

**CHILD NUTRITION PROGRAM STATE WAIVER REQUEST**  
**Waiver Request for Lower Kuskokwim School District, Ayaprun School**

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

Alaska Department of Education and Early Development  
Child Nutrition Programs  
Gavin Northey, Child Nutrition Programs Manager  
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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 Lower Kuskokwim School District, Ayaprun School in Newtok, 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 Ayaprun School in Newtok, Alaska due ongoing school health and safety concern related to a disaster in January 2023. Newtok is an Alaskan Native village in the Lower Kuskokwim region of Alaska; there are approximately 40 K-12 students in its school which participates as a community eligibility provision school having a site-ISP just under 70%. The school will likely serve up to 3,000 lunches and about 2,000 breakfasts if this waiver is approved.

The Ayaprun School suffered a catastrophic fire to its power plant in January 2023 that destroyed their power and water infrastructure. Since then, they remain without running water and very limited power that is prone to intermittent outages. This situation is further complicated by coastal erosion that is forcing the relocation of the village to Mertarvik, approximately nine miles up and across the river from Newtok. The existing school building will be condemned and replaced, however, given the relocation efforts—which as of right now is unclear how and when this will happen—AK DEED CNP is expecting that the waiver will be needed for the entire 2023-2024 school year.

As a result of damage to the school, the school does not have the facilities to safely prepare meals and is currently seeking an alternative location from which to serve pre-packaged, ready-to-eat, shelf-stable meals. Limited capacity in what school rooms are usable means that the school needs to be able to exercise all possible options to ensure students continue to have access to nutritious meals including non-congregate service, waiving OVS requirements, meal pattern requirements, meal service times, and parent/guardian meal pickup.

Since January 2023, Ayaprun has received frozen meals prepared in Bethel, the meals were taken home for heating and consumption pursuant to a non-congregate meal service waiver. Since the school has limited power and no running water, this option is no longer feasible since students will be in class.

If this waiver is not approved, students will lose access to approximately 5,000 nutritious meals served through the National School Lunch and School Breakfast programs. The school district may opt to serve the meals anyway, however, would do so at their own cost with no reimbursement. Loss of school meal programs might also result in down-line impacts to other funding sources that rely upon school meal and enrollment data.

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

DEED CNP is requesting a waiver of the following:

- Non-Congregate Meal Service [NSLA, 42 U.S.C. §1753(b)(1)(A), and Child Nutrition Act, 42 U.S.C. §1773(b)(1)(A) ]
- Meal Pattern requirements of the NSLP [7 CFR 210.10(c) ]
- Fluid milk requirements [7 CFR 210.10(d) and 7 CFR 220.8(d) ]
- Meal Service Times [7 CFR §210.10(l), and §220.8(l) ]
- Parent/Guardian Meal Pickup [7 CFR §210.10(a), §220.2, §220.8(a) ]
- Offer Versus Serve [42 U.S.C. §1758(a)(3) and 7 CFR §210.10(e) ]

**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 but will follow the SFSP meal pattern requirements in lieu of the NSLP requirements, will be exempt from fluid milk requirements, but will continue to follow requirements to maintain point-of-service meal counts, menus, and production records. The SFA will report the total number of meals served under this waiver. The meal items will be ready-to-eat shelf-stable pre-packaged meals and UHT or reconstituted milk. The SFA will have the option to serve meals at the school, an alternate site, or in a non-congregate setting depending on what option is practicable and will maximize nutrition service to students.

**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]:**

No barriers exist at the state level.

**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 SFSP sponsors; the Lower Kuskokwim 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 lingering barriers that resulted from the January 2023 fire.

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

DEED CNP requests this waiver to be effective immediately and through 30 June 2024 or until such time that the school's condition allows for regular and safe operation of existing, renovated, or new kitchen facilities, 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.

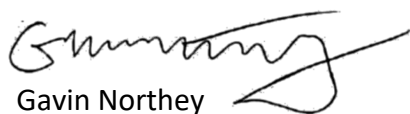
**12. Proposed reporting requirements (include type of data and due date(s) to FNS);**

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(I)(1)(A)(ii) of the NSLA]:**

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

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

A handwritten signature in black ink, appearing to read 'Gavin Northey', written over a horizontal line.

Gavin Northey  
Child Nutrition Programs Manager

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

**Regional Office Analysis and Recommendations:**