



STATE WAIVER REQUEST:

Continuation of Claiming Percentages in Special Provision Sites

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)
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CNP Director
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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 operators using Provision 2 and/or Community Eligibility Provision (CEP) meal counting and claiming procedures that are NSLP and SBP sponsors in good standing. This waiver would directly impact SFAs that plan to open a virtual school as a new site to provide distance learning to students in response to COVID-19.

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]:

As districts create plans to resume educational services, many districts in Idaho have chosen to create virtual schools as new education sites within the district to serve households that are uncomfortable sending their children to school in-person or prevented from doing so due to on-going health issues. While districts having various models to ensure the safety of students who plan to attend in-person, the new online schools created in response to the COVID-19 pandemic are intended to provide a consistent learning experience for students in a continually changing environment. As the school year approaches, the enrollment totals for these new schools continue to fluctuate based on the level of community spread and each district's



response plan. Many districts in Idaho are adopting this model of providing online learning to students enrolled in a virtual school, yet the impact on food service remains unclear.

Currently, the USDA definition of a “school” is (a) An educational unit of high school grade or under, recognized as part of the educational system in the State and operating under public or nonprofit private ownership in a single building or complex of buildings (7 CFR Part 210.2 Definitions). Using this definition, it is unclear whether these virtual schools can truly be classified as a school. Although they provide educational units, these virtual schools are not operating out of a building or complex of buildings.

As USDA currently considers these definitions and the implications of various modes of distance education, the impact on schools operating under Provision 2 or CEP remains uncertain. Existing USDA guidance requires districts operating under Provision 2 or CEP to re-establish claiming percentages or “base year data” when there is a shift in the student populations of the sites operating under the special provision. As more and more districts across Idaho decide to open virtual school sites, the widespread impact of requiring districts to establish new claiming percentages for sites operating under Provision 2 or CEP would create an extremely high administrative burden for districts and State agency staff. While student populations may shift as a result of the new virtual schools, these changes in enrollment are ongoing and continue into the start of the school year, which creates significant challenges for LEAs and schools. Requiring a recalculation once enrollment data solidifies mid-year could interrupt the student’s meal service during an already difficult transition. This waiver request seeks to allow sites operating under Provision 2 and/or CEP to continue serving meals under the previously validated claiming percentages for SY20-21, regardless of opening a new virtual site.

**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 to establish new base year data listed in the question and answer section of the Provision 2 Guidance Manual per the question below (page 36).

If there is a realignment of attendance areas for any given Provision 2 school, must the affected school(s) reestablish their base year?

Yes. The requirement to begin a new base year would apply immediately to any school which had a change in attendance area, even if this means dropping the Provision in midyear. Under such a situation, it is vital that affected students are given sufficient opportunity to apply for free and reduced price meal benefits.



Additionally, Idaho requests a waiver to the requirements to establish new identified student percentage data for sites operating CEP as listed in question 26 of SP 54-2016:

If an LEA, group of schools, or individual school participating in CEP experiences a change to the student population, must the LEA, group of schools, or individual school recalculate the ISP?

It depends. The CEP reimbursement rate corresponds with the poverty level of the households served by participating schools. Changes to a student population could indicate a change in the poverty level of the households served by the school, and may require an ISP to be recalculated.

Multiple Schools Participating as a Group *When a school or schools (and the attending students) are added to or removed from a CEP group, the ISP must be recalculated. However, if students are moved or reorganized among schools within a CEP group (e.g., a grade moves from one CEP school to another and both schools are in the same CEP group), an ISP recalculation is not required because the group's total identified student and total enrollment numbers are the same. This logic applies to all CEP group changes, including school closings, schools merging, and one school splitting into two schools.*

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

Idaho SDE CNP will allow districts to continue operating under previously established Provision 2 and CEP claiming percentages by site and/or groups for SY20-21.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(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 Provision 2 and CEP sponsors by allowing them to proceed with claiming percentages that were already validated by the State agency when first approved to operate under the special provision. Approval of this waiver request will also minimize additional administrative burden at the State agency level by not requiring additional validation reviews in a time of restricted travel and uncertain building 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 SBP or NSLP meals would be reimbursed at the previously established claiming percentages in the sites operating under special provisions. Approval of this waiver request would reduce spending associated with travel that would be necessary should sites need to establish new claiming percentages.

10. Anticipated waiver implementation date and time period:

This waiver would be implemented for SY20-21.

11. Proposed monitoring and review procedures:

The State agency will identify districts in Idaho that have opened or expanded virtual schools in response to COVID-19. The State agency will require the districts that intend to continue offering distance learning through the virtual schools beyond SY20-21 to establish new claiming percentages in the sites impacted for SY21-22 per the established guidance for conducting a new base year in Provision 2 sites and validating new Identified Student Percentages (ISP) in CEP sites. The State agency will continue to provide technical assistance and guidance to sponsors operating under Provision 2 and CEP 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(I)(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.



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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:*