



Food and
Nutrition
Service

May 5, 2022

Braddock
Metro Center

1320
Braddock
Place
Alexandria
VA 22314

Lynn Harvey, Director
North Carolina Department of Public Instruction
School Nutrition Division
6324 Mail Service Center
Raleigh, NC
27699-6324

Dear Lynn Harvey:

This letter is in response to the April 6, 2022, waiver request from the North Carolina Department of Public Instruction (NCDPI). NCDPI requested to waive the following regulatory requirements:

Summer Food Service Program (SFSP)

- 7 CFR 225.7(d)(1) Pre-approval visits are conducted onsite (Note: requirement to conduct pre-approval visits is not waived);
- 7 CFR 225.7(d)(2)(ii) Required reviews are conducted onsite;
- 7 CFR 225.15(d) Required site visits/reviews are conducted onsite; and
- 7 CFR 225.15(d)(3) Review food service operations at each site at least once during the first four weeks of operation.

The Food and Nutrition Service (FNS) recognizes that due to the exceptional circumstances of the COVID-19 public health emergency, many Child Nutrition Program monitoring requirements continue to be difficult for State agencies and local operators to meet this year. FNS recognizes that State agencies and local operators continue to need additional support and flexibility to monitor while managing the impacts of COVID-19. In light of this, FNS will waive program monitoring requirements when a state agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, NCDPI proposed an alternative oversight plan that includes helping to minimize the number of visitors who come on campus and thereby reduce the potential spread of the Coronavirus (COVID-19), while promoting the national and State objectives of ensuring the health, safety, and well-being of children. To ensure program integrity and fraud prevention, the NCDPI and sponsors will provide necessary guidance and support, as well as continue to provide oversight and technical assistance, both remotely and on-site as needed. NCDPI will conduct desk audits for sponsors enrolled in the SFSP and allow sponsors to determine when site visits require off site monitoring and extend the timing to complete the reviews required within the first four weeks of operation. NCDPI plans to conduct all other required monitoring per regulations but will exercise the option to conduct reviews offsite as necessary.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall costs of the Program(s) to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance which is critical to ensure that current program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves NCDPI's waiver request effective through September 30, 2022. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus, public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate NCDPI's ability to successfully carry out the purpose of the Programs.

NCDPI's oversight plan, as discussed above, provides assurance that NCDPI will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, NCDPI must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2022, NCDPI must provide the FNS Southeast Regional Office a written report quantifying the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the Program(s); and,
- A summary of any technical assistance measures that were provided.

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Should NCDPI determine this waiver is no longer necessary prior to September 30, 2022, please notify the FNS SERO. FNS appreciates the exceptional effort of State agencies and local program operators working to meet the nutritional needs of participants during a challenging time. If you have any questions or concerns, please contact the FNS SERO.

Sincerely,

For
Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division
Child Nutrition Programs