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September 8, 2020

**State Waiver Request to Allow Parent/Guardian Pick-Up for 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 Anooshehpoor, 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) sponsors/operators awarded this grant in part due to being an eligible NSLP sponsor in good standing. Schools that would participate in this waiver are implementing a remote learning model for some or all class instruction due to the COVID-19 pandemic and wish to continue offering FFVP to students while school buildings are closed.

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]:

COVID-19 considerations have led brick and mortar schools to change to remote learning models for an indeterminate length of time based on level of community spread of COVID-19. When SFAs wish to continue offering FFVP during building closures they are allowed to do so under previously issued guidance outlined in USDA FNS memorandum [SP12-2020 – Fresh Fruit and Vegetable Program during COVID-19](#). However, only students would be allowed to receive the FFVP serving per the answer to Question 4 in this Q&A memorandum. This is problematic as it requires children to be present to receive the FFVP serving, and in many cases, it is the parent or guardian that picks up the meals for their children as authorized under

[COVID-19: Child Nutrition Response #35 - Nationwide Waiver to Allow Parent and Guardian to Pick Up Meals for Children – EXTENSION #2](#) and [COVID-19: Child Nutrition Response #47 – Nationwide Waiver to Allow Parents and Guardians to Pick Up – EXTENSION 3](#). Requiring children to be physically present with their parent or guardian in order to receive the FFVP serving puts those children at risk of exposure to the COVID-19 virus.

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/operator burden of having to prohibit parents from taking the FFVP serving available for their child when picking up student meals. It will also reduce interaction and time spent explaining rules that prohibit picking up FFVP servings while allowing streamlined social distancing serving practices to continue uninterrupted.

NDA-FND has a goal to reduce the burden on sponsors/operators to allow them to distribute the FFVP serving to parents or guardians picking up meals for their children. This will allow eligible children to have access to healthy fresh fruit and vegetable snack options without being required to be present and potentially exposed to COVID-19.

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 children must be present with parents or guardians for children to receive the FFVP servings during COVID-19 that was included in the USDA FNS Memorandum [SP12-2020](#) under Question 4 released on April 9, 2020.

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 Parent Pickup Waiver Request and provide technical assistance to sponsors on processes and procedures for serving the FFVP during school closures to qualifying students. FND will continue to monitor FFVP reimbursements to ensure operating and administrative costs are allowable. The use of the waiver will be limited to times of documented closures 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/operators during school building closures because of COVID-19. Children can still benefit from the FFVP even if they are not present to pick up the FFVP serving.

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 FFVP would be operating in a situation where school buildings had not closed due to COVID-19. 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