

## **Child Presence Waiver Request for Sponsors Operating FFVP during COVID-19 Unanticipated School Closures**

Utah State Board of Education – Child Nutrition Programs

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

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**Region:** USDA Southwest Region

### **Program operator(s) participating in waiver and affirmation that they are in good standing:**

Any Utah State Board of Education approved Fresh Fruit and Vegetable Program (FFVP) grant sponsor in good standing, operating during an unanticipated school closure due to a COVID-19 outbreak.

### **Description of the challenge the State agency is seeking to solve:**

Challenge: School closures due to the COVID-19 outbreak mean that students are no longer receiving additional fresh fruits and vegetables as part of FFVP service they normally would get during the school day. SFAs set monthly FFVP budgets based on operating the program for the entire school year and will struggle to utilize all program funds before October 1<sup>st</sup> if they are not able to operate the program during extended school closures.

Goal: Allow current FFVP sites to operate non-congregate FFVP service by including additional fresh fruits and/or vegetables in the meals that are already being distributed through either NSLP or SSO. A nutrition education handout would be included with the FFVP items. Sites would use their awarded FFVP funds to purchase these additional items. FFVP items would be available to all students receiving reimbursable meals at the site, regardless of enrollment.

Expected Outcomes: Schools are able to utilize FFVP funds to provide fresh fruits and vegetables to children at a time of increased food insecurity. SFAs will continue to support local vendors who provide fresh fruits and vegetables and will maximize the utilization of their funds within the grant timelines.

### **Specific Program requirements to be waived (include regulatory citations):**

SA request a waiver of regulations at: NSLA Section 19 (g). *“To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school.”*

SP31-2018 *“The fresh fruits and vegetables should be provided separately from the lunch or breakfast meal, in one or more areas of the school.”*

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

The FFVP claiming process will remain the same—SFAs will submit invoices for all items monthly along with a detailed spreadsheet of charges. SA will provide technical assistance where needed. There are no impacts on technology, State systems, or monitoring.

**Description of any steps the State has taken to address regulatory barriers at the State level:**

There are currently no State level regulatory barriers related to this specific issue.

**Anticipated challenges with waiver implementation:**

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level since schools operating under the waiver would essentially operate the same as a normal school day. FFVP items will simply be bagged for grab-and-go service instead of delivered to classrooms. With this waiver, children will still be able to receive the benefits of participating in FFVP.

**Anticipated impact on Federal administrative costs and assurance that any increases in Federal administrative costs will be paid from non-Federal funds:**

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since this waiver would use FFVP funds that have already been awarded to sites which are now closed due to COVID-19. There are no additional staff costs to implement this waiver.

**Anticipated implementation date and time period:**

The anticipated waiver implementation start date is April 1, 2020 and is to remain in effect through June 30, 2021 for SY 2020 and SY2021.

**Proposed monitoring and review procedures:**

State agency staff who will approve individual school district written requests to implement the waiver will monitor implementation of this waiver.

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

No later than July 15, 2021, USBE will report to FNS the number of sponsors that used this waiver including the amount of funds claimed.

**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]:** <https://www.schools.utah.gov/cnp>

**Notice to be released:**

The Utah State Board of Education is seeking multiple waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support institutions and communities in providing meals to children in areas experiencing school closures in response to COVID-19. All waiver requests can be viewed at <https://www.schools.utah.gov/cnp>

**Signature and title of requesting official:**

*Kathleen Britton*

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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 your knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

• Date Received: .....

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(I)(A)(ii) of the NSLA

• Regional Office Analysis and Recommendations:

Recommend Approval                       Recommend Denied