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September 8, 2020

**State Waiver Request to Allow Alternative Locations for the FFVP
COVID-19 Waiver Request**

Nevada Department of Agriculture-Food and Nutrition Division

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

Nevada Department of Agriculture (NDA), Food and Nutrition Division (FND)
Homa Anooshehpour, Administrator, Food and Nutrition Division
405 South 21st Street, Sparks, Nevada
775-353-3625
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2. Region:

Western

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

This waiver would impact Nevada Fresh Fruit and Vegetable Program (FFVP) operators awarded this grant. Award of the FFVP grant is contingent upon being an eligible NSLP sponsor in good standing. FFVP schools that would participate in this waiver are those implementing a remote learning model for some or all class instruction due to the COVID-19 pandemic and wish to continue offering the FFVP to students at alternate school sites when the awarded FFVP elementary school building is not open for pickup. These FFVP schools would be employing remote learning either to all students during building closures, or to a portion of students participating in a blended learning model that limits building access for face-to-face learning on alternating days from online learning.

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

When SFAs experienced unanticipated school closures during SY19-20 they were able to continue offering the FFVP with SSO or SFSP meals in a non-congregate setting, including home delivery, under USDA FNS

memorandums [SP12-2020](#) and [SP19-2020](#) addressing Fresh Fruit and Vegetable Program during COVID-19. However, awarded FFVP school sites were only able to provide the FFVP serving at the awarded site when alternative pick-up locations were identified for meals. For SY20-21, COVID-19 considerations have led brick and mortar schools to make plans to implement remote learning models for some or all their students for an indeterminate length of time based on level of community spread of COVID-19. As remote learning models are implemented throughout a district and meal pick up locations are identified, it is restrictive to only be able to offer FFVP servings at awarded FFVP schools. Requiring the FFVP to operate only at the awarded school site is problematic because typically the elementary schools house some of the smallest kitchens and serving infrastructure. Many districts plan to serve non-congregate meals at locations with the largest facility to accommodate multiple students. Typically, high schools have larger kitchens and more flexibility in service options to operate safely during the COVID-19 pandemic. Allowing districts to select the location to best serve their students may prohibit the service of the FFVP due to the requirement to have the FFVP only served from the awarded elementary school site.

Due to a desire to reach all eligible students, many SFAs would like to be able to provide the FFVP serving alongside the NSLP and SBP meals being picked up by parents or guardians in a way that limits potential student exposure to COVID-19. This waiver will reduce sponsor burden of having to operate the FFVP at the awarded school site if meals are served at alternate locations. NDA-FND has a goal to reduce the burden on sponsors/operators to allow them to distribute the FFVP at locations that work best for them to reach the most children and support safety protocols during this pandemic.

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

NDA-FND requests a waiver to the requirement that the FFVP only be served at awarded elementary schools when other school sites have been identified to serve meals during school closures related to the COVID-19 pandemic. This requirement was included in the USDA FNS Memorandum [SP19-2020](#) under Questions 2 and 6.

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

If approved, NDA-FND will require FFVP sponsors to submit a COVID-19 FFVP Alternative Location Waiver Request. The State agency will provide technical assistance to sponsors on processes and procedures for serving the FFVP during times of remote learning to qualifying students. State agency monitoring of FFVP reimbursements will continue to ensure operating and administrative costs are allowable. The use of the waiver will be limited to times of documented school closures or blended models of remote learning provided on alternating days of in-building face-to-face instruction due to COVID-19.

NDA-FND does not anticipate any impact noted above.

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]:

There are currently no regulatory barriers at the state level related to this specific issue.

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

NDA-FND does not anticipate challenges with the waiver implementation as it will reduce burdens and challenges to FFVP sponsors during school building closures and blended learning models with alternating remote and face-to-face instruction because of COVID-19. Children can still benefit from the FFVP even if the awarded elementary school building they typically attend is closed and they pick up meals from another school site.

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]:

NDA-FND does not anticipate any increase in the overall cost of the Program to the Federal Government since only those schools who receive competitive FFVP grant funds will participate. Grant funds are limited and awarded based on good standing in the NSLP program as well as a demonstration of high free and reduced percentages in the student population. This flexibility will ensure school food service can utilize the funds available to them to serve students. There are no additional FND staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

NDA-FND requests that this waiver period covers the entirety of the 2020–21 SY: July 1, 2020 through June 30, 2021.

11. Proposed monitoring and review procedures:

NDA-FND will track and provide technical assistance and oversight to all program sponsors/operators that are approved to elect this waiver request and will require written requests to implement the waiver.

NDA-FND will require all program operators to keep documentation of their processes and procedures when utilizing this flexibility and will monitor implementation.

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

NDA-FND will continue to report data to the USDA Western Region Office as required and with the list of program operators approved under this waiver.

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

Notice to be released:

Link to web page where public notice will be posted: <http://agri.nv.gov/Food/Food/>

Signature and title of requesting official:

Homa Anooshehpoor, PhD
Administrator, Food and Nutrition Division
Nevada Department of Agriculture
775-353-3625

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:

• Date Received: _____

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA

• *Regional Office Analysis and Recommendations:*

Recommend Approval

Recommend Denial