



United States Department of Agriculture

## **CHILD NUTRITION PROGRAM**

### **Hurricane Helene Waiver Request (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  
428 Wholesale Lane  
West Columbia, SC 29172  
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 for the 2024-2025 school year that encounter either school closure with no remote learning or/and are unable to provide certain meal components due to Hurricane Helene when approved by the State agency.

**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 is currently experiencing complexities due to Hurricane Helene which has caused damage statewide. This has drastically decreased the number of students able to attend the congregate meal service in school and has prevented some sponsors from operating at all due to loss of power, flooding and number of other issues brought on by Hurricane Helene. Due to these extenuating circumstances some sponsors have decided to transition to virtual learning however due to power outages around the state other sponsors are unable to implement virtual learning in order to be covered by the current Unanticipated School Closure waiver. In addition, sponsors are short or completely unable to provide certain meal components like whole grains and vegetable subgroups. This severe weather has created barriers to accessible meals if there is no waiver in place. Without waiver approval, all sponsors that choose to implement virtual learning during Hurricane Helene and thereafter may not be able to send meals home with students and some sponsors will not be able to serve students allowable meals, resulting in children not receiving nutritious meals on a consistent basis during Hurricane Helene. Granting this waiver would allow SCDE to consider documented situations of being able to serve non-congregate meals when virtual learning is not implemented and waive current meal components during due to Hurricane Helene as needed.

**Challenges Without the Waiver**

- Sponsors continue to face uncertainty in how to best streamline operations while continuing to respond to Hurricane Helene related challenges, especially supply chain disruptions, power outages and staffing shortages. Without this 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 not 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 Hurricane Helene will plague their efforts. These waivers will allow for additional flexibility when needed.
- By relieving administrative pressure, sponsors can focus on communicating changes to families, training staff, and navigate the ongoing Hurricane Helene 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 Hurricane Helene.
- Maintain sponsor, site program participation, and minimize hunger in the local communities.
- Allow SCDE staff to focus on targeted technical assistance and training for sponsors as they navigate all the supply chain, power outages 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 Hurricane Helene 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]:**

Under Program regulations at 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, Child Nutrition Program meals must meet meal pattern requirements. However, in this current public health emergency due to Hurricane Helene, appropriate safety measures are necessary. Therefore, SCDE is requesting to waive the requirements of 7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20, in order to serve meals during the public health emergency due to Hurricane Helene. Non-Congregate Meal Service (NSLP and SBP): NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A).

Meal Pattern-7 CFR 210.10(b) and (c), 220.8(b) and (c), 225.16(d), and 226.20

Virtual Learning- NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)

## **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:**

September 30, 2024- October 14, 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.

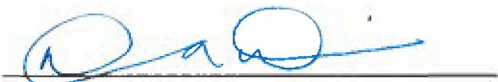
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

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- <https://ed.sc.gov/districts-schools/health-and-nutrition/covid-19-information-and-resources/>**

**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**