



United States Department of Agriculture

CHILD NUTRITION PROGRAM

Electing Community Eligibility Provision Mid-year in School Year 2023-24 waiver

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:

The waiver would apply to approved National School Lunch Program (NSLP) and School Breakfast Program (SBP) sponsors in good standing with the South Carolina Department of Education (SCDE). School Food Authorities (SFAs) that have an Identified Student Percentage (ISP) that makes them eligible for Community Eligibility Provision (CEP) based on the new 25% ISP threshold and SFAs that wish to add CEP schools that are over the 40% threshold.

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. [7 CFR 245.9(f)(4)]:

SCDE would like to waive the June 30th deadline to allow schools between 25%-40% ISP to participate in CEP based on the United States Department of Agriculture (USDA) lowered ISP.

Challenges Without the Waiver

- Students will not receive meals at no charge at school that would have qualified for CEP on June 30th had the ISP been lowered prior to that date.
- Child Nutrition programs will have to process more free and reduced applications, and students in need may not receive the free meal they need.

Goal of Waiver to Improve Services

- The goal of the waiver is to increase CEP participation statewide.
- To help reduce childhood hunger issues by ensuring all students have access to a no cost breakfast and lunch.

Expected Outcome of Waiver

- SFAs will be able to add qualifying CEP schools to the CEP program.
- There will be an increase in meal participation at the new CEP school helping to fight hunger issues in SC.

5. Specific Program requirements to be waived. [Section 12(l)(2)(A)(i) of the NSLA (National School Lunch Act)]:

- The requirement that Local Education Agencies (LEAs) that intend to elect CEP in the following school year must notify the State Agency and submit ISP documentation not later than June 30 of the current school year under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(4)(i); and,
- The requirement that LEAs must calculate the CEP ISP using data as of April 1 of the prior school year under Sections 11(a)(1)(F)(iii)(I)(bb) and (a)(1)(F)(iv)(I)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), and (f)(4)(viii).

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

SCDE used LINQ for our automated payment system SCAPS (South Carolina Automated Payment System). LINQ would have to adjust the software to allow for CEP calculation to start midyear for claims. This would be something they would have to adjust for all participating states, so SC does not foresee this as a major issue.

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. Internal procedures are in place to ensure program integrity.

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. The sponsors that will implement CEP are already using free and reduced meal applications and the Direct Certification (DC) process. The ISP between 25%-40% will not raise the reimbursement rates for these SFAs to a level that will significantly impact the program cost.

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 December 31, 2023.

11. Proposed monitoring and review procedures:

Monitoring of SFAs will mirror the monitoring used for all CEP schools. CEP compliance will continue to be assessed during the Administrative Review process and one on one, as needed.

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

All FNS required reports will be submitted promptly 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-

14. Signature and title of requesting official:

Donna Davis

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**






SC CEP Waiver 2023-24 (1)

Final Audit Report

2023-11-14

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