



United States Department of Agriculture

CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST – State Agency Monitoring Requirements Pursuant
to
7 CFR 225.7(d)
May 11, 2022

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

The South Carolina Department of Education (SCDE) continues to closely monitor key COVID-19 trends to include positive tests as a percentage of total tests, hospitalizations, contact tracing, and testing to determine when it is safe to ease the restrictions. This waiver will help SCDE, and sponsors minimize the number of visitors who come on campus and thereby reduce the potential spread of the Coronavirus (COVID-19) while promoting the national and state objectives of ensuring the health, safety, and well-being of our children.

The SCDE is requesting Summer Food Service (SFSP) Administrative Review waivers for:

Sponsor Monitoring Requirement.

[7 CFR 225.15(d)] Required site visits/reviews are conducted onsite.

State Agency Monitoring Requirements

[7 CFR 225.7(d)(1)] Pre-approval visits are conducted onsite

[7 CFR 225.7(d)(2)(ii)] Required reviews are conducted onsite.

Details of the waiver request are submitted in the format required by the USDA and are described herein.

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

South Carolina Department of Education (SCDE)
Mrs. Donna Davis, BA, MHRD, CPM, Division Director
Office of Health and Nutrition
ddavis@ed.sc.gov; 803-734-0080

2. Region: Southeast

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

The requested waiver would apply to all SCDE and its approved sponsors that participate in Summer Food Service Program. SCDE and all its SFAs and sponsors are currently in good standing.

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]:

Given the current environment, SCDE, SFAs, and community organizations face a variety of challenges. Staffing shortages, inflation, and rising gas prices, all of which directly affect the sponsors' ability to travel to each site and conduct visits within the designated period. Providing these flexibilities afford the sponsors the ability to continue to expand their program and ensure integrity. The ongoing COVID-19 limits the number of persons that are allowed in facilities (sponsor or site locations) which makes it difficult for SCDE to conduct onsite visits or site reviews.

The Food and Nutrition Service (FNS) of the USDA has provided ongoing support throughout the COVID-19 crisis and its approval of this waiver request is critical to best adapt to the conditions related to continued unanticipated full and partial closures as well as continued staffing and supply chain shortages that lie ahead. The SCDE is requesting a waiver for monitoring requirements including:

State agency Monitoring Requirements

[7 CFR 225.7(d)] Program monitoring and assistance:

☒ [7 CFR 225.7(d)(1)] Pre-approval visits are conducted onsite (Note: the requirement to conduct pre-approval visits is not waived)

☒ [7 CFR 225.7(d)(2)(ii)] Required reviews are conducted onsite.

Sponsoring Organization Monitoring Requirements

☒ [7 CFR 225.15(d)] Required site visits/reviews are conducted onsite.

To ensure Program integrity and fraud prevention, the SCDE and sponsors will provide necessary guidance and support, as well as continue to provide oversight and technical assistance both remotely and on-site as needed.

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

State agency Monitoring Requirements

[7 CFR 225.7(d)] Program monitoring and assistance:

- ☒ [7 CFR 225.7(d)(1)] Pre-approval visits are conducted onsite (Note: requirement to conduct pre-approval visits is not waived)
- ☒ [7 CFR 225.7(d)(2)(ii)] Required reviews are conducted onsite.

Sponsoring Organization Monitoring Requirements

- ☒ [7 CFR 225.15(d)] Required site visits/reviews are conducted onsite.

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

SCDE anticipates only a positive impact on program outcomes, continuity of operations, technology infrastructure, State systems, and monitoring because of this waiver. Regarding any required alternative procedures and the anticipated impact on program operations, if the USDA grants these waivers, SCDE does not anticipate any required program operational changes, including those affecting technology, State systems, and monitoring.

SCDE will continue to provide technical assistance to sponsors via contact with Consultants and Summer Food Service Program onsite audits as needed.

SCDE estimates 51 Program sponsors operating approximately 1,100 sites for the 2022 Summer Food Service Program. Of that, approximately 24 sponsors are scheduled for an Administrative Review.

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]:

Sponsor Monitoring Requirement.

[7 CFR 225.15(d)] Required site visits/reviews are conducted onsite.

Sponsors will be allowed flexibility to conduct the reviews virtually as feasible.

State Agency Monitoring Requirements

[7 CFR 225.7(d)(1)] Pre-approval visits are conducted onsite. SCDE will conduct all required pre-approval visits prior to the application approval.

[7 CFR 225.7(d)(2)(ii)] Required reviews are conducted onsite and as necessary reviews will be conducted off-site.

If approved, this waiver request will remove the monitoring barriers placed on the State agency and sponsors to meet the review requirements. This will allow the SCDE and sponsor to select the feasibility of conducting reviews onsite/offsite. The granting of this request would allow the SCDE and sponsors to more effectively use federal funds to improve program operations, participation, and the State system.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

SCDE does not anticipate any challenges with the waiver implementation. State Agency will also conduct desk audits for Sponsors enrolled in the SFSP and allow Sponsors to determine when site visits require off-site monitoring.

[7 CFR 225.15(d)] SCDE will require all sponsors to conduct the required visits/reviews. SCDE is requesting to option to conduct the visits/reviews offsite.

[7 CFR 225.7(d)(1)] SCDE will conduct pre-approval visits onsite and as it is deemed necessary will exercise the offsite option.

7 CFR 225.7(d)(2)(ii)] SCDE will conduct all required reviews and will utilize the option to conduct these reviews offsite as deemed necessary.

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 SFSP's requested waiver will not impact the overall cost of the Program to the USDA and, in fact, will result in cost-saving by using existing resources without the need for additional funding.

10. Anticipated waiver implementation date and time:

To be effective immediately and until November 30, 2022. (November end date is to allow for sponsor reviews that go past September 30.)

11. Proposed monitoring and review procedures:

[7 CFR 225.15(d)] SCDE will require all sponsors to conduct the required visits/reviews. We are requesting the option to conduct the reviews offsite.

[7 CFR 225.7(d)(1)] SCDE will conduct pre-approval visits onsite and as it is deemed necessary exercise the offsite option.

7 CFR 225.7(d)(2)(ii)] SCDE will conduct all required reviews and will utilize the option to conduct these reviews onsite as deemed necessary.

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

For the SFSP, SCDE will provide data to support the total number of SFAs and Sponsors selected for the SFSP review schedule, whether reviews were conducted on or offsite, and related data to FNS no later than December 31 of each program year.

13. Link to a copy of the public notice informing the public about the proposed waiver: [Section 12(l)(1)(A)(ii) of the NSLA]:

A copy of the public notice has been sent to the sponsors and will be placed on the SCDE's website at:

<https://ed.sc.gov/districts-schools/health-and-nutrition/nutrition-program-administrative-resources/>

14. Signature and title of requesting officials:



Title: Director, Office of Health and Nutrition

Requesting official's email address for 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 Recommendations: