

**Waiver Request for FFVP Parent/Guardian Fresh Produce Pick-up for Schools
Operating during COVID-19 Unanticipated School Closures**

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

New Hampshire Department of Education
Cheri White
101 Pleasant Street
Concord, NH 03301
603-271-3860
Cheri.white@doe.nh.gov

2. Region:

Northeast

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

Any New Hampshire Department of Education, Office of Nutrition Programs and Services approved FFVP elementary school in good standing, operating during an unanticipated school closure due to a COVID-19 outbreak.

Elementary schools that would fall under this waiver are operating in communities where the elementary school(s) are closed in connection with a COVID-19 outbreak

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]:

Potential school closures as a result of any identified COVID-19 outbreaks. The NH Department of Education continue to monitor the situation.

FFVP regulations require schools participating in the FFVP to make fresh fruits and vegetables available “to students” during normal school operation. In addition, the Families First Response Act (P.L. 116-128) did not make FFVP a “qualified program”. However, school building closure due to COVID 19 no longer allows normal school operation to take place. Instead, it creates an unsafe feeling for many parents/guardians who then believe their child(ren) are better off staying at home to decrease their potential exposure to the virus. This is especially true for parents/guardians of younger, elementary age children who are excitable and will want to visit, hug and play with their friends at a bus stop or other meal pick up point. Due to this, many parents/guardians feel that one parent must stay home

with the young child(ren) while the other picks up the meals for their child(ren) for reasons of safety as these young children do not always understand the term social-distancing.

Therefore, to serve FFVP fresh produce to participants, they must be served in a way that mitigates potential exposure to COVID-19 and that allows a parent/guardian that understands the need for social-distancing to pick up the FFVP fresh produce for their child(ren).

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

The NH Department of Education requests a waiver of regulations Section 19 (b) of the NSLA that require elementary 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, the NH Department of Education will provide technical assistance to elementary schools serving FFVP during the unanticipated school closure to allow parent/guardian pick up. There are no impacts on technology, State systems, or monitoring.

7. **Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(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:**

At this time, the NH Department of Education does not anticipate challenges from the establishment of this state-wide waiver at the state or elementary school level because the school will be able to provide the FFVP in the same way it already provides the school lunch or breakfast to a parent/guardian. The waiver will alleviate the challenging situation of potentially providing FFVP fresh produce to some older elementary students while parents/guardians of younger elementary children will not receive the fresh produce. If allowed, all elementary children will benefit from the additional fresh fruit or vegetable.

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(l)(1)(A)(iii) of the NSLA]:**

Due to the fact that the school/child care programs will be operating as they normally would, the establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government. Rather, it will allow elementary schools participating in FFVP the ability to spend their FFVP funds fully.

10. Anticipated waiver implementation date and time period:

Anticipated waiver implementation start date is: April 2020 or upon approval of this waiver request and will remain in effect through June 30, 2020 or until the elementary school year ends, whichever comes first.

11. Proposed monitoring and review procedures:

State agency staff who approve written requests to implement the waiver from the individual School Administrative Unit (SAU) will monitor implementation of this waiver.

Procedure:

1. Instruct SAUs regarding the implementation of this waiver for elementary schools.
2. Waivers will be reviewed by State agency staff.
3. When approved, the SAU will implement.
4. The State agency staff that approve the waiver request will monitor the implementation of this waiver.

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

No later than July 15, 2021, the NH Department of Education will report to FNS the number of FFVP elementary schools that used this waiver.

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

Notice to be released:

The NH Department of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to support FFVP elementary schools and communities in providing fresh fruits and vegetables to children in areas experiencing school closures in response to COVID-19. The waiver would allow for a parent/guardian pick up of fresh FFVP

produce that would limit participants' interaction and proximity to other participants and therefore decrease the risk of COVID-19 exposure. This activity is already allowed for meals in the NSLP.

14. Signature and title of requesting official: Cheri White, Administrator, Office of Nutrition Programs and Services, NH Dept. of Education

_____ *Cheri F. White, MS, SNS*

Title: Administrator

Requesting official's email address for transmission of response:

Cheri.white@doe.nh.gov

Phone: 603-271-3860

NH Dept. of Education

101 Pleasant St.

Concord, NH 03301

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(l)(1)(A)(ii) of the NSLA

• Regional Office Analysis and Recommendations:

Recommend Approval

Recommend Denial