



**CHILD NUTRITION PROGRAM--WAIVER REQUEST**  
**MONTANA: Monitoring**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

**State agency submitting waiver request and responsible State agency staff contact information:** State of Montana DPHHS Brooke Pickett, Program Manager CACFP 111 N Jackson Street, Helena, MT 59601 406-444-4086 [bpickett@mt.gov](mailto:bpickett@mt.gov)

**Region:** Mountain Plains Regional Office

**Eligible service providers participating in waiver and affirmation that they are in good standing:** State of Montana Agency Staff and Sponsoring Organizations in Montana.

**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 State Agency is seeking alternatives to current policy and procedure for monitoring by proposing a temporary waiver.

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

§226.6 State agency administrative responsibilities.

At a minimum, such procedures must require that institutions submit information to the State agency accordingly:

For new private nonprofit and proprietary childcare institutions, such procedures must also include a pre-approval visit by the State agency to confirm the information in the institution's application and to further assess its ability to manage the Program.

In addition, the State agency's application review procedures must ensure that the following information is

## Attachment A

included in a new institution's application:

Small, independent centers and sponsoring organization of 10 100 facilities must be reviewed at least once every three years. 7 CFR 226.6(a)

*Monitoring Handbook for State Agencies*

(iii) *Frequency and type of required facility reviews.*

Sponsoring organizations must review each facility three times each year, except as described in paragraph (d)(4)(iv) of this section.

In addition: (D) Not more than six months may elapse between reviews.

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

The State of Montana would like to be able to support social distancing for the State Agency, Sponsoring Organizations, and center staff--using virtual monitoring and digital data, to support efforts to slow the spread of communicable diseases, when Child and Adult Care institutions are operational.

When Child and Adult Care institutions are not operational as a result of preventive measures for the transmission of communicable disease, the State Agency is requesting a waiver to extend the time between monitoring visits as needed on a case by case basis. The approval and establishment of this waiver would reduce the risk of disease transmission for all individuals who participate in, work for, and monitor Child Care establishments.

### **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]:**

The State of Montana is establishing contingency plans for conducting business remotely as needed.

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

Access issues and lack of technology.

### **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]:**

There will be no increase to the overall cost of the Program as a result of the waiver implementations.

### **Anticipated waiver implementation date and time period:** 3/16/2020-12/31/2020, unless potential for disease transmission decreases the need for social distancing.

The impending risk of communicable disease transmission has been at the forefront of planning and preparation starting this week. This waiver is being submitted less than 60 calendar days prior to the anticipated implementation date as a result of a state of emergency in Montana having been declared yesterday. 3/15/2020.

### **Proposed monitoring and review procedures:**

Documentation and records for reviews and monitoring will be submitted and evaluated electronically. Skype Meeting (or equivalent) will be used to view required on-site implementations as well as the meal service. If virtual reviews and monitoring are not available that the time of the review—the review will be postponed until a mutually agreed upon time and day becomes available.

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

The State Agency will Provide FNS with the State Agencies tentative monitoring schedule for calendar year 2020 if requested. Status updates for monitoring would be tracked and provided at defined intervals. This would include the institution, last review year, anticipated review date, actual review date. If deviations in review date occur, an explanation will be provided, as well as plan and date for anticipated compliance.

Sponsoring organizations will provide the State Agency with the same defined information regarding last review, anticipated date for the next review, actual review date, and if deviations in review dates occur, an explanation will be provided, as well as plan and date for anticipated compliance. This information can be provided to FNS if requested.

**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]:**

**Signature and title of requesting official:**

Title: \_\_\_\_\_

Requesting official's email address for transmission of response:

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:**



**CHILD NUTRITION PROGRAM--WAIVER REQUEST**  
**MONTANA: Training**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

**State agency submitting waiver request and responsible State agency staff contact information:** State of Montana DPHHS Brooke Pickett, Program Manager CACFP 111 N Jackson Street, Helena, MT 59601 406-444-4086 [bpickett@mt.gov](mailto:bpickett@mt.gov)

**Region:** Mountain Plains Regional Office

**Eligible service providers participating in waiver and affirmation that they are in good standing:** State of Montana Agency Staff and Sponsoring Organizations in Montana.

**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 State Agency is seeking alternatives to current policy and procedure for training, by proposing a temporary waiver.

**Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**  
§226.6 State agency administrative responsibilities.

(4) *Sponsoring organization operations.* If a new sponsoring organization, documents in its management plan that it will:

- (i) Provide adequate and regular training of sponsoring organization staff and sponsored facilities in accordance with §§226.15(e)(12) and (e)(14) and 226.16(d)(2) and (d)(3);
- (iv) Comply with civil rights requirements;

and technical assistance to institutions [7 CFR 226.6(a)(2)]. States must provide appropriate training prior to an institution's participation, and at least annually thereafter, on content areas established by the State agency.

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

The State of Montana is requesting a waiver to extend the annual training requirements for the State Agency, Sponsoring Organizations, and Independent Center Staff as needed. The approval and establishment of this waiver would reduce the risk of disease transmission for all individuals who participate in, work for, and have agreements with child and adult care institutions.

**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]:**

The State of Montana is establishing contingency plans for conducting business remotely as needed.

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

Access issues and lack of technology.

**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]:**

There will be no increase to the overall cost of the Program as a result of the waiver implementations.

**Anticipated waiver implementation date and time period:** State Agency and Institution Staff 3/17/2020 to 12/31/2020 and Sponsoring Organizations of Day Care homes 9/30/2020

The impending risk of communicable disease transmission has been at the forefront of planning and preparation starting this week. This waiver is being submitted less than 60 calendar days prior to the anticipated implementation date as a result of a state of emergency in Montana having been declared yesterday.

**Proposed monitoring and review procedures:**

Skype Meeting (or equivalent) will be used to provide training if available. If virtual training is not available--training will be postponed until a means for training is available.

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

The State Agency will Provide FNS with the State Agencies tentative training schedule for calendar year 2020 if requested. Status updates for training will be tracked and provided at defined intervals. If deviations in the training schedule occurs--an explanation will be provided, as well as plan and date for anticipated compliance.

Sponsoring organizations will provide the State Agency with the same defined information regarding last training status, anticipated dates for training, actual training dates, and if deviations in training dates occur, an explanation will be provided, as well as the plan and date for anticipated compliance. This information can be provided to FNS if requested.

**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]:**

**Signature and title of requesting official:**

Attachment A

Title: \_\_\_\_\_

Requesting official's email address for transmission of response:

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:**



## **CHILD NUTRITION PROGRAM--WAIVER REQUEST** **MONTANA: Congregate Feeding**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

- 1. State agency submitting waiver request and responsible State agency staff contact information:** State of Montana DPHHS Brooke Pickett, Program Manager CACFP  
111 N Jackson Street, Helena, MT 59601 406-444-4086 bpickett@mt.gov
- 2. Region:** Mountain Plains Regional Office
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Any CACFP provider in Montana that is in good standing, that is operating during school closures due to a COVID-19 outbreak. All schools have been closed state-wide for a minimum of two weeks.
- 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 State Agency is seeking to resolve concerns of food insecurity due to the closures of all Schools in Montana. If the waiver is granted, food insecurity will be decreased as well as potential exposure to and transmission of COVID-19.
- 5. Specific Program requirements to be waived (include statutory and regulatory**



**citations). [Section 12(I)(2)(A)(i) of the NSLA]:** Memo Code: CACFP 10-2017

*“Similar to all Child Nutrition Programs, meals served in the CACFP are intended to be consumed in settings where organized groups of eligible children and adults are gathered to eat. This means that meals must be consumed on-site in order for the meal to be reimbursable. From time to time, CACFP operators may want to serve meals offsite, such as during a field trip. This is allowable, provided that the CACFP institution provide notice to their State agency prior to the event. Failure to meet this “congregate feeding” requirement will result in the disallowance of meals and may lead to a determination of serious deficiency in the Program.”*

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

If this waiver is approved, the State of Montana CACFP staff will provide technical assistance to all institutions on process and procedures for planning and preparing non-congregate meal services. Additionally, TA will be provided, for required and accurate record keeping that supports claims for reimbursement. There will be no impacts on technology, state systems, or monitoring.

**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]:** State Level regulatory barriers related to this specific issue, involve the requirement for family style meal services in the Child and Adult Care setting. This requirement will be waived for the duration of the crisis.

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

There are no anticipated challenges that providers may face with the implementation of this waiver.

**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]:**

This waiver will not increase the overall cost of the program. Meal services will be conducted in a manner that maintains “business as usual” in a temporary setting that is a neutral cost to the Federal Government.

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

3/16/2020-6/30/2020

The impending risk of communicable disease transmission has been at the forefront of planning and preparation starting this week. This waiver is being submitted less than 60 calendar days prior to the anticipated implementation date as a result of a state of emergency in Montana having been declared on 3/15/2020.

**11. Proposed monitoring and review procedures:**

State Agency will review, approve, and track written requests from institutions to implement this



waiver. The State Agency will create a meal participant tracking sheet that institutions who are approved, will use to track participants by name and meals served to each child. Institutions will provide a copy of the tracking sheet for each monthly claim submitted.

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

The State of Montana will provide FNS any requested data relevant to this waiver.

**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]:**

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

\_\_\_\_\_

Title:

Requesting official's email address for transmission of response:

**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:**



**CHILD NUTRITION PROGRAM--WAIVER REQUEST**  
**MONTANA: Meal Pattern**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

1. **State agency submitting waiver request and responsible State agency staff contact information:** State of Montana DPHHS Brooke Pickett, Program Manager CACFP  
111 N Jackson Street, Helena, MT 59601 406-444-4086 bpickett@mt.gov
2. **Region:** Mountain Plains Regional Office
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:** Any CACFP provider in Montana that is in good standing and is operating during a COVID-19 outbreak. All schools have been closed state-wide for a minimum of two weeks.
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 State Agency is seeking to resolve concerns of potential food insecurity due to the closures of all schools and businesses in Montana. With limited inventories, there are anticipated shortages of certain meal components and minimum serving sizes required by CACFP. This waiver would support eligible participants in best utilizing available food inventories. Shelf stable alternatives would be provided as needed for alternative meal serving models. If the waiver is granted,

food insecurity will be decreased.

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

***226.20 Requirements for Meals***

- (a) *Food components.* Except as otherwise provided in this section, each meal served in the Program must contain, at a minimum the food components outlined in 226.20.
- (c) *Meal patterns for children age 1 through 18 and adult participants.* Institutions and facilities must serve the food components and quantities specified in the meal patterns for children and adult participants in order to qualify for reimbursement.

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

If this waiver is approved, the State of Montana CACFP staff will provide technical assistance to all institutions on process and procedures for planning and preparing meals/snacks and documenting food inventory usage. There will be no impacts on technology, state systems, and monitoring.

**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]:**

The State Agency would utilize flexibilities in Meal Service policies during the effected timeframe.

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

There are no anticipated challenges that providers may face with the implementation of this waiver.

**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]:**

This waiver will not increase the overall cost of the program. Meal services will be conducted in a manner that maintains “business as usual” in a temporary setting that is consistent with their usual accounting system for food service.

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

3/16/2020-6/30/2020

The impending risk of communicable disease transmission has been at the forefront of planning and preparation starting this week. This waiver is being submitted less than 60 calendar days prior to the anticipated implementation date as a result of a state of emergency in Montana having been declared on 3/15/2020.

**11. Proposed monitoring and review procedures:**

State Agency and Sponsoring Organizations will require copies of all menus with substitutions noted, from all providers during the impacted time frame.

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

The State of Montana will provide FNS with any requested data relevant to this waiver.

**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]:**

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

\_\_\_\_\_

Title:

Requesting official's email address for transmission of response:

**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:**



## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

- 1. State agency submitting waiver request and responsible State agency staff contact information:** [State of Montana DPHHS Brooke Pickett, Program Manager CACFP](#)  
[111 N Jackson Street, Helena, MT 59601 406-444-4086 bpickett@mt.gov](#)
  
- 2. Region:** [Mountain Plains Regional Office](#)
  
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** [Participating and Applying CACFP At-Risk After School institutions and/or facilities operating during the COVID19 outbreak.](#)
  
- 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 State of Montana is requesting a waiver that would expand the boundaries for eligibility related to At-Risk Afterschool programs. This request is a result of business closures as well as job layoffs in Montana that have extended the boundaries for low income areas in our communities. This waiver would bridge the gap in food insecurity for the children in Montana.](#)
  
- 5. Specific Program requirements to be waived (include statutory and regulatory**

**citations). [Section 12(I)(2)(A)(i) of the NSLA]:**

The specific requirements to be waived are the regulatory requirements at 7 CFR 226.17a

*Area eligibility.* Except for emergency shelters, at-risk afterschool care centers must be located in an area described in paragraph (a) of the *Eligible area* definition in §226.2

226.2 *Eligible area* means:

(a) For the purpose of determining the eligibility of at-risk afterschool care centers, the attendance area of a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price school meals

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

Montana CACFP will provide detailed instructions for providers opting to participate as an At-Risk After School Site under this waiver. There is no anticipated impact to program operations

**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]:**

There are no state-level regulatory barriers related to this specific issue. All facilities potentially supported by these flexibilities and waivers are not required to be licensed.

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

Montana CACFP does not anticipate that this waiver will present any challenges to the State agency or providers. If the waiver is not approved in a timely manner and implementation does not happen right away there are concerns Montana will not benefit from the intended impacts.

**8. 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]:**

Many childcare facilities have already closed in Montana due to Covid-19. Therefore, the State Agency does not expect the number of new facilities, facilities that may reopen, and increased reimbursement to exceed what the Program typically pays out to sub-recipients under normal circumstances.

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

Effective immediately upon approval from USDA-FNS. CACFP requests the waiver be approved through June 30, 2020, or when the pandemic ends, whichever comes sooner.

**10. Proposed monitoring and review procedures:**

Montana CACFP will work with providers through the application process and the reporting requirements of this waiver. Monitoring will include documentation of providers utilizing the waiver during the public health emergency. Implementation of this waiver will be monitored by

State Agency Staff as outlined through the review process in order to ensure compliance with regulatory requirements.

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

Within 1 year of the waiver implementation--CACFP will report to FNS the number of At-Risk Afterschool sites participating in CACFP under this waiver, the total number of meals reimbursed under these arrangements, and the total amount of CACFP dollars spent for meals reimbursed under these conditions as requested.

**12. 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]:**

**13. Signature and title of requesting official:**

\_\_\_\_\_

Title:

Requesting official's email address for transmission of response:

**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:**