south dakota
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September 1, 2020

Diane Fulton,
Mountain Plains Regional Office
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Subject: SNP Afterschool Snack Sponsor Monitoring Waiver Request

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:
National School Lunch Program participating sponsors approved by the South Dakota Department of Education, in good standing, and operating SNP After School Snack 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Challenge: Conducting onsite monitoring for Afterschool Snack service poses a risk to increased exposure for populations most at risk of developing and spreading COVID-19. "Social distancing" is integral to the control of the COVID-19. NSLP regulations require review of each afterschool care program two times a year, with the first review occurring within the first four weeks of operation. Some agencies in our state are not allowing outside visitors into their schools or centers in order to protect the health of their students.

Goal: Allow monitoring observation to occur virtually or via desk audit for afterschool snack in NSLP.

Expected Outcomes: Limiting interaction of students, program staff and Sponsor staff would provide protection from COVID-19 for all parties involved. We expect to be able to avoid possible community spread by having the ability for Sponsors to complete the afterschool snack monitoring remotely.

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

Sponsors that would operate under this waiver are operating in communities where schools are not allowing visitors in connection with COVID-19 outbreak. This waiver request is based on USDA Policy Memo SP 46-2014 where it states on page five, "Other exceptional emergency situations or man-made disasters, such as human pandemic or chemical plant explosions may impact the ability of schools, institutions, and sponsors to continue normal program operations. In this circumstance, FNS may approve flexibilities to accommodate the needs of severely impacted areas."

The South Dakota Department of Education requests a waiver of regulations 7 CFR 210.9(c)(7) – – Afterschool Monitoring Requirements.

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 the agencies and sponsors affected regarding the process and procedures for virtual or desk audit monitoring. There are no impacts or technology or State systems.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(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 statewide waiver will pose any challenges at the state or agency level. The Department of Education has hosted a handful of online trainings since the start of COVID-19, and our agencies have responded well to the uptick in technology usage as well as the requirement to have access to a webcam during interactive sessions.

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(l)(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 they normally would operate USDA National School Lunch Program. 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, 2021 or upon expiration of the state or federally declared public health emergency.

11. Proposed monitoring and review procedures:

Sponsor staff of participating programs will conduct monitoring of Afterschool Snack virtually through webcam and/or documentation observation.

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

No later than June 30, 2021, South Dakota Department of Education will report to FNS the number of sponsors that used this waiver.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(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 Watter
_____

Cheriee Watterson, Office Administrator
Child and Adult Nutrition Services
SD Department of Education
(605) 773-3413
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