

**Current For-Profit (Proprietary) Centers 25% monthly eligibility waiver request during COVID-19 emergency declaration.**

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

North Dakota Department of Public Instruction – Child Nutrition and Food Distribution Programs  
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**Region:** Mountain Plains Region

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

State-wide waiver request for all current eligible For-Profit centers currently participating in CACFP that are in good standing.

**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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

Challenge:

Due to COVID-19, childcare centers have seen a decrease in children attending their childcare facilities. Proprietary centers have seen a significant decrease in the number of free and reduced-price/Title XX children attending their childcare facility. The North Dakota Department of Human Services along with the Governor has requested that childcare facilities make it a top priority to fill open spots with children of essential workers. Typically, these families are not eligible for free or reduced-priced meals or Title XX and the proprietary childcare facility will lose their eligibility to claim any CACFP meals during this time of emergency.

Goal:

Continue to provide nutrition meals to all children enrolled in the CACFP.

Expected Outcomes:

Preserve For-Profits centers eligibility that shows a decrease of free and reduce children with an increase demand for care of essential employees' children during this emergency.

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

The North Dakota Department of Public Instruction requests a waiver of regulations at 7 CFR 226.17(b)(4): For-profit child care centers may not claim reimbursement for meals served to children in any month in which less than 25 percent of the children in care (enrolled or licensed capacity, whichever is less) were eligible for free or reduced price meals or were title XX beneficiaries.

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

If approved, the North Dakota Department of Public Instruction will allow eligible For-Profit centers, as of March 2020, to claim meals if the For-Profit Center's enrollment falls below the 25% low-income eligibility threshold. These centers will only be reimbursed based on the individual eligibility of each child enrolled and participating in the CACFP.

**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 currently no State level regulatory barriers related to this specific issue. <http://www.nd.gov/dhs/info/covid-19/docs/guidance-cc-health-safety-lifeline-worker-households.pdf>

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

We anticipate this waiver will help reduce the challenge and burden For-Profit childcare facilities to meet the 25% threshold during this time of emergency. These For-Profit centers that were given a directive to prioritize placement for children of essential workers will not only help those on the front line, but also help the center to keep their status to claim meals for children that are enrolled in CACFP.

**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]:**

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government when programs are able to provide continued service and food assistance during an emergency. There are no additional staff costs to implement this waiver.

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

The anticipated waiver implementation start date is April 1, 2020 and is to remain in effect through June 30, 2020.

**Proposed monitoring and review procedures:**

State agency staff will continue to manually approve for-profit centers monthly claims for reimbursement.

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

No later than July 15, 2021 NDDPI will report to FNS the number of sponsors that utilized this waiver.

**Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:**

The North Dakota Department of Public Instruction is seeking multiple waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support schools and communities in providing meals to children in areas experiencing school closures in response to COVID-19. The waiver requests are located on the North Dakota Department of Public Instruction website at the following link: <https://www.nd.gov/dpi/districtschools/child-nutrition-and-food-distribution/update>

**Signature and title of requesting official:**

\_\_\_\_\_ **4-2-2020** \_\_\_\_\_

Title: Director, Child Nutrition and Food Distribution Programs  
Requesting official's email address for transmission of response: