

March 10, 2020

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

Subject: **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:**

This waiver request is applicable state-wide for all approved sponsors in good standing.

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]:**

Problems that sponsors in South Dakota will face without this waiver include: Children would not have access to meals when schools are closed due to unanticipated closures. Many South Dakota school districts operate the Summer Food Service Program (SFSP) in addition to the National School Lunch and Breakfast Programs and are equipped to provide meals to children in the event of an unanticipated school closure through the SFSP.

The South Dakota Department of Education is requesting a waiver of the requirement that only non-school sites can serve meals in the event of an unanticipated closure, which would allow children access to meals.

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 under 7 CFR 225.6(d)(1)(iv) which requires SFSP and SSO meals to not be served at school sites during unanticipated school closures. "If it is a site proposed to operate during an unanticipated school closure, it is a non-school site."

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

If the waiver is approved, school sites would be permitted to serve meals during unanticipated school closures. School sites who serve meals during unanticipated closures would be required to notify the South Dakota Department of Education of their intent by submitting a SFSP or SSO application for approval.

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:

No challenges are anticipated for the State agency or the providers. Implementation of this waiver will decrease the challenges faced by sponsoring organizations.

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>

14. Signature and title of requesting official:

Cheriee Watterson

Cheriee Watterson, Office Administrator
Child and Adult Nutrition Services
SD Department of Education
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:

Date Received:

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(l)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval Recommend Denial