



United States Department of Agriculture

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

Subject of waiver request: Area Eligibility

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

North Carolina Department of Public Instruction (NCDPI)
School Nutrition and District Operations Division
Dr. Lynn Harvey, Director
Lynn.Harvey@dpi.nc.gov
(919)601-1405 (cell)

2. Region:

Southeast Regional Office

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

Any North Carolina School Food Authority (SFA) or Community Organization (CO) statewide, in good standing, approved to operate Summer Food Service Program (SFSP) or Seamless Summer Option (SSO) during COVID-19 mandated school closures.

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]:

NCDPI seeks to temporarily suspend area eligibility requirements for SFAs and COs operating the SSO and SFSP during COVID-19 mandated school closures through June 30, 2020, or until the emergency declaration is lifted. NCDPI has attempted to qualify as many areas as possible as area eligible, however, numerous areas in the state do not meet the required thresholds to qualify as area eligible based on building or census data as economic situations have changed rapidly. Many communities are now more economically distressed than before the COVID-19 outbreak.

Operating as a closed enrolled site is an option that has been made available to SFA's and CO's that do not qualify by area eligibility; however, communities and children in these areas are disadvantaged by not having access to healthy meals while school is not in session. Many families in these areas are being significantly impacted by the economic effects of COVID-19 due to loss of jobs and/or income, loss of healthcare benefits, etc. and are now economically disadvantaged.

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

NCDPI is seeking a waiver for the following regulations in order to suspend the requirement for poor economic conditions to exist in order to approve a site as area eligible:

7 CFR 225.2(a),(b) and (c): Definitions, Areas in which poor economic conditions exist;

7 CFR 225.6(c)(2)(i)(G): State agency responsibilities, Content of sponsor application;

7 CFR 225.6(c)(3)(i)(B): State agency responsibilities, Content of sponsor application;

7 CFR 225.6(d)(1)(i): State agency responsibilities, Approval of sites; and

7 CFR 225.14(c)(3) Requirement for sponsor participation

All areas of the state are negatively impacted by the economic effects of this pandemic. The free and reduced eligibility percentage for North Carolina was 60% prior to the onset of the COVID-19 pandemic. There has been a significant increase in households filing for unemployment benefits; there has been a 350% increase statewide based on reports issued by the US Department of Labor on March 26, 2020. NCDPI is requesting that any county in the state that has seen a significant increase in unemployment temporarily be exempt from the area eligibility requirements. NCDPI will designate sites approved under this condition to ensure their eligibility is identifiable and explicit to this waiver and a designated period of time.

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

If approved, NCDPI will provide technical assistance to sponsors on the process and procedures for creating accurate site applications and capturing meal service information through our application and claim system. Additionally, the NCDPI will provide technical assistance to support sponsors on collecting accurate meal counts, and how to submit a claim under either the SSO or SFSP. No significant impacts on technology, state systems, or monitoring is anticipated.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

There are no state regulatory barriers related to this waiver request.

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

No challenges are anticipated based on approval of the waiver. Service providers are anxiously awaiting a solution that allows them to help all of the children in their communities that are economically distressed as a result of the economic impacts of COVID-19 not just areas that are deemed economically disadvantaged by definition established in regulation.

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 establishment of this statewide waiver will not substantially increase the overall cost of the Program to the Federal Government since these programs would be operating if it were not for the COVID-19 closure, and participation will likely be lower due to the fact that families are Sheltering-in-Place or limiting public exposure as a result of the Governor's Executive Order 121 issued on Friday, March 27, 2020.

10. Anticipated waiver implementation date and time period:

Statewide implementation will be immediate upon USDA approval through June 30, 2020, or upon lifting of the emergency declaration.

11. Proposed monitoring and review procedures:

NCDPI will continue to review site applications as well as use system edit checks to ensure program integrity.

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

NCDPI will collect and submit data as required.

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]:

Located at: <https://childnutrition.ncpublicschools.gov/news-events/waiver-requests>

14. Signature and title of requesting official:



Title: State Director, Child Nutrition Programs

Requesting official's email address for transmission of response:

lynn.harvey@dpi.nc.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: