



United States Department of Agriculture

## **CHILD NUTRITION PROGRAM**

### **SCDE SY 2023-24 Prospective Waivers for Non-congregate Meal Service due to Unanticipated School Closures (NSLP/SBP/SFSP/SSO)**

- 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, Seamless Summer Option and Summer Food Service Program sponsors in good standing. Some sponsors have returned to school for the 2023-2024 school year. In addition to severe weather and other unanticipated occurrences are expected to resurge during certain months, which may result in a total shutdown of school. With these operating challenges, it will be necessary to feed children away from school grounds some or all days. Those SFAs and Sponsors that wish to implement feeding through the National School Lunch Program (NSLP), Seamless Summer Option (SSO) and Summer Food Service Program 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 generally experiences severe storms and hurricane advisories during certain months which can cause damage statewide. The severe weather often drastically decreases the number of students attending the congregate meal service in school. Oftentimes the severe weather prevents the sponsors from operating at all. However, some sponsors may decide to transition to virtual learning during severe weather. The severe weather 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 severe weather may not be able to send meals home with students because the school is not considered closed, 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 and other unforeseen occurrences such as a power outage, fire, etc.

**Challenges Without the Waiver**

- Sponsors continue to face uncertainty in how to best streamline operations while continuing to respond to severe weather-related challenges and other unforeseen occurrences, 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 during unforeseen circumstances such as severe weather.
- 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 severe weather 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 severe weather-related challenges.
- 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 severe weather.
- 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 provide meals to students without interruption.
- Sponsors will implement flexibilities, as needed, to minimize the negative impact on program participation that are still caused by severe weather 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]:**

##### **NSLP/SBP:**

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

##### **SFSP/SSO:**

- 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)]

#### **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, 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 during unforeseen circumstances.

**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 2023-24 (*August 10, 2023-June 30, 2024*).

**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.

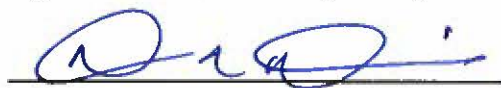
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

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 SY 2023-24 Prospective Waivers for Non-congregate Meal Service due to Unanticipated School Closures (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](mailto: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**