

March 25, 2020

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

Subject: Child Nutrition Program State Waiver Request for the Requirement that Children are Present

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

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

2. Region: Mountain Plains (MPRO)

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

Any School Food Authorities (SFA's) or sponsors currently approved by the South Dakota Department of Education to operate the Seamless Summer Option (SSO) and the Summer Food Service Program (SFSP), in good standing, and operating during state mandated school closures due to the 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

South Dakota Department of Education seeks to temporarily suspend the meal service operational regulation that requires an eligible child to receive the meal at a meal site. SD DOE is requesting a flexibility to allow the parents or guardians of an eligible child to pick up meal(s) for their child(ren) in an effort to reduce the number of contacts between individuals. This request is coming as part of an effort to align practices with Federal and State guidance to limit the number of unnecessary contacts between individuals and to socially distance individuals to reduce the rate of transmission of COVID-19. By removing the requirement that sponsors serve directly to an individual child, it can significantly reduce the number of individual people out in the public and interacting with food service staff. SD DOE believes that by allowing parents or guardians to pick up meals for their child(ren) it will help to protect not only the families who need these nutritional supports, but also the school lunch staff and volunteers who are operating these meal sites. This will help to assuage concerns of both the families and the staff who are coming into relatively close contact with potentially hundreds of individuals each day.

If granted, this waiver would allow families to take full advantage of the meal services offered by their school districts without increasing the number of instances in which they or their children must spend in

contact with others. Additionally, this waiver will support school food authorities and their staff to ensure that those preparing and serving meals to their communities can stay safe and limit the total number of contacts they have each day.

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

7 CFR 225.1, 7 CFR 225.6(e)(1)(ii), 7 CFR 225.6(e)(2), 7 CFR 225.6(e)(3), 7 CFR 225.6(e)(15)

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 allowing parents or guardians to pick up meals for their child(ren) and how to appropriately document meal counts as such. There are no significant 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(I)(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:

The South Dakota Department of Education does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or sponsor level. Alternatively, we anticipate this statewide waiver will help to keep school staff who are tirelessly working to operate these meal sites safe by reducing the number of contacts they have each day.

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(I)(1)(A)(iii) of the NSLA]:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since these programs would be operating in situations where normal USDA Child Nutrition Programs are closed due to COVID-19. There are no additional staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is upon approval from the USDA and remains in effect through June 30, 2020 or upon expiration of the state or federally declared public health emergency.

11. Proposed monitoring and review procedures:

State Agency staff who will approve the individual written requests, from each SFA and sponsor, to implement the waiver will monitor implementation of this waiver.

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

No later than December 31, 2020, the South Dakota Department of Education will report to USDA the number of sponsors that used this waiver including the number of unanticipated operating days and meals claimed.

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

<https://doe.sd.gov/cans/index.aspx>
located under "Announcements" tab

14. 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

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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval Recommend Denial