# 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

Director, Child Nutrition Program (NSLP)

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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 sate. 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(l)(l)(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, 2021 and is to remain in effect through SY 21-22, 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, 2022, 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

**PED releases updated school reentry toolkit**

New guidance to align closely with CDC on masks, social distancing, surveillance testing

SANTA FE -- The Public Education Department today released [updated school reentry guidance](https://mcusercontent.com/fe07174c30216027e5fab1fde/files/1fcb7797-6d4a-ffe2-771a-fccdfdfb06d2/NMPED_COVID19ResponseToolkit_PublicSch0726.01.pdf) designed to make sure New Mexico K-12 students can safely return to in-person learning this fall while easing the universal mask requirement in secondary schools.

Secondary students -- along with their teachers, school staff, visitors and volunteers -- will not be required to wear masks at school this fall if they show they are fully vaccinated. Masks will continue to be required for all individuals in elementary schools regardless of vaccination status as well as for those who are unvaccinated and anyone who doesn’t provide proof of vaccination.

The decision to ease the universal mask mandate at secondary schools was made in collaboration with the Department of Health and the governor’s medical advisory team based on evidence of the efficacy of the COVID-19 vaccines and the latest guidance from the national Centers for Disease Control and Prevention.

“In-person learning for New Mexico children is my top priority,” said Gov. Michelle Lujan Grisham. “And with safety guidelines and unobtrusive health requirements in place, it can happen safely – and for the well-being and growth of our children, it must happen.

“Until vaccinations are available to children of every age, it will be incumbent on each of us, in school environments, to do everything we can to minimize risk – and that includes face-coverings,” the governor added. “Various studies and federal data have shown school environments are and can be safe – and a return to comprehensive classroom activities is essential for the well-being and growth of New Mexico children.”

The governor reminded New Mexicans: “Vaccinations remain the fastest and safest way out of the pandemic and the best way to reduce the risk of illness in our state. It is imperative that unvaccinated New Mexicans who are age-eligible get their shots – lives and livelihoods hang in the balance.”

The new guidelines prioritize in-person learning, which can be done safely by following the latest COVID Safe Practices, including vaccinations for all who are eligible and mask-wearing for unvaccinated individuals. Masks also will not be required outdoors for any individual.

 “Our priority is to keep children in school, and it’s great news that the CDC guidance shows that secondary students and staff who are vaccinated can safely attend school without masks,” said PED Secretary Ryan Stewart. “It’s one more positive change in the trajectory of this pandemic, and this guidance is  possible because these vaccines are so highly effective. At the same time, we remain cognizant that the virus and its more contagious variants are still among us, and that continued efforts are needed to protect those who are not yet vaccinated.”

While the state mask mandate is eased in the Public Education Department’s newly updated COVID-19 Response Toolkit, schools may choose to have more restrictive mask requirements.

Nothing in the updated guidelines requires anyone to get a COVID-19 vaccine or to reveal vaccination status. However, those who don’t must continue wearing masks at school and at school-sponsored events to prevent infection and community spread of COVID-19.

Masks will be required for unvaccinated individuals on school transportation. Unvaccinated students and elementary students must maintain 3 feet of social distance to the extent possible from other students and 6 feet from adults, and must keep masks on except:

* For eating and drinking during allowed times;
* During designated rest periods for very young students;
* While outdoors.

Masks are not required outdoors, and the PED encourages all schools to maximize their use of outdoor learning and encourages districts to use their federal funds to support the implementation of outdoor learning.

The updates to the toolkit, the first since April 20, take effect immediately and govern school reentry this fall. Included for the first time are protocols for schools to verify vaccination status, to allow staff to quickly identify vaccinated individuals, and to enforce mask requirements for students who remove or refuse to wear them.

VACCINATION STATUS

Those who wish to go maskless at school must provide either an original or copy of a vaccination card or a printout or screen shot from NMVaxView indicating a completed course of COVID-19 vaccination at least 14 days prior.

Replacement vaccination cards are available at regional public health offices. Family health providers can provide a printout from NMVaxView.

Schools will develop a system to allow staff members to quickly verify those who may go maskless and those who must wear a mask. Schools also may require universal mask wearing while in a school building, at an indoor school-sponsored event, and on school transportation.

ENFORCEMENT

Unvaccinated students cannot be in a school building without a mask. Schools will provide masks to unvaccinated students. However, students who remove face masks or refuse to wear them will be sent home. While waiting for pickup, such students will be supervised and quarantined from other students.

Schools will individually determine student discipline for mask violations, but the toolkit says such discipline will be supportive and instructional and will not include suspension or expulsion. Schools must provide notice to families about updated discipline policies.

The new guidelines also ease some of the reporting requirements for schools. For example, schools are no longer required to report COVID cases over weekends and holidays.

OTHER CHANGES

* The definition of a close contact is reduced from 6 to 3 feet if both students were correctly masked and other prevention strategies were in place; it’s still 6 feet between adults and students, and between adults.
* Vaccinated students, teachers and staff are no longer required to practice social distancing while eating. Unvaccinated students should sit on only one side of a table and maintain the prescribed social distance.
* Cohorting of students is encouraged but no longer required.
* School-related events -- assemblies, dances, award ceremonies and the like -- are permitted with masking and social distancing requirements for unvaccinated individuals.
* Schools must maintain a voluntary student surveillance testing program with a new weekly goal of testing 25% of unvaccinated students participating in sports and other extra-curricular activities. The previous goal was 1% of the overall student population and 10% of students participating in sports and other extracurricular activities.
* All schools must test 25% of unvaccinated staff members each week; previously, only schools in red counties had to test at that level.

Surveillance testing of asymptomatic individuals identified 663 COVID cases in schools last academic year and is a proactive way to catch undiagnosed cases, better understand the rate of infection in the community and monitor school health conditions.

Both the CDC and the American Academy of Pediatrics recommend surveillance testing as an effective weapon in mitigating the spread of COVID to unvaccinated individuals in schools.

“The New Mexico Department of Health strongly endorses these recommendations,” said Dr. Thomas Massaro, a state Department of Health epidemiologist. “Vaccinations are the most effective defenses against COVID today, but not all children can be vaccinated at this time.  Testing allows early detection of infections and, therefore, reduces the spread of the virus to others. In doing so, it decreases the potential for the virus to mutate and create additional variants.”

An individual is fully vaccinated against COVID-19 two weeks after completing a course of COVID-19 vaccinations, which is two injections for the Pfizer and Moderna vaccines and one injection for the Johnson & Johnson vaccine.

**Signature and title of requesting official:**

**Public Education Department**

Michael A. Chavez 10/13/2021

Michael Chavez, Director, Child Nutrition

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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