

WAIVER REQUEST: AREA ELIGIBILITY WAIVER

Request Submission Date: July 27, 2020

1. State Agency: South Carolina Department of Education

Contact Information: **Mr. Ronald F. Jones**
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2. Region: Southeast Regional Office (SERO)

3. Eligible Service Providers: South Carolina School Food Authorities participating in the NSLP/SSO and SBP and are not beginning the school year until after Labor Day 2020.

4. Description of Challenge: South Carolina has mandated days for districts that must offer some type of learning enrichment program prior to the beginning of the school year. These days are not mandatory for students. Some districts have elected to hold these days during the first part of September 2020 and some of the affected schools are not area eligible for SSO. The South Carolina Department of Education, Office of Health and Nutrition (SCDE OHN) seeks to support streamlined access to nutritious meals for all students as districts restart school in the wake of COVID-19. Due to the increase spread of COVID-19 in many South Carolina districts, more schools are choosing to move their start date until after Labor Day 2020. To continue to provide access to nutritious meals to all eligible students enrolled in schools participating in these non mandated school days, we need a waiver to ensure meal availability. In order to ensure students that need access to school meals are given the opportunity, South Carolina is requesting to waive the area eligibility requirements for schools operating under the unanticipated school closure waiver when students are attending these non mandated days. South Carolina will define the criteria a school must meet to be considered area eligible under this waiver. Schools with greater than or equal to 40% free and reduced will automatically be granted participation. Schools with less than 40% will be considered on a case by case basis and must be able to demonstrate economic hardship in their attendance area, such as business closures and high unemployment.

The South Carolina Department of Education Office of Health and Nutrition would like to request that the Area Eligibility Waiver be available to those schools that would not normally be eligible to participate in SSO.

The State agency will approve each waiver application on an individual basis with an approval duration that will end the day after Labor Day 2020.

5. **Specific Program Requirements:** Citation Memos CFR 210.1, Families First coronavirus Response Act (P.L. 116-127) Section 2202(a), 42 U.S.C. 1760(d)(6), 7CFR 225.6(b)(1)
6. **Detailed Description of Alternative Procedures/Anticipated Impact:** The allowance of said waiver request would provide the flexibility to current SFAs operating the NSLP/SBP to provide meals for those students attending schools that are not area eligible during September 2020. South Carolina will define the criteria a school must meet to be considered area eligible under this waiver. Schools with greater than or equal to 40% free and reduced will automatically be granted participation. Schools with less than 40% will be considered on a case by case basis and must be able to demonstrate economic hardship in their attendance area, such as business closures and high unemployment.
7. **Description of any steps the State has taken to address regulatory barriers at the State level** If awarded, this waiver request will be used in conjunction with the unanticipated school closure waiver. Citation Memo: SP209-2017; 7 CFR 225.6(c)(2)(G): "For open sites and restricted open sites, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exists."
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** SCDE OHN does not anticipate any barriers at the State level or eligible service provider level upon approval of the said waiver request.
9. **Description of how the waiver will not increase the overall cost of the Program to the Federal Government:** SCDE OHN does not anticipate any increased cost to the Federal Government upon approval of the said waiver request.

10. Anticipated waiver implementation date and time-period:

Requested Waiver Timeframe:

Waiver Request Start Date: September 1, 2020

Waiver Request End Date: September 4, 2020

11. Proposed monitoring and review procedures: SCDE OHN will follow the review procedures in accordance with 7 CFR 225.7(d). Training/technical assistance/site visits will be conducted in accordance with USDA regulations as allowed due to COVID – 19.

12. Proposed reporting requirements to FNS: All FNS required reports will be submitted in a timely manner as governed by USDA requirements. SCDE OHN will also provide any and all additional reporting requirements that might be needed as a result of approval of said waiver.

13. Link to or a copy of the public notice informing the public about the proposed waiver:

- a. A copy of the public notice can be found on the SCDE OHN website at:
<https://ed.sc.gov/districts-schools/nutrition/covid-19-information-and-resources/area-eligibility-waiver-2020/>

14. Signature and title of requesting official:

Title: **Mr. Ronald Jones,**
State Director, Office of Health and Nutrition
South Carolina Department of Education

Requesting official's email address for transmission of response: rfjones@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: