



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** Dr. Lilly Bouie, Regional Director  
United States Department of Agriculture  
Food and Nutrition Service  
61 Forsyth Street, Suite 8T36  
Atlanta, GA 30303

**FROM:** Ronald F. Jones, Director  
Office of Health and Nutrition

**DATE:** March 9, 2020

**RE:** Subject of waiver request: Child Nutrition Program Congregate Meal Service during Unanticipated School Closure as a result of COVID-19 (novel Coronavirus) Outbreaks

The South Carolina Department of Education respectfully requests a waiver from 7 CFR 225.6(e)(15) which requires sponsors to maintain children on site while meals are consumed. Details of the waiver request are submitted in the format as required by the USDA and are described herein.

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

Name of State agency: South Carolina Department of Education  
State agency staff contact: Ronald Jones  
Mailing address: 1429 Senate Street  
Telephone number: (803)734-8205  
Email address: rfjones@ed.sc.gov

**2. Region:** Southeast

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

Only Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) sponsoring organizations, operating in good standing, will be approved to participate in the waiver.

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]:**

While anticipated or unanticipated school closures impact all students, school closures impact economically distressed, food insecure students most. South Carolina is the 7<sup>th</sup> most food insecure state in the nation (Food Research Action Council).

Currently sixty percent (60%) of the State's students qualify for free or reduced-price meals at school and 134 School Food Authorities (SFA) including 524 schools, participate in the Community Eligibility Provision. Many students are dependent upon meals at school for their primary source of nourishment. School closures threaten students' health and well-being when students lose access to nutritious, appealing meals at school.

To proactively address the unique needs of food-insecure children that may be vulnerable to unanticipated school closures, the South Carolina Department of Education received a waiver from the requirement in 7 CFR 225.6(d)(1)(iv) which allow SFSP and SSO sponsoring organizations, in good standing, to serve meals to children during periods of unanticipated school closure. The waiver approval was received on February 3, 2020.

The emerging conditions related to the spread of the COVID-19 (novel Coronavirus) necessitate an additional waiver in order to meet the needs of food-insecure children. **The South Carolina Department of Education respectfully requests a statewide waiver to provide flexibility to the regulatory requirement in 7 CFR 225.6(e)(15) that stipulates sponsors of the SFSP and SSO must maintain children on site while meals are consumed.** The waiver would be used in conjunction with the waiver to allow meal service during periods of unanticipated school closure. This waiver authority is necessary due to the social distancing that may be required to help prevent the spread of the novel Coronavirus that could potentially result in school closures.

With diagnoses of confirmed COVID-19 illnesses in South Carolina, waving the requirement to serve congregate meals in the SFSP and SSO to continue to provide reimbursable meals to the State's most food-insecure, economically distressed children during school closures is necessary.

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

The South Carolina Department of Education proposes a waiver of regulations at 7 CFR 225.6(e)(15) which requires SFSP and SSO sponsors to maintain children on site while meals are consumed. If approved, the waiver will allow the South Carolina Department of Education to approve SFSP and SSO sponsors, in good standing, to provide meals during unanticipated school closures in non-congregate settings. Meals served by sponsors during these school closures would be claimed either through SFSP or SSO (based on the sponsor agreement). All other SFSP or SSO requirements would apply.

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

If approved, this request will allow schools with an unanticipated school closure as a result of the novel Coronavirus to serve meals to students in a non-congregate setting through SFSP and SSO sponsors in good standing. Approval of the waiver will also ensure many of South Carolina's most vulnerable children have access to food while conserving other community resources for other vulnerable populations that may not be served by the School Nutrition programs. Sponsors would be permitted to serve grab-and-go meals if they choose to apply for the statewide waiver. SFSP and SSO sponsors may request to participate in the statewide waiver by notifying the South Carolina Department of Education of their intent to serve non-congregate meals during an unanticipated closure due to the novel Coronavirus. The South Carolina Department of Education School Nutrition Division would review and approve all SFSP and SSO requests and approve sponsors in writing.

**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]:**

No state level barriers have been identified.

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

The South Carolina Department of Education does not anticipate this waiver will present any challenges to the department or the program sponsors. Implementation of this waiver will decrease the challenges faced by sponsoring organizations in providing nutritious meals to children if schools are closed due to the novel Coronavirus.

**8. 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 South Carolina Department of Education does not anticipate the waiver will increase the overall cost of the Program to the Federal Government.

**9. Anticipated waiver implementation date and time period:**

Requested Waiver Timeframe:

- Waiver Request Start Date: March 11, 2020 or upon approval of the waiver
- Waiver Request End Date: June 30, 2020

**10. Proposed monitoring and review procedures:**

The State agency will continue to follow its standard review procedures. Sponsors found to have non-compliance issues related to this waiver will be required to work with the South Carolina Department of Education on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

No later than December 31, 2020, the South Carolina Department of Education will report to FNS the number of sponsors that used this waiver including the number of unanticipated operating days and meals claimed.

**12. 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 to public notice:

[COVID-19 Waiver Request](#)

**13. Signature and title of requesting official:**



Name: Ronald Jones

Title: Director, School Nutrition and District Operations, South Carolina Department of Education

Requesting official's email address for transmission of response:

rfjones@ed.sc.gov

**(THIS SPACE INTENTIONALLY LEFT BLANK)**

**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:**

- Recommend Approval  
 Recommend Denial

**Explanation:**