



STATE WAIVER REQUEST FOR FLUID MILK VARIETY

Idaho State Department of Education

Request for School Year 2020-2021

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

Idaho Department of Education, Child Nutrition Program (Idaho SDE CNP)
Colleen Asumendi Fillmore Ph.D., RDN, LD, SNS
CNP Director
PO Box 83720
Boise, ID 83720
(208) 332-6823
cfillmore@sde.idaho.gov

2. Region:

USDA Western Region (WRO)

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

The Idaho Department of Education (SDE) is requesting the waiver on behalf of all National School Lunch Program (NSLP) and School Breakfast Program (SBP) sponsors determined to be in good standing in the State of Idaho operating during the ongoing 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

This request is to waive the regulatory requirement to serve a variety of fluid milk with meals for the NSLP and SBP. We propose to have one type of fluid milk available for meals that are prepared and provided to students to consume off-site. Schools would be able to serve flavored, unflavored, fat-free, or low-fat to students 6 years and older. This will allow flexible and alternate meal service during this school year to minimize potential exposure to the COVID-19 in the event of off-site distance learning.

Meals served and consumed in the building would still follow the NSLP milk requirement. This waiver applies only to take home meals.

Requirement under Richard B. Russell National School Lunch Act at 42 USC 1758 (a)(1)(B)(2)(A), and 7 CFR 210.10(d) and 220.8(d): Schools must offer students a variety (at least two different options) of fluid milk. All milk must be fat-free or low-fat. Milk may be unflavored or flavored provided that unflavored milk is offered at each meal service.



Challenges Without the Waiver

- If schools use off-site distance learning in the school year because of COVID-19 concerns, students would not be on site and able to consume traditional school meals.
- School districts will be serving meals in a variety of ways during this school year to reduce transmission of COVID-19 through social distancing. Requiring fluid milk variety will pose the following challenges:
 - Students doing off-site distance learning have to take home meals and would need to have different meal packs based on the different flavors and types of milk. This would complicate the distribution process.
 - Meal preparation for take home meals is more complicated because there would need to be a variety of milk choices available.
 - If buses are delivering meals, it complicates delivery to have different milk choices available for different bus stops.
- Potential increased staffing needs and food cost due to packing more meals than needed to accommodate choices.

Goal of Waiver to Improve Services

- Allow NSLP sites to serve milk without meeting the milk variety requirement with meals to all enrolled students who are participating in off-site distance learning and are not in daily attendance at the physical location (school building site) where they normally would have eaten.
- Allow NSLP school sites to maximize program participation, without overburdening staff and accommodating packaging constraints.
- Allow for centralized and efficient meal production, staffing, purchasing, and reduced food waste. This will help minimize costs for the sponsor; many who have already been financially impacted by increased food costs and labor costs due to the ongoing COVID-19 public health crisis.

Expected Outcomes of Waiver

- Allow one type of milk to be provided for students 6 and older when meals are being distributed for home consumption.
- Allow sponsors to provide meals to students participating in off-site distance learning to help ensure they do not experience a lapse in food security. Anticipated methods may include but not be limited to: Grab-N-Go, home delivery, drop sites at designed locations, etc.
- Remove some of the challenges for sponsors in serving meals during social distancing.
- Sponsors will continue to claim reimbursement for meals under NSLP.



5. Specific Program requirements to be waived (include statutory and regulatory citations).

[Section 12(I)(2)(A)(i) of the NSLA]:

Idaho SDE CNP requests a waiver to the requirement 7 CFR 210.10(d) and 220.8(d) that Schools must offer students a variety (at least two different options) of fluid milk. All milk must be fat free or low-fat. Milk may be unflavored or flavored provided that unflavored milk is offered at each meal service.

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

There are no expected 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]:

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:

Idaho SDE CNP does not anticipate challenges with the waiver implementation as it will reduce burdens and challenges to LEAs during school building closures because of 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. There are no additional Idaho SDE CNP staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

To be implemented during school year 2020-2021, or July 1, 2020 through June 30, 2021.

11. Proposed monitoring and review procedures:

State agency staff will approve individual school district written requests to implement the waiver and monitor implementation of this waiver. The State agency will continue to provide technical assistance and guidance to sponsors as they navigate school closures due to the COVID-19 outbreak.

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

No later than December 31, 2021, Idaho SDE will report to USDA the number of sponsors and sites 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]:

Web-link to the Public Release: <https://www.sde.idaho.gov/re-opening/safety-wellness.html>

14. Signature and title of requesting official:

Colleen Fillmore (electronic approval)

Title: Idaho CNP Director

Requesting official's email address for transmission of response: cfillmore@sde.idaho.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(l)(1)(A)(ii) of the NSLA

- *Regional Office Analysis and Recommendations:*