

Waiver Request for Area Eligibility in SFSP/SSO During Unanticipated School Closures due to COVID-19

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

New Hampshire Department of Education
Cheri White
101 Pleasant Street
Concord, NH 03301
603-271-3860
Cheri.white@doe.nh.gov

2. **Region:**

Northeast

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

Any Non-Area Eligible Public or school-based childcare centers approved by the NH Department of Education, Office of Nutrition Programs and Services to operate food services under the Summer Food Service Program or Seamless Summer Option.

SFAs or centers that would fall under this waiver are operating in areas that are experiencing a very high level of job loss for families in their attendance areas. This level of job loss is unprecedented in recent time and is directly related to the COVID-19 outbreak. The State agency would follow USDA and NH Department of Education guidance when granted this waiver.

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

The Governor of NH has ordered school closures as a result of identified COVID-19 outbreaks until May 4, 2020, and likely later. The NH Department of Education, NH Department of Health and Human Services and the NH Department of Public Health continue to monitor the situation.

According to the NH Department of Employment Security, unemployment in New Hampshire has increased by 3,308% by the week ending March 21, 2020. Currently, this is more than three times more claims than any state nationwide. There have been 21,878 claims filed during the week ending March 21. Governor

Sununu believes the claims will triple in the coming weeks and approximately 100,000 people will be out of work due to COVID-19.

The challenge for NH is that it is a small state with only 1.3 million residents. It is largely dependant on tourism and manufacturing to keep its economy going. There are many stores, restaurants and other service oriented businesses in every town and city. Every town or city in the State either has a quaint downtown that tourists love to visit or is a “bedroom community” for the tourist town. Other towns contain manufacturing businesses that provide product and services for the tourism industry. The current public health emergency has crippled the tourism and manufacturing industry. Tourism is the second largest industry in the state according to the NH Division of Travel and Tourism. Technology and manufacturing is the largest, however it is intertwined with tourism because when clients visit, the client must stay in a hotel, eat in restaurants, purchase items in stores and buy necessary personal items. Tourism brings more than \$5 billion of economic activity into the State each year and employs more than 100,000. It is essential to our economy and these employees often work pay check to paycheck. The same goes for the manufacturing industry, which also employs hundreds of thousands of NH residents. Both have been very hard hit and job loss has occurred.

New Hampshire is divided into seven regions. No matter the size of the region or what the region offers, tourism and manufacturing are key to the economy of the region. Service oriented businesses must house, feed, provide personal items and entertain tourists. Manufacturing businesses must continue to make the product needed. Many people in each region work full and part time jobs in these industries and again, they work pay check to pay check.

- 1. Great North Woods – this region is the upper north region and has the smallest population with the towns spread apart and separated by heavy woods. Even so, it contributes \$78 million to the State’s tourism economy.**
- 2. White Mountains – this region, just below the Great North Woods includes the White Mountain National Forest and thrives on recreation type tourism, camping, snowmobiling, hiking, skiing and many other forms of recreation. Restaurants, hotels and other service oriented businesses support the large number of tourists that come to this region year round. It contributes \$921 million to the State’s tourism economy.**
- 3. Lakes Region – this region, just southeast of White Mountains on the map, contains both manufacturing businesses and tourism related businesses. It contributes \$591 million to the State’s economy.**
- 4. Dartmouth-Lake Sunapee – this region, the green area, is very similar to the Lakes Region and contributes \$258 million to the State’s economy.**
- 5. Merrimack Valley – this region includes Concord, the capital of NH, and is one of the most populated areas of the State and therefore contains many**

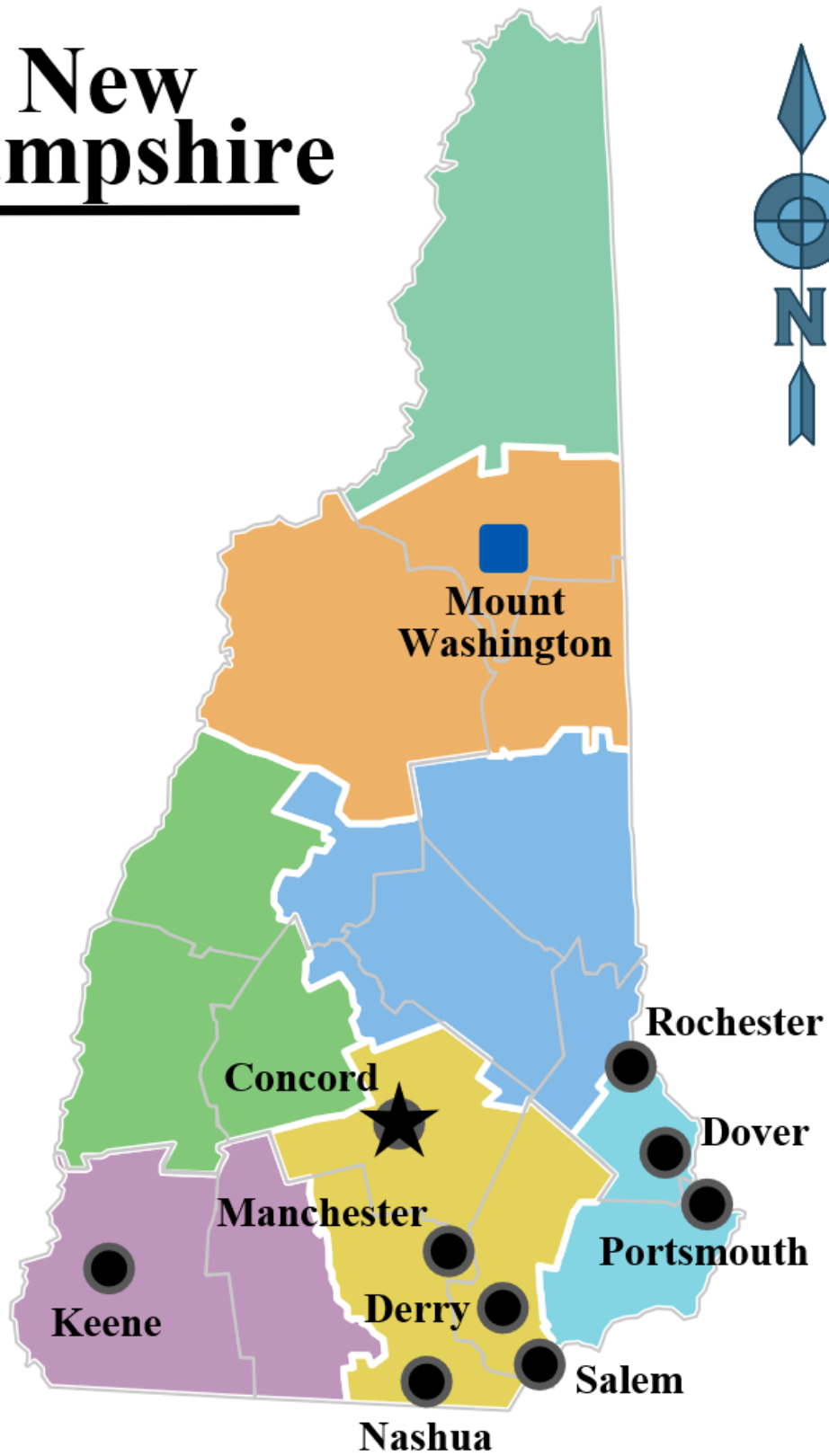
- tourism and manufacturing related businesses. It contributes \$1,449 million to the State's tourism economy.
6. Monadnock Region – this purple region includes both small manufacturing businesses and some tourism. It contributes \$284 million.
 7. Seacoast – this region that includes Portsmouth, is very populated with many service related and manufacturing businesses. It contributes \$1,432 million to the State's economy.

The map below shows each region. While the further north you go, the less populated the region becomes, this does not mean there are not families affected by job loss in the region. There are less SFAs the further north you go in the State, however all SFAs in the State are experiencing families with job loss and who find themselves in immediate need for the basics of life such as food for their children.

New Hampshire is often seen as a “rich” state, however there are many families that are living pay check by pay check and it only takes one crisis to cause an issue. Currently, schools are experiencing an upsurge in families completing free and reduced applications. Anecdotal evidence through phone and email communication between the food service directors and the State agency confirm that this upsurge is happening.

New Hampshire has several SFAs with sites not meeting area eligibility requirements under SFSP/SSO regulations. Even though these sites do not meet the 50% free and reduced area eligibility requirement, they continue to have families who depend on federal feeding programs. These households are currently contending with loss of work or working from home, which means a sudden need for immediate and safe childcare, a severe shortage of food and other grocery supplies coupled with a critical need to have multiple days-worth of food supplies at home, and lack of access to reliable and readily accessible transportation. NH State and community leaders and School Food Authority personnel are determining how best to continue Child Nutrition Program operations to feed children during this public health emergency due to COVID-19. Currently, many non-area eligible SFA's/centers are deciding to not feed students because they do not meet the area eligibility criteria. There are a total of 430 schools and 282 of them do not meet the eligibility criteria. This is 66% of all schools in NH that do not meet the criteria, however ALL schools have needy students and many schools have between 30-49% free and reduced populations.

New Hampshire



The goal is to allow Non-Area Eligible SFA's in good standing to feed students under Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option.

If allowed, children would continue to be fed much needed meals that otherwise are not available due to a school closure because they are located in a designated non-needy area. Unfortunately all of these designated "non-needy" schools, have students who need program meals.

In addition, this waiver would allow SFA's experiencing school closure to operate under it and utilize perishable foods that were encumbered for use in school meals programs. Otherwise, there is a potential for a high amount of food waste.

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

The NH Department of Education requests a waiver of regulations 7 CFR 225.14 (3) that state "conducting a food service for children from areas in which poor economic conditions exist."

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

The NH Department of Education will provide USDA with data when requested. 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(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:**

At this time, the NH Department of Education does not anticipate challenges from the establishment of this state-wide waiver at the state or sponsor level. Rather, it is anticipated the waiver will reduce challenges to school sites that are experiencing unanticipated school closure because of COVID-19. Needy children will benefit from the alternative meal service and schools will be able to utilize encumbered resources.

- 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(l)(1)(A)(iii) of the NSLA]:**

Due to the fact that the impacted school's meal service will be operating NSLP as it normally would (many schools will run SSO), the establishment of this state-wide waiver will not increase the overall cost of the Program to the Federal Government. Schools are targeting free and reduced as suggested through USDA guidance.

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

Anticipated waiver implementation start date is: March 2020 or upon approval of this waiver request and will remain in effect through June 30, 2021, therefore it will be in place for the 2020-2021 school year.

- 11. Proposed monitoring and review procedures:**

State agency staff who approve written requests to implement the waiver from the individual School Administrative Unit (SAU) will monitor implementation of this waiver.

Procedure:

1. Instruct SAUs to submit written requests to implement this waiver.
2. State agency staff will work with sponsors to ensure SFSP/SSO sponsor and site approvals align with our current process.
3. When approved, the SAU will implement.
4. The State agency staff that approve the waiver request will monitor the implementation of this waiver.

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

No later than July 15, 2021, NH Department of Education will report to FNS the number of sponsors that used this waiver including the number of unanticipated operating days and meals claimed.

- 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]:**

Notice to be released:

The NH Department of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to support schools and communities in providing meals to children in areas experiencing school closures in response to COVID-19. The waiver would allow for schools in non area eligible locations to provide free meals to students under the Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Options.

14. Signature and title of requesting official: Cheri White, Administrator, Office of Nutrition Programs and Services, NH Dept. of Education

Cheri F. White, MS, SNS

Title: Administrator

Requesting official's email address for transmission of response:

Cheri.white@doe.nh.gov

Phone: 603-271-3860

NH Dept. of Education

101 Pleasant St.

Concord, NH 03301

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

• Regional Office Analysis and Recommendations:

Recommend Approval

Recommend Denial