marked on the attendance when the building is closed
Procedure for notifying parents and guardians regarding program services while utilizing Waiver flexibilities:
The facebook page for the school and VHS radio are used to notify the community of school closures
CACFP Sponsoring Organizations Onsite Monitoring (Describe processes in place to explain when virtual monitoring will take place and assurances of complete monitoring visit within required timeframes)
Principal is able to monitor food distribution

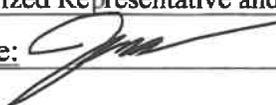
The sponsor agrees to provide DEED Child Nutrition Programs with reporting requirements to be sent with waiver approval by DEED and the following as applicable:

- A summary of the use of the non-congregate feeding flexibilities by local program operators,
- A summary of the use of the parent or guardian pick-up flexibilities by local program operators,
- A summary of the use of the meal-time flexibilities by local program operators,
- A summary of the use of the SSO option by local program operators,
- A summary of the use of the offer versus serve flexibilities by local program operators,
- A summary of the use of the Administrative Reviews, Monitoring and Reporting flexibilities,
- A summary of the use of Alternative Site flexibility (FFVP),

- A summary of the use of the Meals at School Sites for Unanticipated School Closures flexibilities,
- A description of how each waiver resulted in improved services to program participants.
- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP.
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program.

Failure to comply with reporting requirements may result in the State Agency denying future waiver requests. Please contact the appropriate program DEED representative for additional information.

Signature of Authorized Representative and Date

Sign and Date here:  3/21/23

Approval Signature of DEED Child Nutrition Programs and Date

Sign and Date here:

Waiver Instructions

If a sponsor has multiple child nutrition programs they wish to apply for, a separate Waiver Application for each program (SFSP and SSO, NSLP and SBP, School Year Administration NSLP/SBP/SFSP, FFVP, Unanticipated School Closure, or CACFP) will be submitted. For example, if a sponsor is requesting a waiver for a SFSP site and a NSLP site, they will submit two separate applications to the appropriate CNP contact on list below.

Upon Waiver application approval you will receive instructions from DEED with reporting guidelines and any additional required information needed to document necessary data regarding USDA requirements.

Current timelines for reporting Waiver usage:

1. **CACFP – Month end documenting waiver flexibilities used.**
2. **SFSP – Year-end for FY2022 SFSP program**
3. **NSLP/SSO – End of summer session waivers, and prior to beginning of SY2023**
4. **NSLP/SSO – Year-end for SY23 school year.**
5. **FFVP – Year-end for SY2023 school year**

DEED CNP Program Contact Information:

- Program Coordinator (USDA Foods, TEFAP, FFVP)
 - Sue Lampert: (907) 465-8710
- Program Coordinator (NSLP)
 - Samantha Simien: (907) 465-8709
- Program Coordinator (CACFP)