

**South Carolina Department of Education (SCDE)
Summer Food Service Program
Compliance Implementation Date
Performance Standards, Budgets, and Management Plan
STATE WAIVER REQUEST**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. 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.

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 Summer Food Service Program new and experienced sponsors.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

SCDE faces the challenge of fully implementing a comprehensive evaluation of the Child Nutrition Program performance standards which include the evaluation of a management plan. This challenge is due to needing to prioritize our limited resources and staff to meet the requirements of the newly passed omnibus legislation. This includes systems changes, training, policy development etc., while implementing the new requirements in the Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule, simultaneously.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The compliance date May 1, 2023 as published in the Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule, extended to January 1, 2024.

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

SCDE currently uses its online SBC S.T.A.R.S (sponsor and site application) and VCA application form to request and receive documentation to review and evaluate aspects of each new and experienced sponsors' financial viability and management, administrative capability, and internal controls for program accountability. During this waiver process SCDE will continue to use the current process while developing a more comprehensive infrastructure to begin implementation in 2024. The agency will also begin providing sponsors with technical assistance on additional information that will be required in 2024.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]: SCDE doesn't anticipate regulatory barriers at the State level.

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

SCDE does not anticipate any challenges with the waiver implementation.

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(1)(1)(A)(iii) of the NSLA]:

The requested waiver will not impact the overall cost of the Program to USDA.

10. Anticipated waiver implementation date and time period:

To be effective immediately and until 12 31 2023.

11. Proposed monitoring and review procedures:

SCDE will continue follow its current procedures of requesting, evaluating and monitoring, sponsors' administrative, management, and operational capabilities and their financial viability.

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

By January 31, 2024 SCDE will provide data to include the number and name of sponsors' and the type of technical assistance given and any other information requested by FNS. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:

<https://ed.sc.gov/districts-schools/health-and-nutrition/special-programs/usda-summer-meal-programs/performance-standards-budget-and-management-plan-implementation-date-waiver/>

13. Signature and title of requesting official :



Signature

Title: Director, SCDE Office of Health & Nutrition

E-mail Address: 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(1)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: