



Food and
Nutrition
Service

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

April 1, 2020

Ronald Jones
Director, Office of Health and Nutrition
South Carolina Department of Education
1429 Senate Street, Room 703-C
Columbia, South Carolina 29201

Dear Mr. Jones:

This letter is in response to the South Carolina Department of Education's (SCDE) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted March 31, 2020. SCDE requests a waiver of the restrictions on site eligibility requirements in the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, SCDE requests to waive the requirement that open sites must be located in areas where at least 50 percent of NSLP participants are eligible for free or reduced price meals. Instead, SCDE requests a waiver to allow SSO and SFSP sites in non-area eligible locations to operate in order to serve students who are normally eligible for program benefits and accustomed to receiving meals through the school meal programs during the unanticipated school closures related to COVID-19.

In its request, SCDE asserts that only operating SFSP or SSO food service sites in area eligible locations disfranchises students who are eligible to receive free or reduced price school meals when schools are operating normally, but due to school closures associated with COVID-19, are not able to avail themselves to school meals provided through the School Breakfast Program and National School Lunch Program. SCDE states that this waiver will maintain children's access to the SFSP and SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, SCDE's requests to waive regulations at 7 CFR 225.2(a),(b), and (c).

Pursuant to the waiver authority granted under Section 2102(b) of the Families First Coronavirus Response Act (P.L. 116-127) (the Act) to approve waivers that may increase cost to the Federal Government and have the purpose of providing meals and meal supplements, the Food and Nutrition Service (FNS) approves this request. However, State agencies must have a plan for ensuring that new meal sites are targeting benefits to children in need, for example, children who may be newly eligible for benefits due to the economic impacts of COVID-19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances. This approval applies to sites operating during temporary school closures related to COVID-19. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

Therefore, effective as of March 31, 2020, this waiver allows SFSP and SSO sponsors in good standing to operate open sites in areas approved by SCDE and consistent with the

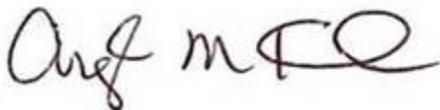
State plan, but that are not located in “*Areas in which poor economic conditions exist*” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). This waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier. While SCDE requests this waiver to remain in place through the duration of school closures associated with the novel coronavirus, FNS limited the duration of the waiver to assess its impact and the need for continued flexibility. FNS recognizes that there may be a continued need for this waiver, and will carefully assess the situation on an ongoing basis.

As required by this waiver approval, SCDE must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligibly for program benefits due to the economic impacts of COVID-19, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates SCDE’s commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Southeast Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Kline". The signature is cursive and somewhat stylized.

Angela Kline
Director
Policy and Program Development Division

Electric Copy: Rosie Daugherty, Southeast Regional Office Branch Chief