



United States Department of Agriculture

CHILD NUTRITION PROGRAM

SCDE Severe Weather and Virtual Learning Waiver (NSLP/SBP)

1. State agency submitting waiver request and responsible State agency staff contact information:

South Carolina Department of Education (SCDE)
Office of Health & Nutrition
Rutledge Building
1429 Senate Street
Columbia, SC 29201
Donna Davis, Division Director
803-734-0080

2. Region:

Southeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Approved National School Lunch and Breakfast Program Sponsors in good standing. Some sponsors have returned to school for the 2022-2023 school year, some students will be participating in school virtually, either all or some days. In addition to virtual learning, COVID-19, school closures based on school building issues, severe weather, etc., which may result in a total shutdown of school. With these new operating challenges, it will be necessary to feed children away from school grounds some or all days. In order to accommodate this blended style of learning, the state agency (SA) is seeking to allow sponsors in a non-congregate setting when there are unanticipated school building closures due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency for a similar unanticipated cause.

- Under the waiver when school buildings are closed for the reasons listed above and virtual classes are being offered, SCDE is requesting for SFAs to serve National School Lunch Program (NSLP) and School Breakfast Program (SBP) meals in a non-congregate setting, adjust the time of meal service, allow parent pick up and senior high schools are not required to use offer versus serve at lunch.

Those SFAs that wish to implement feeding through the National School Lunch Program (NSLP) will only be granted permission to do so if they are in good standing with the SA.

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 Carolina has aging school buildings that have issues with sewer, water, power, etc. that can cause schools to have to close and transition to virtual learning. School closures based on various reasons will drastically decrease the number of students attending the congregate meal service in school. Oftentimes the unanticipated school closures prevent the sponsors from operating at all. However, some sponsors may decide to transition to virtual learning during shut down. The closures would create a potential barrier to accessible meals if there were no waiver in place. Without waiver approval, sponsors that choose to implement virtual learning during building closures may not be able to send meals home with students because the school is not considered closed due to virtual learning, resulting in children not receiving nutritious meals on a consistent basis. Similar to the COVID-19 waiver, granting this waiver would allow SCDE to consider documented situations of being able to serve non-congregate meals when virtual learning is implemented during severe weather or school building closure.

Challenges Without the Waiver

- Sponsors continue to face uncertainty in how to best streamline operations while continuing to respond to severe weather or building closure related challenges, especially supply chain disruptions and staffing shortages. Without these waivers, sponsors will

spend an extraordinary amount of time completing activities related to regulatory burden rather than focusing on properly servicing students and children.

- Decrease in participation, due to the inability to feed kids participating in virtual learning
- Food insecurity will continue to be an issue for students and children

Goal of Waiver to Improve Services

- The goal is to decrease some administrative pressures for the sponsor. Sponsors are working to transition back to normal operations but building closures will plague their efforts. These waivers will allow for additional flexibility when needed during this next school year.
- By relieving administrative pressure, sponsors can focus on communicating changes to families, training staff to accept and approve meal applications, and navigate the ongoing challenges during building closures.
- Continued flexibility of meal service options; non-congregate meal service, meal service times, and offer versus serve provide sponsors the flexibility needed to continue to provide meals in response to building closures.
- Maintain sponsor and site program participation and minimize hunger in the local communities.
- Allow SCDE staff to focus on targeted technical assistance and training for sponsors as that navigate all the supply chain and labor shortage challenges.

Expected Outcome of Waiver

- Sponsors will have an opportunity to transition back to normal operations over a longer period which helps to assure success.
- Sponsors will implement flexibilities, as needed, to minimize the negative impact on program participation that are still caused by building closure challenges.
- Simplify program administration for the sponsors, so they can focus on the highest priority needs of their program/sites.

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

SFSP and SSO Unanticipated School Closures (Schools buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered. These waivers would be effective through April 30, 2023.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

National School Lunch Program and School Breakfast Program (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered. These waivers would be effective through June 30, 2023.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, there are no significant 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(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:

SCDE does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or sponsor level.

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 waiver will not increase the overall cost of the program to the Federal Government. We do not foresee the waiver increasing program costs due to the increased amount of virtual learning that is planned to take place, therefore, we believe that overall participation of the program will decrease. As in, many students will not be physically present in a school to participate in NSLP overall participation may reflect the increase of virtual learning and decrease of participation.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is upon approval from USDA and is to remain in effect through SY 2022-23 (*June 30, 2023*).

11. Proposed monitoring and review procedures:

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements.

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

All FNS required reports will be submitted in a timely manner as governed by USDA requirements.

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]:

Link-SCDE Severe Weather and Virtual Learning Waiver (NSLP/SBP)

14. Signature and title of requesting official:



Title: Director, Office of Health and Nutrition

Requesting official's email address for the transmission of response: ddavis@ed.sc.gov

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 Recommendation