

August 4, 2020

Victoria Woods

Mountain Plains Regional Office  
1244 Speer Blvd Suite 903  
Denver, CO 80204

Subject: State-wide Waiver Request: **School Year 2020-2021 Potable Water Waiver**

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

Wyoming Department of Education  
Attn: Tamra Jackson, Nutrition Programs State Director  
122 West 25th Street  
Suite E200  
Cheyenne, WY  
82002 307-777-  
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Tamra.jackson@wyo.gov

**Region:** Mountain Plains

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

All Wyoming Local Education Agencies that participate in the Child Nutrition Programs in good standing.

**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]:**

**Challenge:** As Wyoming continues to monitor the Coronavirus (COVID-19) effects we know school schedules will be drastically modified. The WDE is seeking a waiver from the United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) for the purpose to support schools reentry plans. Children are being given the option to opt into remote learning, some children will attend school partial days while others attend school a full day to maximize social

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distancing. To prevent exposure and spread of COVID-19 these modifications are critical in the school environment. Water fountains and self-serve water pitchers are both areas of high risk and could lead to the possibility of spreading the virus through contaminated surfaces. Certain modifications of the school environment such as turning off water fountains or not having water coolers available in areas of high risk is important to minimize exposure. These modifications will reduce the ability of students to have access to potable water. Alternatives would put a financial burden on the LEAs budgets that are already stretched thin.

**Goal:** The WDE is requesting this waiver to ensure school food authorities are able to develop reentry plans that minimize exposure and spread of COVID-19 and secure safety for all students and staff.

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

The WDE request a waiver of regulations at 7 CFR 210.10(a)(i) and 7 CFR 220.8(a)(1) that schools must make potable water available and accessible without restriction to children at no charge in the place(s) where breakfast and lunch meals are served during the meal service.

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

If approved, the WDE will continue to provide technical assistance to all LEAs encouraging them when possible to provide potable water to students in a safe manner that is consistent with local health requirements. LEAs will be instructed to notify the WDE if they are not able to provide potable water to the students in their schools.

**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.

**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]:**

Since flexibilities were not previously available specifically for COVID-19, the State agency has not had to address any regulatory barriers due to this issue.

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

We anticipate this waiver will reduce challenges faced by school food authorities to prevent exposure to COVID-19 on contaminated surfaces during the 2020-2021 school year.

**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)(2)(A)(ii) of the NSLA]:**

The WDE doesn't anticipate this waiver will increase the overall cost of the Program to the Federal Government. There is no additional staff cost to implement this waiver. School food authorities would experience increased expenses if required to provide bottled water to students

at no cost. Schools have seen a decrease in revenue due to the unanticipated school closures and if required to purchase bottled water the loss in revenue would be much greater.

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

Anticipated implementation start date is: The waiver would be implemented the first day of school, estimated as early as August 10, 2020, and continue through June 30, 2021 or the last day of the 2020-2021 school year, whichever is sooner.

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

The WDE State agency will continue normal procedures for compliance monitoring at each individual school district implementing this waiver.

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

The WDE will report to FNS all requested data for the waiver in the timelines required. The WDE will report to FNS regional office any compliance issues noted with this waiver.

**Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(2)(A)(ii) of the NSLA]:**

Notice to be released: <https://edu.wyoming.gov/educators/covid-19-resources/>

**Signature and title of requesting official:**



Tamra Jackson, Nutrition Programs State Director  
Wyoming Department of Education  
Tamra.jackson@wyo.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:**