

May 29, 2020

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

Subject: Child Nutrition Program Waiver Request for Fresh Fruit and Vegetable Program Elementary School Sites

**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](mailto: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 for school sites approved by the South Dakota Department of Education to operate the Fresh Fruit and Vegetable Program. Only School Food Authorities in good standing with the USDA Child Nutrition Programs will be considered to use the flexibility offered in this waiver request. The requesting sponsors are located in areas affected by COVID-19.

**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]:**

Challenge:

South Dakota has several current FFVP-approved elementary school sites which are experiencing challenges with spending their awarded FFVP funds due to the current State of Emergency due to COVID-19. Many approved FFVP elementary sites are closed and do not offer emergency, non-congregant feeding. School Food Authorities (SFAs) make decisions on the school sites that are opened to emergency feeding based on sites that are easier to implement social distancing meal service methods and to maximize serving the highest need children in their district. Due to this reasoning, many SFAs chose to utilize an emergency feeding location at a different school site within the district rather than the FFVP approved elementary school site. This effectively shuts down their FFVP service since the location is not in an FFVP-approved elementary site.

Although funding that remains at the end of the school year are used for the start of the following school year, the average school in South Dakota begins in mid to late-August allowing up to eight-weeks of FFVP service to spend remaining fiscal year FFVP funding. With many schools choosing to skip the first

week or two of school to allow teachers, support staff, and students to settle into the new school year routine without the additional work to prepare, distribute, serve FFVP and provide an activity in parallel with their FFVP service to students.

Goal:

SD DOE is requesting this waiver to allow other school sites within the SFA to serve FFVP. By allowing the FFVP to be served at additional locations, SFAs will be able to spend more of their FFVP allocation and serve fresh fruits and vegetables to children at any approved emergency, non-congregant feeding site within the school district during these uncertain times.

Alternate sites eligible for FFVP would meet the definition of school in 7 CFR 210.2 School (a & b). Only sites approved in the SY2019-20 School Nutrition Program annual renewal application would be considered eligible as alternate FFVP service sites. Examples of those alternate sites include high schools, alternate high schools, junior high schools, middle schools, or other current designated attendance centers. This would not include emergency, non-congregant feeding sites that are not located at a school site, or any SFSP and CACFP sponsor agencies that are not a current School Food Authority.

Outcome:

Allowing additional locations for FFVP service would enable SFAs to fully expend their awarded funds. Children would have the opportunity to receive additional fresh fruit and vegetable offerings outside of the school breakfast or lunch program meals. This will continue this child's opportunity to be exposed to fresh fruit and vegetables that may not be available in their local community stores or affordable to their household. It allows children the opportunity to consume more fresh fruits and vegetables to help combat child hunger and obesity.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 19(d)(1)(C) of the NSLA]:**

The South Dakota Department of Education requests a waiver of Regulations at Section 19(d)(1)(C) of the NSLA "ensure that each school selected is an elementary school" and the USDA FFVP Handbook specifying an elementary school as a requirement for participation.

**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 track the usage of this waiver carefully. SD DOE will continue to review and verify site-based claims for allowable costs, monitoring of awards, and communication of best practices for program success.

**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:**

Our agency does not anticipate any additional challenges at the state or sponsor level. Alternatively, SD DOE anticipates this waiver will reduce challenges faced by schools and communities that are experiencing unanticipated school closures because of COVID-19.

**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 will be operating in areas where schools are normally operating and being reimbursed for program meals. Claiming is monitored to ensure the \$75 per student allocation is not exceeded and the state allocation to the SFA is not exceeded.

**10. Anticipated waiver implementation date and time period:**

The anticipated waiver implementation start date is May 19, 2020 and is to remain in effect through June 30, 2021, or the end of the state or federal declaration of emergency.

**11. Proposed monitoring and review procedures:**

State agency staff will work with sponsors to FFVP-approved sites are aware of the opportunity to expand FFVP offering in accordance with the approved waiver.

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

The State Agency will report to FNS regional office the usage and benefit to utilizing the approved waiver by December 31, 2020.

**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:**



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SD Department of Education  
(605) 773-3413  
[Cheriee.Watterson@state.sd.us](mailto: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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval

Recommend Denial