



## 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 Parents or Guardians to Pick Up FFVP for Children 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](mailto: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:**

Requiring children to leave their homes to be physically present with their parent or guardian in order to receive fresh fruits and vegetables puts those children at

**Kathy Hoffman, Superintendent of Public Instruction**

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increased risk of contracting the COVID-19 virus and violates public health recommendations.

**Goal:**

To provide FFVP fresh produce to participants 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 produce for their children.

**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 request a statewide waiver of the distribution requirements at Section 19(b) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1769a). As implemented, Section 19(b) requires Program operators to provide FFVP foods directly to students, not to parents and guardians. ADE requests a waiver to the requirement that children must be present with parents or guardians for children to receive the FFVP during school year 2021-2022 due to the COVID-19 pandemic.

**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 the unanticipated school closure to allow parent/guardian to pick up. 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 duplicate FFVP servings are not distributed 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. Rather, it will allow the schools participating in the FFVP the ability to expend their 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 duplicate FFVP servings are not distributed 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**

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Title: Associate Superintendent

Requesting official's email address for transmission of response:

[Melissa.Conner@azed.gov](mailto: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