



Matthew L. Blomstedt, Ph.D., Commissioner

# NEBRASKA

## DEPARTMENT OF EDUCATION

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October 1, 2020

Diane Fulton,  
Mountain Plains Regional Office  
1244 Speer Blvd Suite 903  
Denver, CO 80204-3581

Subject: Child Nutrition Program State Waiver Request for Fresh Fruit and Vegetable Program  
Parent or Guardian Pick Up

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

Nebraska Department of Education, Nutrition Services  
Sharon Davis, Office Administrator  
301 Centennial Mall South  
Lincoln, NE 68509-4907  
402-471-3559  
Sharon.l.davis@nebraska.gov

**2. Region:** Mountain Plains

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

This waiver request is applicable to school sites approved by the Nebraska Department of Education to operate the Fresh Fruit and Vegetable Program. If approved for the waiver extension, the State agency will approve school food authorities (SFAs) participating in FFVP to distribute FFVP foods to a parent or guardian to take home to their children, in the event that distance learning is being utilized.

**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:

Nebraska anticipates potential challenges for FFVP-approved sites in spending their awarded FFVP funds. In order to maintain proper social distancing suggestions while also providing meals to children in need, several school sites may implement distance learning, and utilize the nationwide Parent/Guardian Pick Up Waiver for meal service, allowing distribution of the child's meal to a parent/guardian.

By allowing the FFVP offering to be distributed to a parent/guardian for a child, we can ensure that the children in need would have the opportunity to receive a fresh fruit and vegetable offering which they may not otherwise receive.

Goal:

Approval of this request would also increase the possibility of FFVP-approved school sites to spend their grant award, rather than turning the funds back to the USDA. A waiver to allow Parent/Guardian pick up would provide an opportunity for improved program services.

Outcome:

Eligible elementary students would have the continued opportunity to receive fresh fruit and vegetable offerings outside of the school breakfast or lunch program meals. This extends the child's opportunity to be exposed to fresh fruit and vegetables that may not be available in their local community stores or affordable to their household. It allows children the opportunity to consume more fresh fruits and vegetables to help combat child hunger and obesity. Allowing additional locations for FFVP service would enable SFAs to adequately expend their awarded funds.

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

The Nebraska Department of Education requests a waiver of Regulations at Section 19(b) of the NSLA "requires schools participating in the FFVP to make fresh fruits and vegetables available "to students," and the USDA FFVP Handbook indicating the fresh fruit and vegetable offering is provided to enrolled students during the school day.

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

NDE does not anticipate the waiver will impact Program operations, technology or State systems. NDE staff will continue to review and approve FFVP invoices and administrative costs prior to claim reimbursement. SFAs electing to utilize the waiver will be asked to explain their procedures for ensuring produce items used for the FFVP will be kept separate from meal costs.

**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:**

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by schools and communities that are would potentially experience unanticipated school closures due to COVID-19.

**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 these programs will be operating in areas where schools are normally operating and being reimbursed for program meals.

**10. 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.

**11. Proposed monitoring and review procedures:**

If approved, the Nebraska Department of Education will review and verify site-based claims for allowable costs, monitoring of awards, and communication of best practices for program success.

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

The State Agency will report to FNS regional office the usage and benefit to utilizing the approved waiver by June 30, 2021.

**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]:**

<https://www.education.ne.gov/ns/> located under "Fresh Fruit & Vegetable Program" heading

**14. Signature and title of requesting official:**



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Sharon L. Davis  
Administrator Nutrition Services  
Nebraska Department of Education  
402-471-3559  
Sharon.l.davis@nebraska.gov

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**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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval

Recommend Denial