

March 10, 2020

Diane Fulton,
Mountain Plains Regional Office
1244 Speer Blvd Suite 903
Denver, CO 80204-3581

Subject: SFSP/SSO Congregate Feeding for Sponsors Operating during COVID-19 Unanticipated School Closures Waiver Request

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

SD Department of Education, Child and Adult Nutrition Services
Cheriee Watterson, Office Administrator
800 Governors Drive
Pierre, SD 57501-2235
605-773-3413
Cheriee.Watterson@state.sd.us

2. Region: Mountain Plains

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

Any South Dakota Department of Education approved SFSP or SSO Sponsor in good standing, operating during an unanticipated school closure due to a COVID-19 outbreak.

Sponsors that would operate under this waiver are operating in communities where schools and/or childcare centers are closed in connection with a COVID-19 outbreak.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Challenge:

Schools participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) and institutions participating in the Child and Adult Care Food Program (CACFP) may potentially be dismissed or closed due to Federal, State, or local public health requirements for social distancing due to COVID-19. The South Dakota Department of Education in partnership with the South Dakota Department of Health continues to monitor this situation.

"Social-distancing" is integral to the control of the COVID-19. SFSP/SSO regulations require consumption of meals at meal sites, thus increasing the potential of exposure among program participants.

Goal:

Provide meals to participants in a manner that minimizes potential exposure to COVID-19.

Expected Outcomes:

Alternative school meal/snack models, such as Grab-N-Go meal service, would provide meals to participants, while limiting interaction and proximity to other participants therefore decreasing the risk of COVID 19 exposure.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The South Dakota Department of Education requests a waiver of regulations 7 CFR 225.6(e) (15) that require congregate feeding.

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

If approved, the South Dakota Department of Education will provide technical assistance to sponsors on the process and procedures for planning and preparing a unitized meal and accurate counting and claiming as outlined in the USDA FNS memo SP08-2020 question and answer attachment. 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(1)(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:

Our agency does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or sponsor level since school foodservice operating under the waiver would essentially operate the same as a normal operating day. Alternatively, we anticipate this waiver will reduce challenges faced by regular school sites that experience unanticipated school closure because of COVID-19. Children can still benefit from meal service and schools can use 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(1)(1)(A)(iii) of the NSLA]:

The waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is March 11, 2020 and is to remain in effect through June 30, 2021.

11. Proposed monitoring and review procedures:

The State agency will continue to follow standard CNP monitoring and review procedures. If compliance issues are identified, the State Agency will work with the Sponsoring organizations on individualized corrective action plan(s) and conduct follow-up reviews as needed.

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

The State Agency will report to FNS regional office any compliance issues noted with this flexibility during the application approvals and reviews by December 31, 2020.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:

<https://doe.sd.gov/cans/index.aspx>

Signature and title of requesting official:



Cheriee Watterson, Office Administrator
Child and Adult Nutrition Services
SD Department of Education
605-773-3413
Cheriee.Watterson@state.sd.us
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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(1)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval Recommend Denial