**NCDPI Additional Waiver Request – Hurricane Helene**

**North Carolina Department of Public Instruction, Office of School Nutrition**

**October 28, 2024**

**Key Waiver Area:**  1) Meal Pattern

 2) Potable Water

3) Anticipated School Closures (fall, thanksgiving, or winter break; holidays)

4) Non-Congregate Home Delivery – Urban area

5) Meals during Remote Learning/Homebound Instruction

6) Continuation of the waiver approved September 20, 2024 and extended

 through October 24, 2024

**Citation:**

1) MEAL PATTERN:

7 CFR 225.16 – SFSP Meal Service Requirements

225.16(d) - Meal Patterns (breakfast, lunch/supper, and snack)

225.16(e) - Meat or Meat Alternate

 225.16(f) - Exceptions to and Variations from the Meal Pattern (specifically allowing

SFAs to use the NSLP/NSBP meal pattern)

225.16(f)(7) - Continuing unavailability of milk. Temporary unavailability of milk currently

allowed with disaster memo SFSP 18-2014

7 CFR 220.8(c) - Breakfast

7 CFR 210.10(c) – Lunch

2) POTABLE WATER:

7 CFR 220.8(a)(1) - Breakfast

7 CFR 210.10(a)(1)(i) - Lunch

3) ANTICIPATED SCHOOL CLOSURES:

7 CFR 225.2 *Unanticipated school closure* means any period from October through April

(or any time of the year in an area with a continuous school calendar) during which

children who are not in school due to a natural disaster, building repair, court order,

labor-management disputes, or, when approved by the State agency, similar cause, may

be served meals at non-school sites through the Summer Food Service Program.

4) NON-CONGREGATE HOME DELIVERY – URBAN AREA:

7 CFR 225.2 *Non-congregate meal service* means a food service at which meals are

provided for children to consume all of the components off site. Non-congregate meal

service must only be operated at sites designated as “Rural” with no “Congregate

meal service,” as determined in § 225.6(h)(3) and (4).

225.6(h)(3)(ii) – approval of site applications defined as rural in 225.2

7 CFR 210.34 – SSO operating non-congregate meal service

SFSP 18-2014 Disaster Response Memo – page 5, Section “CACFP, SFSP, and SSO Site Eligibility”. Eligibility (school/census data) is waived so existing eligible sites can relocate to non-eligible areas in order to provide much needed meals at school OR non-school sites. Rural status to follow the same thinking related to relocation to urban areas with non-congregate home delivery or transportation as allowable cost under non-congregate delivery.

5) HOMEBOUND INSTRUCTION: Reference: SP 26 – 2017, April 25, 2017 *Accommodating Disabilities in the School Meal Programs: Guidance and Questions ad Answers*

Educational services provided to a student outside the school environment, typically for physical or mental health issues. Guidance suggests students who are homebound must have a statement indicating a physical health or mental health condition that establishes the need for homebound instruction. This request is to allow homebound students who physically cannot get out of their homes or be transported to school give the destruction of the roadways and paths that allow safe passage of vehicles to receive meals at a designated location near their homes, with meals being received by a parent or guardian until such time as students may safely return to school. Reference: SP 26 – 2017, April 25, 2017 *Accommodating Disabilities in the School Meal Programs: Guidance and Questions and Answers.*

**Justification**:

1) Meal Pattern:

The effects of Hurricane Helene caused, and are still causing, major supply chain disruptions. 400+ roads are closed, with some roads completely washed away and having to be rebuilt/re-stabilized for larger vehicles. This includes major interstates such as I-40 at the NC/TN line, which is estimated to take one full year to repair. Roads that are "open" may only be one small lane not allowing a delivery truck to pass safely. During the aftermath of a disaster, non-perishable items may be a portion of the items provided to children since power outages are common and running water is nonexistent. Most SFAs do not have full complete meal pattern items that are shelf stable, or do not have enough quantities. The SFA’s ability to receive non-perishable items from their supplier may take time, and this should not limit the ability of the SFA to offer meals to children quickly. SFAs will make every effort to request meal components from their suppliers and will only request the waiver when they have tried multiple items and ways to offer the affected meal component.

2) Potable Water:

NCDPI requests the ability to waive the potable water requirement for the NSLP and NSBP and instead use bottled water, or in very specific unique circumstance, not be required to provide water, during the Hurricane Helene post-recovery period. School buildings are recovering and may not have complete use of their water systems but can provide bottled water from other sources to meet this requirement. In addition, a school district may be unable to meet the water requirement at all when they first return to school because the focus of School Nutrition Directors will be on cleaning their cafeteria locations, reinstating utilities, replacing equipment, and receiving menu component ingredients. We have discovered immense supply chain issues as mentioned previously and the mountain counties largely must use any remaining items that were not used during other community-supported relief endeavors by other agencies. Often this means they do not have any supplies and their school buildings are left in disarray.

3) Anticipated School Closures:

Currently, NCDPI has a waiver during times when school is in session to offer SFSP or SSO to children 18 and under affected by a disaster through June 30, 2025. In the current aftermath of Hurricane Helene, continuous food provisions will be needed to sustain the children in the most affected counties. For some SFAs, the need will continue into dates that school is already scheduled to be closed. The need doesn't stop because of fall break, Veteran's Day, the end of the school quarter, or winter break. In the current disaster meal service environment, it does not make sense to stop meal service for a day when school is not scheduled. Families come to rely on the meal pickups on a regular schedule provided by the schools. Altering the schedule due to a holiday, when communication is difficult, creates additional issues. NCDPI will utilize this waiver, if granted, on a case-by-case basis when it is determined who will not have returned to school by the SFA's scheduled breaks and will keep a list of the scheduled breaks for each SFA. The SFA must also demonstrate that they have the capacity to provide meals at school or community pick up sites during the scheduled breaks.

4) Non-Congregate Home Delivery – Urban Area:

NCDPI requests the ability to use state-allocated transportation resources and provide home delivery in urban areas, parallel to the allowance for rural areas in the unanticipated school closure waiver. Eligibility for SFSP and SSO meal sites is waived with the 2014 disaster memo however there is no flexibility to waive rurality (as established in the Interim Final Rule Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs). Transportation using school district vehicles can be a huge support for communities when fuel is in very short supply, as SFAs may have access to fuel sources more easily than individual families. Families are rationing their resources; in some areas there is no ability to withdraw funds from a bank and some families may not be able to drive or may not feel comfortable driving on potentially unsafe roads. When there is gas, there have been tremendously long lines at gas stations as fuel supplies have been disrupted. In addition, larger vehicles from school districts may be more suited to access terrain and reach families. NCDPI will provide this waiver to SFAs on a case-by-case basis. The SFA will maintain a record of the locations and dates visited and amount of fuel and vehicles used.

5) Meals during Remote Learning/Homebound Instruction:

NCDPI, in discussions with school districts beginning to consider their return-to-school plans, understand that some families will be unable to physically cross roads due to extreme rural conditions and lack of safe roadways. The Western part of NC, blessed with many rivers and creeks meandering through properties, requires unique elevated road structures. There are “personal bridges” that have been destroyed, replaced with only footbridges that allow for pedestrian traffic. Multiple school districts are considering remote learning options for students and School Nutrition directors are planning to provide meals to students at their houses, as part of their instructional day. NCDPI values the role that healthy, nourishing meals play in supporting a child’s ability to grow and learn; we understand that, with the devastation from Hurricane Helene, families are faced with additional financial hardships making meal deliveries all the more important during this time.

NCDPI appreciates the consideration of the waiver requests listed above and welcomes your comments and feedback. The waiver document will be listed on the NCDPI website:

<https://www.dpi.nc.gov/districts-schools/district-operations/school-nutrition/regulation-and-policy#WaiversWaiverRequests-4730>

Waiver Submitted By:



Dr. Lynn Harvey

Senior Director, Office of School Nutrition October 24, 2024