June 29, 2022

Diane Fulton  
United States Department of Agriculture  
Mountain Plains Regional Office  
1244 Speer Blvd Suite 903  
Denver, CO 80204-3581

Subject: School Nutrition Program Waiver Request for Administrative Review and Recordkeeping Requirements for Castlewood School District for SY22-23 Due to Tornado Damage

1. State agency submitting waiver request and responsible State agency staff contact information:  
   SD Department of Education, Child and Adult Nutrition Services  
   Cheriee Watterson, Division Director  
   800 Governors Drive  
   Pierre, SD 57501-2235  
   605-773-3413  
   Cheriee.Watterson@state.sd.us

2. Region: Mountain Plains (MPRO)

3. Eligible service providers participating in waiver and affirmation that they are in good standing:  
   This waiver request is for the Castlewood School District. This district is in good standing with the SD Department of Education (DOE) to operate the School Nutrition Programs (SNP) and the approved waiver will apply once they have an approved annual renewal with the DOE.

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]:
   On May 12, 2022, an EF-2 tornado hit Castlewood, South Dakota, damaging numerous buildings including the school. Many news stations reported on the damage; some articles are linked below:

   Castlewood School badly damaged by tornado; Noem declares state of emergency  
   Storm destroys Castlewood School gym  
   Mitigation, restoration begin at Castlewood School after May 12 tornado  
   South Dakota School Severely Damaged Following Storm

   On June 9, 2022, the Castlewood Business Manager was notified that everything in the school kitchen was a total loss, and they would not be able to return to parts of the school building, including the school kitchen, at all during SY22-23. The damaged school kitchen contained much of the SNP program documentation. For SY22-23, the district is looking into adding a temporary mobile education unit to add classrooms for some
children and is working with DOE and the SD Department of Health (DOH) to find an acceptable location to continue school breakfast and lunch operation.

The Castlewood School District is required to receive an SNP Administrative Review in SY22-23 per 7 CFR 210.18(c). Since this district is already facing a number of challenges from this devastating event, DOE is requesting that this Administrative Review be postponed by one year to SY23-24 to allow time for the school to rebuild the building and their school nutrition program without the additional burden of an Administrative Review. This will allow the School Food Authority (SFA) the ability to focus their time on educating students while continuing to feed healthy school meals. This would also allow the state agency to provide needed technical assistance and support during this challenging time.

Additionally, the Castlewood School District’s cafeteria and kitchen were deemed a total loss. This includes much of the required program paperwork. Much of this documentation such as standardized recipes, production records, food safety HACCP based Standard Operating Procedures and temperature logs, smart snack documents, procurement documents, and professional standard annual training documents were destroyed or lost in the tornado. The state agency is requesting a waiver of records retention requirements for the current year and prior three school years (SY21-22, SY20-21, SY19-20, SY18-19). At this time, it has not been determined whether program documents saved on the district computer server are salvageable this includes point of sale meal counts, student eligibility determinations, and student information management system. That determination will be made over the summer months. The SNP permanent agreement, annual renewal applications, and monthly claims for reimbursement are located in the online state Colyar system and were not included in the tornado damage.

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

The South Dakota Department of Education (DOE) requests a waiver of the following regulations:

- 7 CFR 210.18(c) - Timing of administrative reviews and cycle
- 7 CFR 210.15(b) - Recordkeeping
- 7 CFR 210.8(a)(5) – Recordkeeping, Claims for Reimbursement
- 7 CFR 210.11(b)(2) – Recordkeeping, Competitive Food Service and Standards
- 7 CFR 210.13(c)(1)(vii) and 7 CFR 210.13(c)(2)(vi) – Recordkeeping, Food Safety Program
- 7 CFR 210.31(f) – Recordkeeping, Local Wellness Policy

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

There are no impacts on technology or State systems for Child Nutrition Programs as a result of this waiver request.

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:
We anticipate this waiver will reduce challenges faced by the SFA. No challenges are anticipated by the State agency.

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]:
   Use of this waiver will not increase the overall cost of the program to the federal government. There are no additional staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:
   Implementation start date for the compliance waiver request is July 1, 2022 and is to remain in effect through June 30, 2023.

   Implementation start date for the recordkeeping waiver is July 1, 2022. This covers program year documentation from July 1, 2018, through May 30, 2022, to account for all lost records and retention requirements.

11. Proposed monitoring and review procedures:
   At minimum, conference calls with the School Food Service Director (and/or Business Manager) will occur monthly to discuss operational challenges. One in-person technical assistance visit will be scheduled shortly after meal service begins in SY22-23 to observe breakfast and lunch meal service at all meal service locations affected by the tornado. DOH will provide assistance to the district to help identify a temporary kitchen that will meet state food service requirements. DOH will also review kitchen blueprints before the school rebuilds to ensure they meet state food service requirements. A compliance review will occur in SY23-24.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):
   DOE will report to the USDA Food and Nutrition Service regional office one year after the approval date of this waiver.

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]:
   [https://doe.sd.gov/cans/index.aspx](https://doe.sd.gov/cans/index.aspx) located under “Announcements” tab

14. Signature and title of requesting official:

   __________________________________________________________
   Cheriee Watterson, Division Director
   800 Governors Drive
   Pierre, SD 57501-2235
   605-773-3413
   Cheriee.Watterson@state.sd.us

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:

☐ Recommend Approval    ☐ Recommend Denial