



State agency and Sponsoring Organization waiver of on-site meal service observation due to social distancing

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

Name of State agency: South Carolina Department of Social Service (SCDSS)

State agency staff contact: Mary Abney Young

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State agency staff alternate contact: Cheryl Evans-McDonald

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2. Region: Southeast

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

Only institutions operating in good standing will be approved to participate in this 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.

On March 13, 2020, the governor of South Carolina issued an executive order declaring a state of emergency for the state and also closing all public schools, to include state-supported colleges, universities and technical colleges, in Lancaster and Kershaw counties, beginning Monday, March 16, 2020. The facilities are to remain closed for 14 days, unless otherwise modified, amended, or rescinded.

On March 15, 2020, the governor of South Carolina issued an executive order closing all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020 through March 31, 2020, unless such directive is otherwise modified, amended, extended, or rescinded. This order applies to public schools, including state-supported colleges, universities and technical colleges in SC.

The SCDSS respectfully requests a statewide waiver to provide flexibility to the regulatory requirements in 7 CFR 226.6(m)(3)(vii) and 7 CFR 226.16(d)(4)(iii)(B), both of which require on-site meal service observations as part of monitoring compliance. 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 increased exposure. With diagnoses of confirmed COVID-19 illnesses in South Carolina, waiving the requirement to send Sponsor monitors and State agency staff into child care and adult day care centers to conduct meal service observations is necessary to protect the health and safety of children, vulnerable adults, and monitoring staff.

5. Specific Program requirements to be waived (include Statutory and regulatory citations).

The SCDSS proposes a waiver of regulations in 7 CFR 226.6(m)(3)(vii) and 7 CFR 226.16(d)(4)(iii)(B), both of which require on-site meal service observations as part of monitoring compliance. If approved, the waiver will allow the SCDSS to approve CACFP institutions, in good standing, and State agency staff to conduct desk reviews without the required meal service observation. All other CACFP 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 institutions the ability to maintain oversight of their sponsored facilities and the State agency to maintain oversight of participating institutions while also adhering to the Centers for Disease Control and Prevention (CDC) recommendations regarding social distancing.

Institutions would be required to conduct a meal service observation later in the fiscal year if the threat of the Coronavirus subsides if they choose to apply for the statewide waiver. State agency staff would be required to conduct meal service observations once the threat of the virus decreases. CACFP institutions may request to participate in the statewide waiver by notifying the SCDSS of their intent to waive meal service observations due to the novel Coronavirus. The SCDSS CACFP Unit would review and approve all requests and approve institutions in writing.

The State agency will review records of Sponsors who utilize this option for CACFP during regular CACFP monitoring, if the Sponsor is scheduled for monitoring during the fiscal year 2019-2020. Sponsors who are not on the 2019-2020 review schedule, would have their records reviewed during their next CACFP Administrative Review, if not sooner.

7. Description of any steps the State has taken to address regulatory barriers at the State level.

No state level barriers have been identified

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

The SCDSS does not anticipate this waiver will present any challenges to the department or the participating institutions. Implementation of this waiver will decrease the challenges faced

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by institutions and State agency staff due to exposure concerns and concerns about being found out of compliance by the State agency or FNS.

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.

The SCDSS does not anticipate the waiver will increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

- Waiver Request Start Date: March 19, 2020
- Waiver Request End Date: July 31, 2020 or upon expiration of the federally declared public health emergency, whichever is earlier

11. Proposed monitoring and review procedures:

The State agency has discontinued on-site administrative reviews at this time to comply with social distancing recommendations. Desk reviews are being conducted. Usual review procedures will resume when the State of Emergency is lifted. Institutions found to have non-compliance issues related to this waiver will be required to work with the SCDSS on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

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

The State Agency will report the number of Sponsors using the waiver no later than December 31, 2020.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

<https://www.scchildcare.org/news-and-announcements/cacfp-covid19-waivers.aspx>

14. Signature and title of requesting official:



Name: Michele Bowers

Title: Director, Division of Early Care and Education, South Carolina Department of Social Services

Requesting official's email address for transmission of response:

Michelle.bowers@dss.sc.gov.