

September 16, 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

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.

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 anticipates challenges for several current FFVP-approved elementary school sites, in the event of site closures, distance learning options, and other social distancing recommendations that may interrupt the normal school day. Many SFAs, including those approved FFVP elementary sites, are planning a variety of measures that include normal school session and distance or virtual learning sessions or other non-congregate options. SFAs make decisions on the school sites that are opened to non-congregate 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 will choose to utilize a non-congregate feeding location at a different school site within the district rather than the FFVP approved elementary school site. This effectively shuts down a portion of their FFVP service since the location is not in an FFVP approved elementary school.

By allowing State agencies to approve FFVP participation at NSLP school sites that are not elementary schools, the eligible elementary students have a greater opportunity to participate in the FFVP and receive fresh fruits and vegetables that they may not otherwise receive during this pandemic.

Goal:

SD DOE is requesting this waiver to allow other school sites within an 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 non-congregate feeding sites within the school district.

Alternate sites eligible for FFVP would meet the definition of school in 7 CFR 210.2 School (a & b). Only sites approved to operate the SY2020-21 School Nutrition Program 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 non-congregate 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. SD DOE will work with SFAs that are approved to use this waiver flexibility to develop a system that tracks FFVP service to ensure only eligible elementary school students that would normally participate in the FFVP.

Outcome:

Eligible elementary students would have the continued opportunity to receive fresh fruit and vegetable offerings outside of the school breakfast or lunch program meals. This extends the 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. Allowing additional locations for FFVP service would enable SFAs to adequately expend their awarded funds.

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 and approve the use of this waiver flexibility based on the SFAs ability to ensure FFVP offerings are served to only eligible elementary students. SD DOE will continue to review and verify site-based FFVP claims for allowable costs, monitoring of awards, and communication of best practices for program success in non-congregate serving methods.

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. During non-congregate feeding methods, SFAs must take proper point of service meal counts which includes

tracking students name and eligibility tracking this flexibility would be a small update to that process. Continued use of the approved tracking process will be extended to any unanticipated school closures. The 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. SD DOE will approve schools to use this flexibility on a case by case basis for schools able to illustrate accurate methods to serve FFVP offerings to only eligible elementary students.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is August 1, 2020 and is to remain in effect through June 30, 2021, or upon expiration of the federally declared public health emergency, whichever is earlier.

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. The tracking method used at approved schools will be included in the normal Administrative review process.

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 June 30, 2021.

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