

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 to Meal Pattern 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](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 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

Challenge:

Inventory and access to all meal pattern components at all operating sites. Ability to provide meals in an emergency by age/grade group. With limited inventories, there is anticipated shortages of certain meal components and minimum daily/weekly serving sizes. Additionally, the SFAs and Sponsors are doing what they can to prepare for interruptions to their normally scheduled shipments of food if trucking and distribution industries are affected by COVID-19.

Goal:

Provide food to eligible participants in a manner that best utilizes available food inventories. Provide shelf stable alternative foods as available for alternative meal serving models so participants do not go hungry.

Expected Outcomes:

Ensure participants receive food assistance when needed during an emergency.

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

The South Dakota Department of Education requests a waiver of regulations at 7 CFR 210.10(c); 7 CFR 220.8(c); 7 CFR 225.16(d); 7 CFR 226.20.

**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 process and procedures for planning and preparing meals and snacks and properly documenting food inventory and usage. 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:**

We anticipate this waiver will reduce challenges faced by regular SFAs and Sponsors that experience food shortages 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(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 when programs are able to provide continued service and food assistance during an emergency. There are no additional staff costs to implement this waiver.

**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 approve individual SFA and sponsor written requests to implement the waiver will monitor implementation of this waiver.

**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](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:**

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA

**Regional Office Analysis and Recommendations:**

Recommend Approval                       Recommend Denial