



Arizona Department of Education

Health and Nutrition Services Division

July 15, 2021

Southwest Regional Office (SWRO)
Food and Nutrition Service
United States Department of Agriculture

Arizona Waiver Request to USDA to Allow Service of FFVP to Children at Alternate Sites during COVID-19 Pandemic in SY 21-22

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

Melissa Conner
Associate Superintendent
Health and Nutrition Services
Arizona Department of Education
Melissa.Conner@azed.gov
602-542-8709

2. Region:

Southwest Regional Office (SWRO)

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

The Arizona Department of Education (ADE) is requesting a state-wide waiver for all sponsors who operate the Fresh Fruit and Vegetable Program (FFVP). ADE and all FFVP sponsors are in good standing with the regional and national office.

Schools that would fall under this waiver are operating in communities where the schools are either closed or operating distance learning in connection with the COVID-19 pandemic.

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]:

Challenge:

Kathy Hoffman, Superintendent of Public Instruction

1535 West Jefferson Street • Phoenix Arizona 85007 • (602) 542-5460 • www.azed.gov

In this public health emergency caused by COVID-19, some FFVP elementary schools have enrolled students that will complete all of their learning in a virtual or distance learning setting for school year 2021-2022. This means that the students will not be physically present on campus. For many LEAs, it is not financially responsible to operate alternative food service models (i.e., pick-up, bus route delivery, home delivery, etc.) out of all school sites and thus they are opting to only operate out of a few select sites while maintaining proper counting and claiming procedures. If an LEA chooses to only offer meal pick-up service out of their high school for all students K-12, then they would not be able to provide FFVP to the eligible elementary students that are only participating through pick-up service.

Goal:

To maintain children's access to FFVP fresh produce in a way that mitigates potential financial burden on the LEA as well as enhances the convenience for participants by ensuring FFVP is available at the same site/pick-up location as other meals the student receives.

Expected Outcome:

Children will have increased access to nutritious fresh fruits and vegetables as healthy snack options during this uncertain time without being potentially exposed to the novel coronavirus.

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

ADE requests a waiver under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)) to permit Fresh Fruit and Vegetable Program (FFVP) operations at National School Lunch Program (NSLP) sites that are not elementary schools during school year 2021-2022 for FFVP elementary schools operating distance learning models due to the COVID-19 pandemic. Under current requirements, Program operators may offer FFVP foods only in elementary schools.

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

If approved, the ADE will provide technical assistance to schools serving FFVP during school year 2021-22 to allow operation at NSLP sites that are not elementary schools. Sites electing to opt-in to the waiver will be required to inform the State Agency of their intention to do so prior to implementing and must submit a plan indicating how they will ensure that FFVP is only served to students enrolled in a FFVP-approved elementary schools via a SurveyMonkey link. ADE will review waiver opt-in submissions and either notify LEAs that they are approved or request additional information needed to approve the request. The State Agency will continue to monitor FFVP reimbursement requests to ensure that the operating and administrative costs are within the Program's guidelines. 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 no regulatory barriers at the state level.

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

Currently there are no anticipated challenges with this waiver.

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]:

The waiver will not increase the overall cost of the Program to the Federal Government as sites are not able to be reimbursed for expenses that exceed their total funding allocation. Rather, the waiver will allow the schools participating in FFVP the ability to expend all of their allocated FFVP funds efficiently.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is July 1, 2021 and will remain in effect through June 30, 2022.

11. Proposed monitoring and review procedures:

ADE will provide technical assistance to sponsors on the process and procedures for implementing the waiver. The State agency will continue to monitor FFVP reimbursement requests to ensure that the operating and administrative costs are within the Program's guidelines. Sites electing to opt-in to the waiver will be required to inform the State Agency of their intention to do so prior to implementing and must submit a plan indicating how they will ensure that FFVP is only served to students enrolled in a FFVP-approved elementary schools via a SurveyMonkey link. ADE will review waiver opt-in submissions and either notify LEAs that they are approved or request additional information needed to approve the request.

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

ADE will continue to report all data as required by federal regulations. In addition, ADE will report the following to FNS:

- A description of how the waiver impacted FFVP food service operations, children's access to FFVP foods, and participation in FFVP;
- The number of FFVP schools that used the waiver;
- The FFVP funds provided during the COVID19 unanticipated school closures, demonstrating that the waiver has not resulted in an increase to the overall cost of the program; and,

- A summary of findings associated with the waiver

13. 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.azed.gov/hns/covid19> under the waivers accordion

14. Signature and title of requesting official:

Melissa Conner, Associate Superintendent, Health and Nutrition Services Division

Title: Associate Superintendent

Requesting official's email address for transmission of response:

Melissa.Conner@azed.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(1)(1)(A)(ii) of the NSLA

- Regional Office Analysis and Recommendations:

☐ Recommend Approval

☐ Recommend Denial