

## Waiver Request for Sponsors Operating FFVP during SY 2021

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 the 2021 school year.

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

Challenge: Many schools are implementing a hybrid approach to learning in the fall, with some students in school and others participating in distance learning. If FFVP can only be distributed to in-school learners, students will not have equal access to the program. Some schools will also struggle to meet the minimum requirement of two service days per week for all students, as this will practically require them to prepare and serve FFVP four or five days per week at a time when school kitchen staff are already stretched thin. Additionally, some schools are limiting the number of visits that can be made to each classroom in order to minimize contact between groups of students, meaning that staff may not be able to deliver FFVP if it cannot be distributed along with breakfast or lunch meal service.

Goal: Allow participating FFVP sites to operate non-congregate FFVP service by including additional fresh fruits and/or vegetables in grab and go meals that are already being distributed through NSLP/SBP for remote/distance learning. Allow parent pickup of these meals without requiring child presence and allow multiple days of FFVP items to be distributed at one time. Allow FFVP items that are served in-school to be distributed to classrooms along with breakfast or lunch meal service, to minimize classroom contacts.

Expected Outcomes: Schools are able to utilize FFVP funds to provide fresh fruits and vegetables to all 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 and will continue to encourage schools to participate in nutrition education activities. 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. This waiver request is based on feedback from SFAs indicating what would make FFVP implementation easiest for them during the 2021 school year, considering the challenges they face due to COVID-19.

**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 simply allow schools to make more effective use of the FFVP funds they are awarded for the 2021 school year. There are no additional staff costs to implement this waiver.

**Anticipated implementation date and time period:**

The anticipated waiver implementation start date is August 20, 2020 and is to remain in effect through June 30, 2021.

**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(l)(l)(A)(ii) of the NSLA
  
- Regional Office Analysis and Recommendations:
  - Recommend Approval                       Recommend Denied