

**Parent Pickup for NSLP Fresh Fruit and Vegetable
Program Sponsors during COVID-19 Unanticipated School
Closures and Online Learning
Waiver Request**
New Mexico Public Education Department
(NMPED)

State agency staff contact information:

New Mexico Public Education Department
Michael Chavez
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Region: Southwest Region

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

Any state approved NSLP sponsor in good standing, operating the Fresh Fruit and Vegetable Program (FFVP) during the COVID-19 outbreak.

NSLP schools that participate would utilize this waiver are operating in communities where elementary schools may be physically closed to on-site learning in connection with the COVID-19 outbreak.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Challenge:

New Mexico has several rural school districts in New Mexico and covers a large area of land. Our COVID-19 cases continue to increase, and the state is taking strong measures for containment, the school closures and online learning may be prolonged beyond the original date. We want to make sure all our schools and program operators are prepared for this unanticipated challenge.

SFAs with sites participating in the FFVP would be able to distribute the FFVP snack to the parents of the students enrolled in the approved elementary schools, without the student being physically present. State and community leaders and school district personnel have expressed a need to continue to feed students during this time.

Goal:

Allow SFA's in good standing, to distribute the FFVP snack to parents of enrolled students without the students being physically present.

Expected Outcomes:

Children would be provided with their FFVP snack which otherwise may not be available during off-site learning. Children can continue to be exposed and introduced to a variety of fresh fruits and vegetables during the COVID-19 pandemic.

Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

“Elementary schools offering FFVP foods in a non-congregate setting may not provide those foods to parents or guardians unless they are accompanied by their child(ren). Section 19(b) of the NSLA requires schools participating in the FFVP to make fresh fruits and vegetables available “to students.” Because the Families First Coronavirus Response Act (P.L. 116-127) did not include FFVP as a “qualified program,” the nationwide waiver allowing parents to pick up meals for children at non-congregate sites does not apply to FFVP.”

<https://www.fns.usda.gov/search?keywords=nationwide+waivers>

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

If approved, NMPED will provide technical assistance to schools on the process and procedures for planning, preparing, and distributing the FFVP snack. There are no impacts on technology, State systems, or monitoring.

Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:

There are currently no State level regulatory barriers related to this specific issue.

Anticipated challenges State or eligible service providers may face with the waiver implementation:

Our State does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or sponsor level since schools operating under the waiver would essentially operate the same as a normal school day, FFVP snack will simply be provided to the student’s parent or guardian during NSLP meal pick-up. Alternatively, we anticipate this waiver will reduce challenges faced by regular school sites and child care facilities that experience unanticipated school closure because of COVID-19. Children can still benefit from FFVP and schools can use encumbered resources.

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(1)(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 would be operating in situation where normal USDA Child Nutrition programs (NSLP) are operating under the existing Parent Pickup Nationwide Waiver due to COVID-19. There are no additional staff costs to implement this waiver.

Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is July 29, 2020 and is to remain in effect through SY 20-21 until further notice.

Proposed monitoring and review procedures:

State agency staff who will approve individual school district written requests to implement the waiver will monitor implementation of this waiver.

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

No later than July 1, 2021, the State of New Mexico will report to FNS the number of school

districts that used this waiver including the number of unanticipated operating days.

Link to or a copy of the public notice informing the public about the proposed waiver:

Public Notice:

FOR IMMEDIATE RELEASE:

July 23, 2020

**State updates school reopening guidance,
hits pause on 'hybrid model' for start of school year**
*Eligibility date for in-person learning postponed through Labor Day;
professional development for educators and additional preparation
for 'hybrid model' encouraged through August*

SANTA FE – The New Mexico Public Education Department on Thursday announced updates to the state's plan for the safe and methodical reentry into school for students and educators this fall amid the ongoing COVID-19 pandemic.

Reflecting the change in the state's overall COVID-19 trajectory and continued steady rise in the spread of the virus around the state, the state has delayed the eligibility date for the return to in-person learning until September 8.

This means New Mexico public school students will not attend classes in person through at least Labor Day.

In accordance with this decision and existing [Public Education Department reentry guidance](#), school districts and charter schools may continue to exercise local decision-making regarding the start date of school and online learning. All school districts will be eligible to begin the school year under distance or remote learning formats beginning in August. Currently, districts and charter schools representing over 40% of the state's students -- including Albuquerque Public Schools, Santa Fe Public Schools, Silver City Public Schools, Grants Public Schools, Las Cruces Public Schools and others -- have already announced plans to initially return in an online-only format. Many other school districts have communicated their preference for an online-only format to begin the year as well. The delay of the in-person return date will have little impact on these plans.

Districts and charters wishing to maximize the amount of in-person learning also have the ability to adjust their calendars and set a school start date of September 8, should they choose to do so.

The state earlier this summer announced plans for a hybrid model of instruction to begin in school districts August 3, adopting a phased approach based on the public health conditions and epidemiological data available at the time.

However, the state's COVID-19 landscape has worsened in the intervening weeks. Since June 10, the rolling 7-day average of new COVID-19 confirmed cases per day in New Mexico has increased by 123% to an average of 256 cases per day. In addition, the state's share of younger individuals testing positive for COVID-19 has increased. Overall, over the course of the pandemic, 4.7% of New Mexico's COVID-19 cases have been within the age range of 0 to 9

years. In the last seven days, 6.5% of the state's COVID-19 cases have been identified in that age range. Similarly, 10% of the state's overall COVID-19 cases have been identified in the 10-19 age range; in the last seven days, 15.7% of the state's positive cases have been within that age range.

School districts are strongly encouraged to use the month of August to continue preparations for safe and limited in-person learning under a hybrid model of instruction and to conduct professional development for educators; the Public Education Department will support these planning and development efforts. Other requirements and recommendations [outlined in the original PED guidance](#) document -- including requirements for social distancing and enhanced safety protocols upon reentry -- remain largely unchanged.

All districts and charter schools must offer an online-only option for students, according to the Public Education Department, and no schools can disenroll students or penalize families if they choose an online-only option.

“My focus has been and will remain right here: The health, safety and wellbeing of New Mexico students, educators, families and school communities,” said Gov. Michelle Lujan Grisham. “I do not feel comfortable beginning any form of in-person learning in the month of August. I know many parents and educators and students feel the same way. The current spread of COVID-19 in our state is a cause of great and well-founded anxiety. Until we can regain control of this virus, until our fight in this public health crisis begins to once again bear real fruit, we will not unduly risk even one New Mexican's health or life or livelihood; we will not move unsafely or too quickly in our efforts to resume some form of 'new normal' in a COVID-positive world.

“With another month of strong collective efforts to fight COVID-19, using that time to continue to prepare and to help educators get the professional development they need to thrive in an online and remote environment, I am optimistic the state will be able to begin to adopt a hybrid model for phased groupings of students after Labor Day.

“I know everyone wants an answer: When will this be over? We all want it to be over. We all desperately want to hug our loved ones, to gather with friends and family and resume our work and education and livelihoods. To do that, we must stay committed and focused. We must treat fighting COVID-19 like a team sport. Everyone has a role to play. And together, I know, we will get there.”

Under the hybrid model, the number of students present in the building at any given time will be limited in order to ensure that six feet of social distancing can be maintained at all times. Students will alternate between in-person instruction at the school building and online instruction when at home.

The state will adopt a phased approach to reentry after Labor Day provided public health conditions warrant.

The first priority group to return to the classroom in a hybrid model will be PreK-5 students, special education and other high-risk students, followed by middle school students, followed by high school students. COVID-19 transmission rates, state health care resource capacity and state testing and tracing capacity, among other state gating criteria as tracked and analyzed by the Medical Advisory Team and Department of Health, will determine when public health conditions allow for each grouping to safely return to classrooms on a hybrid basis.

“Of course, our overriding goal remains to move all schools into a full school schedule as soon as it is possible to safely conduct classes in the traditional manner. But right now, given the volatility of the pandemic, New Mexico’s Department of Health and the Medical Advisory Team are cautioning us to move carefully in this phased-in manner,” Secretary of Education Ryan Stewart said.

The state’s pause on adopting the hybrid guidelines incorporates the concerns of families and educators about returning to the school environment amid the COVID-19 pandemic, while ensuring that students across the state have the greatest opportunity to return to and engage in essential learning and social environments in as safe a manner as possible.

PED will continue to coordinate with the Department of Health and state Medical Advisory Team on ongoing risk assessments.

As part of their reentry plans, schools and districts are required to provide breakfast and lunch to students even if students are learning remotely from home. The Public Education Department is encouraging schools and districts to provide these meals through established grab-and-go sites, as many did in the spring, while incorporating COVID-Safe Practices and safety protocols, such as staggered meal times.

The Early Childhood Education and Care Department is collaborating with the Public Education Department to stand up child care options throughout the state; the ECECD is additionally seeking to extend its Summer Food Service Program beyond the end of August to continue providing free, community-based meals.

Higher education institutions are working with the New Mexico Higher Education Department on a measured approach for reopening campus facilities and, additionally, establishing protocols to reduce COVID-19 spread and transmissions. Colleges and universities will be deploying online and remote learning across their campuses this fall except for clinicals, practicum or field-based experiences for critical workforce areas, such as healthcare, and vocational education. These plans will be posted [on the Higher Education Department website](#) as soon as next week.

“We are seeing too many positive cases across New Mexico, and higher education institutions are no exception,” said Stephanie Rodriguez, interim authority at the Higher Education Department. “The tight-knit communities in which our colleges and universities operate will be at risk if the virus is given the opportunity to take root. I’m grateful for the collaboration of our higher learning institutions in keeping student populations and campus communities safe. In addition, many regents and governing boards will be making the difficult decision to postpone fall sports. This is not easy, but it is the best thing we can do to protect the health and wellbeing of our collegiate communities and New Mexicans.”

Signature and title of requesting official:

Public Education Department

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

• **Regional Office Analysis and Recommendations:**

Recommend Approval

Recommend Denial