

MEMORANDUM

To: School Nutrition Program Authorized Representatives, Business Managers, and Food Service Directors
Child and Adult Care Food Authorized Representatives and Program Contacts
Summer Food Service Program Authorized Representatives and Program Contacts

From: Division of Child and Adult Nutrition Services

Date: August 22, 2022

RE: Child Nutrition Program State Waiver Requests

Congress did not extend the United States Department of Agriculture's (USDAs) nationwide waiver authority beyond SY 2021-2022. Therefore, State agencies were able to request and be granted statewide waivers under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l), to obtain approval for certain flexibilities previously provided under the nationwide waiver authority. To grant a Section 12(l) waiver, the NSLA requires that the waiver must facilitate the purpose of the program, the public must receive notice and information regarding the proposed waiver, and the waiver shall not increase the overall cost of the Program to the Federal Government. The South Dakota Department of Education (SD DOE), Child and Adult Nutrition Services (CANS) Division applied and was approved for various waivers from USDA FNS.

This memo explains the requirements and flexibilities that will be granted in response to the pandemic and during this transition time and how School Food Authorities (SFAs) and Sponsor agencies will apply for these waivers. The below chart outlines the waivers that CANS has applied and received approval for that impact local agency operations.

SFAs and sponsor agencies will fill out a Microsoft Forms document outlining their plan for when they propose to utilize various waivers. Waiver flexibilities may only be utilized if an agency is impacted by COVID-19. These waivers are in effect from July 1, 2022 – June 30, 2023.

- SNP Waiver Form: <https://forms.office.com/g/yY4i5yAybm>
- CACFP Wavier Form: <https://forms.office.com/g/LFbSVHWa3q>

Both waiver forms can also be found on the [DOE CANS webpage](#) under USDA Waivers, Guidance, and Information. A waiver form for the unanticipated school closure operations will be coming soon and will be posted in the same location.

South Dakota Waiver Flexibility Attachment (Updated 8-22-22)

SD Waiver #	Waiver Title	Programs Impacted	Waiver Expiration	Summary of Waiver Impact	Information on How Sponsor Agency Can Opt into Waiver Flexibility
25	Paid Lunch Equity (PLE)	National School Lunch Program	6/30/2023	Waives the requirements that schools with a negative balance in their nonprofit food service account are required to establish prices for paid lunches. Schools can choose to increase lunch prices, keep the same lunch price, or decrease lunch prices based on local discretion and financial situation.	Complete 2022-2023 MS Form
26	Carryover Eligibility	National School Lunch Program, School Breakfast Program	6/30/2023	Allows schools that operated under the Seamless Summer Option (SSO) in SY2021-22 to use the most recent free and reduced-price determinations since SY2019-20 during the first 30-operational days in SY2022-23.	Complete 2022-2023 MS Form
3	Non-Congregate Meal Service	National School Lunch Program, School Breakfast Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements to serve meals on site and in a congregate setting. Alternate settings and sites may be used.	Complete 2022-2023 MS Form
4	Parent and Guardian Meal Pick Up	National School Lunch Program, School Breakfast Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that meals may only be served directly to children. Meals may be served to parents and guardians of eligible children when an integrity plan is in place to prevent duplicate meals distributed to students.	Complete 2022-2023 MS Form
5	Meal Service Times	National School Lunch Program, School Breakfast Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirement that meals served must follow meal service time requirements. Allows for multiple days' worth of meals to be served at one time.	Complete 2022-2023 MS Form
6	Offer Versus Serve (OVS)	National School Lunch Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirement that senior high schools must participate in offer versus serve at lunch. This flexibility can also be used in the event of unanticipated school closure.	Complete 2022-2023 MS Form
9	Administrative Review Onsite Requirements	National School Lunch Program, School Breakfast Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that SFAs are required to conduct portions of monitoring reviews onsite. Schools can monitor operations offsite, for example through a desk or virtual audit. CANS will be allowed to conduct virtual administrative reviews if COVID prevents travel for onsite visit.	Complete 2022-2023 MS For

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12	Non-Congregate Milk Pick Up	Special Milk Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements to serve SMP milk on site and in a congregate setting. Milk may be made available and consumed off site.	Complete 2022-2023 MS Form
13	Parent and Guardian Milk Pick Up	Special Milk Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that SMP milk may only be served directly to children. Milk may be served to parents and guardians of eligible children when an integrity plan is in place to prevent duplicate milks distributed to students.	Complete 2022-2023 MS Form
14	Parent and Guardian Pick Up	Fresh Fruit and Vegetable Program	6/30/2023	When school is closed and students are learning virtually due to COVID, this flexibility allows SFA's participating in the FFVP to provide FFVP to parents or guardians of elementary school children.	Complete 2022-2023 MS Form
15	Alternate Site	Fresh Fruit and Vegetable Program	6/30/2023	When FFVP approved elementary schools are closed due to COVID, this flexibility allows the State agency to approve FFVP schools to provide FFVP foods at schools that are not normally approved for FFVP service.	Complete 2022-2023 MS Form
16	Non-Congregate Meal Service during Unanticipated School Closures	Summer Food Service Program, Summer Seamless Option	10/1/22 through 4/30/23	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that SFSP meals must be served in a congregate setting and must be consumed by participants on site during an unanticipated school closure. This flexibility extends to SSO.	Complete 2022-2023 MS Form
17	Parent and Guardian Meal Pick Up-during Unanticipated School Closures	Summer Food Service Program, Summer Seamless Option	10/1/22 through 4/30/23	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that meals may only be served directly to children. During unanticipated school closures, meals may be served to parents and guardians of eligible children when an integrity plan is in place to prevent duplicate meals distributed to students.	Complete 2022-2023 MS Form

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SD Waiver #	Waiver Title	Programs Impacted	Waiver Expiration	Summary of Waiver Impact	Information on How Sponsor Agency Can Opt into Waiver Flexibility
18	Meal Service Times for Unanticipated School Closures	Summer Food Service Program, Summer Seamless Option	10/1/22 through 4/30/23	Flexibility allowed only when operations are impacted by COVID. Waives the requirement that meals served must follow SFSP or SSO meal service time requirements. During unanticipated school closures, allows for multiple days' worth of meals to be served at one time.	Complete 2022-2023 MS Form
19	Service of Meals at Schools During Unanticipated School Closures	Summer Food Service Program, Summer Seamless Option	10/1/22 through 4/30/23	Flexibility allowed only when operations are impacted by COVID. Waives the requirement that limits operation of SFSP and SSO during an unanticipated school closure to non-school sites. In the event of unanticipated school closures, meal service operations at non-school sites will be allowed.	Complete 2022-2023 MS Form
20	Non-Congregate Meal Service	Child and Adult Care Food Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements to serve meals on site and in a congregate setting.	Complete 2022-2023 MS Form
21	Parent Guardian Meal Pick-Up	Child and Adult Care Food Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirements that meals may only be served directly to eligible children and eligible adults. Meals may be served to parents and guardians of eligible participants when an integrity plan is in place to prevent duplicate meals distributed to eligible participants.	Complete 2022-2023 MS Form
22	Meal Service Time	Child and Adult Care Food Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Waives the requirement that meals served must follow meal service time requirements. When congregate meal service is limited by COVID-19, mealtime parameters for institutions and facilities can be adjusted.	Complete 2022-2023 MS Form
24	Sponsoring Organization Onsite Monitoring Visits	Child and Adult Care Food Program	6/30/2023	Flexibility allowed only when operations are impacted by COVID. Where onsite monitoring is not possible this flexibility allows offsite monitoring. Sponsoring organizations must review each facility three times each year and: 1) at least two of the three reviews must be unannounced; 2) at least one unannounced review must include observation of meal service; 3) at least one review must be made during each new facility's first four weeks of Program operations; and 4) not more than six months may elapse between reviews. Monitoring must ensure program integrity. Offsite monitoring activities can be virtual or a desk audit.	Complete 2022-2023 MS Form