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STATE WAIVER REQUEST TO ALLOW PARENT/GUARDIAN PICK UP FOR THE FFVP

North Dakota Department of Public Instruction Request for School Year 2020-2021

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

North Dakota Department of Public Instruction, Child Nutrition and Food Distribution Programs (NDDPI, CNFD)

Linda Schloer MPA, LRD, SNS

Director, Child Nutrition and Food Distribution Programs

600 East Boulevard Avenue, Dept. 201

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2. Region:

Mountain Plains Region (MPRO)

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

This waiver would impact North Dakota Fresh Fruit and Vegetable Program (FFVP) 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(l)(2)(A)(iii) and 12(l)(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 may 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 – EXENSION #2. Requiring children to be physically present with their parent or guardian in order to receive the FFVP serving puts those children at risk of contracting the COVID-19 virus.

To reach all eligible students, many SFAs would like to be able to provide the FFVP serving along with 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 prohibit parents from taking the FFVP serving available for their child when picking up student meals. This would reduce confrontation and time explaining rules while allowing streamlined social distancing serving practices to continue uninterrupted.

The NDDPI, CNFD has a goal to reduce the burden on sponsors 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]:

NDDPI, CNFD requests a waiver of regulations at Section 19(b) of the National School Lunch Act (NSLA) [42 U.S.C. 1769a] that requires schools participating in the FFVP to make fresh fruits and vegetables available to students.

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

If approved, NDDPI, CNFD 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. NDDPI, CNFD will continue to monitor FFVP reimbursements to ensure operating and administrative costs are allowable. There are no impacts on technology, State systems, or monitoring. The use of the waiver will be limited to times of documented closures due to COVID-19.

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 State level regulatory barriers related to this specific issue.

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

NDDPI, CNFD does not anticipate challenges with the waiver implementation as it will reduce burdens and challenges to FFVP sponsors 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]:

The establishment of this statewide waiver will not increase 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 NDDPI, CNFD staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

To be implemented during school year 2020-2021.

11. Proposed monitoring and review procedures:

State agency staff will approve individual school district written requests to implement the waiver and monitor implementation of this waiver. The State agency will continue to provide technical assistance and guidance to sponsors as they navigate school closures due to the COVID-19 outbreak.

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

Continue to report data to USDA as required.

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]:

Web-link to the Public Release: <https://www.nd.gov/dpi/districtschools/child-nutrition-and-food-distribution/school-nutrition-program>

14. Signature and title of requesting official:

Signature

Date

Title: Director, Child Nutrition and Food Distribution Programs

Requesting official's email address for transmission of response: lkschloer@nd.gov

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:

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: