



## **STATE WAIVER REQUEST FOR PROVISION 2 BASE YEAR ANNUALIZATION**

### **Idaho State Department of Education**

Request for School Year 2019-2020

#### **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  
[crfillmore@sde.idaho.gov](mailto:crfillmore@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 SFAs that would participate in this waiver are Idaho Provision 2 breakfast and/or lunch operators that are NSLP and SBP sponsors in good standing who conducted a base year during school year (SY) 2019-2020. This waiver would directly impact 13 SFAs that experienced extended unanticipated school closures during SY2019-2020 while conducting a Provision 2 base year.

#### **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]:**

Provision 2 base year calculations are derived from meal service participation by eligibility for each month during the base year. In Idaho, monthly claims are annualized to generate eligibility claiming percentages which are applied to subsequent non-base year claims.

Idaho Governor, Brad Little, responded to the COVID-19 pandemic by initially allowing the decision whether schools closed or remained open to be made by local officials (school board trustees, superintendents, and charter school administrators) in conjunction with their local public health district. Some Provision 2 schools closed beginning in mid-March and by March 24th, the State Board of Education had ordered a four-week public school "soft closure" that would run through April 20, 2020. As the pandemic continued, SBP and NSLP operations



ceased for the remainder of the school year for all schools, including those establishing a base year.

For SFAs electing Provision 2, conducting a base year requires additional meal counting practices not required after the base year. Having to redo a base year because of unanticipated school closures that affected approximately 50 days of meal service at the end of a school year would create unnecessary administrative burden for sponsors. Being required to re-establish claiming percentages due to impacts of COVID-19 is difficult during an already stressful time. If SFAs are unable to annualize claiming percentages based on existing data for SY2019-2020 and are required to re-establish a base year during SY2020-2021 they would be subject to base year data validation by the State agency (SA) during the ongoing pandemic. Establishing a base year during SY2020-2021 when closures may also be necessitated making the new base year data invalid. Many SFAs experienced increased costs to their meals service programs during the unanticipated school closures. Base year validation would require copious amounts of additional work load from SFAs since the SA would likely be conducting the validation process remotely. Documentation, including student applications and claims data, would have to be scanned and uploaded into a secure server location. Many rural locations in Idaho who are currently participating in Provision programs, often do not have access to updated devices that allow multiple two-sided scans nor do they have the financial resources to procure such technology solutions. The validation process would cause even greater burden for SFAs in this situation.

The SA seeks to solve the challenge of insufficient end of year claiming data by requesting a waiver to annualize the available valid claiming data for SFAs who had elected to establish a Provision 2 base year during SY2019-2020. An approved waiver would also help the SA improve services under the program by avoiding the potential burden of data validation if an SFA is faced with reduced claiming percentages that resulted from the unanticipated school closures. Expected outcomes of the waiver include reduced financial impact to Provision 2 school meal programs and reduced administrative burden for SFAs in communities where students benefit from implementation of Provision programs.

**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 requirements under 7 C.F.R.245.9(b)(3)(ii) in order to annualize base year calculations using only the months that participating children were counted and claimed by eligibility under SBP and/or NSLP meals prior to school closures due to COVID-19. This impacts 13 LEAs that conducted a Provision 2 base year during SY2019-2020.



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

Standard meal counting and claiming operations were implemented from August 2019-March 2020, thus the majority of the school year was not impacted by unanticipated school closures. As such, Idaho SDE CNP will annualize the existing claim data for SY2019-2020. 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]:**

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:**

If approved, Idaho SDE CNP does not anticipate challenges with implementation of the waiver as it will reduce burdens and challenges to Provision 2 sponsors and SA staff by allowing SFAs to proceed with base year data calculated during unanticipated school closures due to COVID-19. It will allow the SA to proceed with establishing annual claiming percentages to be applied to non-base years using the available meal counts for the months that schools operated SBP and NSLP during SY2019-2020.

**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 to the Federal Government since SBP and/or NSLP meals would be reimbursed by the annualized Provision 2 percentages. There are no additional Idaho SDE CNP staff costs to implement this waiver.

**10. Anticipated waiver implementation date and time period:**

This waiver would impact Provision 2 base year breakfast and/or lunch meals counted and claimed under SBP and/or NSLP during SY2019-2020. The waiver would allow the annualization of the base year data to be used during the Provision 2 cycle as approved by SA.

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

The SA will automatically calculate annual claiming percentages for use in non-base years for those sites that conducted a base year during SY2019-2020. The SA will continue to provide technical assistance and guidance to sponsors operating under Provision 2 as they navigate the COVID-19 outbreak.

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

Continue to report data to USDA as required.



**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:**

Title: Idaho CNP Director

Requesting official's email address for transmission of response: [crfillmore@sde.idaho.gov](mailto:crfillmore@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:***