

March 12, 2020

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

Subject: Child Nutrition Program State Waiver Request for Low Income Requirement

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 any Non-Area Eligible Public and Private School Food Authorities (SFA's) approved by the South Dakota Department of Education to operate the National School Lunch Program and are in good standing to operate food services under the Summer Food Service Program or Seamless Summer Option.

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

South Dakota has several current SFAs/Sponsors with sites not meeting area eligibility requirements. State and community leaders and school district personnel are determining how best to continue Child Nutrition Program operations to feed children during an emergency due to COVID-19.

By allowing non-Area Eligible SFA's, in good standing, to feed students under Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option children would be provided with meals that otherwise may not be available. Additionally, this waiver would allow SFA's operating under this waiver in school closure areas, to utilize perishable foods that were encumbered for use in school meals programs.

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

The South Dakota Department of Education requests a waiver of regulations at 7 CFR 225.14(c)(3) "conducting a food service for children from areas in which poor economic conditions exist."

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 review and verify the requesting sponsor is in an area where schools have been closed due to COVID-19. 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(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 that the establishment of this state wide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate 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 state wide 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.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is March 12, 2020 and is to remain in effect through April 30, 2022.

11. Proposed monitoring and review procedures:

State agency staff will work with sponsors to ensure SFSP/SSO sponsor and site approvals align with our current process. Final approvals to operate will be determined by state agency staff.

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(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:

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