



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK T. BENTON • Assistant Secretary for Public Health

Division of Public Health

August 13, 2020

Dr. Lilly Bouie, Regional Director
United States Department of Agriculture
Food and Nutrition Service
61 Forsyth Street, Suite 8T36
Atlanta, GA 30303

Dear Dr. Bouie:

The North Carolina Department of Health and Human Services respectfully requests a waiver from 7 CFR 226.17a(k) and 7 CFR 226.17a(m): (e)(6), and (e)(9), regarding reimbursement of a second meal or snack in the At-risk Afterschool component of the Child and Adult Care Food Program.

Details of the waiver request are submitted in the format as required by the USDA and are described herein.

Subject of waiver request: Allowing More Than the Maximum Number of Meals to Be Served Per Child Per Day in the At-risk Afterschool Component of the Child and Adult Care Food Program

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

Name of State agency: North Carolina Department of Health and Human Services

State agency contact: Mary Anne Burghardt

Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914

Telephone number: (919) 707-5783

Email address: maryanne.burghardt@dhhs.nc.gov

State agency alternate contact: Courtney Jones

Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914

Telephone number: (919) 707-5775

Email address: courtney.jones@dhhs.nc.gov

2. Region: Southeast

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH • NUTRITION SERVICES BRANCH

LOCATION: 5601 Six Forks Road, Building 2, Raleigh, NC 27609

MAILING ADDRESS: 1914 Mail Service Center, Raleigh, NC 27699-1914

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

The request to waive the regulatory requirements applies to all organizations participating in the CACFP At-risk Afterschool Meals Program (ARAM).

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.

Since March 10, 2020, North Carolina has functioned under state of emergency in response to COVID-19. To accommodate parents of school age children who must work outside their homes during the COVID-19 pandemic, NC Department of Child Development and Early Education is allowing childcare facilities to provide care for school age children. As schools reopen in a variety of settings including virtual platforms and remote learning, some public schools may establish remote learning areas within the public school. This means school age children will be in attendance at settings that operate the At-risk Afterschool Meals Program. Under these circumstances the setting would provide in addition to meals, access to and assistance with the child's respective school's virtual or remote instruction. The expanded hours of care would create an additional opportunity for meal service. However, due to current regulatory requirement, CACFP providers may not be reimbursed for the additional meal. Many families are dependent upon meals at care facilities for their primary source of nourishment.

Therefore, NC DHHS seeks this waiver to allow ARAM providers to claim reimbursement for more than one meal and/or snack that is currently permitted under usual ARAM circumstances. Specifically, the waiver would allow CACFP ARAMs to serve two meals and one snack per child per day as is allowed in the traditional CACFP program ; and serve ARAM during the day while virtual or remote instruction is in session. Overall, in many cases throughout the state of North Carolina, school age children will be in childcare settings for the entire school day, specifically in many facilities operating ARAM programs. These ARAM facilities that are providing all day care will be significantly impacted financially and operationally if they are only able to claim reimbursement for a snack and a supper meal. This waiver is intended to provide financial and programmatic support that would provide reimbursement for up to 2 meals and 1 snack per child, per day. .

5. Specific Program requirements to be waived (include statutory and regulatory citations).

The NCDHHS proposes a waiver of regulations in:

- 7 CFR 226.17a(k): Only one at-risk afterschool snack and, in eligible States, one at-risk afterschool meal per child per day may be claimed for reimbursement. An at-risk afterschool care center that provides care to a child under another component of the Program during the same day may not claim

reimbursement for more than two meals and one snack, or one meal and two snacks, per child per day, including the at-risk afterschool snack and the at-risk afterschool meal. All meals and snacks must be claimed in accordance with the requirements for the applicable component of the Program.

- 7 CFR 226.17a(m): (1) At-risk afterschool snacks. When school is in session, the snack must be served after the child's school day. With State agency approval, the snack may be served at any time on weekends and vacations during the regular school year. Afterschool snacks may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year-round calendar. (2) At-risk afterschool meals. When school is in session, the meal must be served after the child's school day. With State agency approval, any one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year. Afterschool meals may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year-round calendar.

All other CACFP requirements would apply.

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

North Carolina DHHS does not anticipate any required Program operational changes. A minor technology change to the edit check in place preventing a second meal to be claimed in ARAM participating institutions would be executed for the approved time period August 17, 2020 through June 30, 2021.

All participating CACFP institutions would participate in the statewide waiver.

7. Description of any steps the State has taken to address regulatory barriers at the State level.

No state level barriers have been identified. On February 11, 2020, Governor Roy Cooper directed the establishment of a COVID-19 Task Force to further prevent, prepare for, and respond to the COVID-19 infections in the State. Shortly thereafter a Governor's Nutrition and Education Workgroup was established to focus on nutrition during the pandemic. On August 5, 2020 Governor Roy Cooper issued Executive Order NO. 155 Extension of Phase 2 Measures To Control Public Health Risks and Save Lives in the COVID-19 Pandemic. The Safer at Home Phase 2 extension goes through at least September 11, 2020.

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

The NCDHHS does not anticipate this waiver will present any challenges to the department or the participating institutions. Implementation of this waiver will aid in the provision of nutritious meals to our most vulnerable children.

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.

Due to the significant decrease in the number of meals being served in CACFP it is unlikely that overall Program costs will increase beyond prior year costs. If there is an increase in meals served to children who reside in areas with the most need in the State, there may be increased costs.

10. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

- Waiver Request Start Date: August 17, 2020
- Waiver Request End Date: June 30, 2021

11. Proposed monitoring and review procedures:

The State agency has discontinued on-site administrative reviews at this time to comply with social distancing recommendations. Desk reviews are being conducted.

Institutions found to have non-compliance issues related to this waiver will be required to work with the NCDHHS/DPH on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

Not later than 1 year after the date of such approval or as prescribed by USDA, NC DHHS will provide a report to FNS that will include the following:

- A summary of the use of the waiver by the State agency
- A description of whether and how this waiver resulted in improved services to Program participants.

13. The State agency has submitted an update request to our webmaster to post the waiver request on our website, www.nutritionnc.com, as required.

14. Signature and Title of Requesting Official:



Title: Nutrition Services Branch Program Director | State Director, Special Supplemental Nutrition Program for Women, Infants and Children (WIC) State Director, Child and Adult Care Food Program (CACFP)

Requesting official's email address for transmission of response:
maryanne.burghardt@dhhs.nc.gov