

Fresh Fruit and Vegetable Program (FFVP) Alternative Locations

Oregon Department of Education Child Nutrition Programs

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Oregon Department of Education
Child Nutrition Programs
Dustin Melton, Director
255 Capitol ST NE
Salem, OR 97310
503-947-5888
- 2. Region:** Western Region
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

This waiver is for all sponsors in good standing that operate the Fresh Fruit and Vegetable Program (FFVP). Schools that would fall under this waiver are operating in communities where the schools are operating virtual learning for some or all of class instruction 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Challenge: On June 30, 2020 Oregon Governor Kate Brown extended Oregon's state of emergency due to the COVID-19 epidemic. The number of COVID-19 cases in the state continue to grow. As of August 6, 2020 Oregon has a total of 20,225 confirmed cases and 339 deaths. On July 29, Governor Brown implemented school health and safety metrics that counties must meet before a school can allow in-person instruction. Due to school closures elementary schools may not be a pick-up site for meals. Therefore, parents/guardians may not be able to pick up fresh fruits and vegetables as offered through the FFVP. Parents/guardians will need to be able to pick up fresh fruits and vegetables from alternative sites.

Goal: To provide FFVP fresh produce to participants in a way that mitigates potential exposure to COVID-19 and that allows alternative locations for social-distancing 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(I)(2)(A)(i) of the NSLA]:

Oregon Department of Education (ODE) CNP requests a waiver to the requirement that the FFVP only be served at awarded elementary schools when other school sites have been identified to serve meals during school closures related to the COVID-19 pandemic. This requirement was included in the USDA FNS Memorandum [SP19-2020](#) under Questions 2 and 6.

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

ODE CNP will provide technical assistance to schools serving FFVP during school closures to allow alternative sites besides FFVP elementary schools, ensuring only eligible students receive FFVP benefits. ODE 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(I)(2)(A)(ii) of the NSLA]:

No barriers have been identified at the state agency level.

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

implementation:

There are no anticipated challenges with this waiver request.

- **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]:**

ODE CNP does not anticipate that this waiver will increase the overall cost of the grant program to the Federal government.

9. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is September 1, 2020 and is to remain in effect through June 30, 2021.

10. Proposed monitoring and review procedures:

ODE CNP 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.

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

ODE CNP will report to FNS the number of sponsors and sites that used this waiver. ODE will report any additional information as required by FNS.

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

<https://www.oregon.gov/ode/students-and-family/childnutrition/Pages/COVID-19.aspx>

13. Signature and Title of requesting official:



Name: Dustin Melton

Title: Director, Child Nutrition Programs, Pupil Transportation and Fingerprinting Unit
Oregon Department of Education

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: 8/17/2020

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:

WRO finds Oregon Department of Education (ODE) provides compelling justification to operate FFVP at alternate sites during the SY 20-21 to reduce the spread of COVID-19. The governor of Oregon has set health and safety metrics for all counties to meet prior to allowing in-person instruction forcing many schools to begin the school year with distance learning. Due to school closures, some FFVP school sites may not be operating for meal pick up until health metrics are met and schools re-open. This waiver will provide flexibility to operate FFVP at alternative school sites to address the challenges presented by the COVID-19 pandemic. The State Agency will monitor FFVP reimbursements and ensure SFA's are provided technical assistance and operations are within program guidelines.

Simone Abbey 8/19/2020