



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor  
**MANDY COHEN, MD, MPH** • Secretary  
**MARK T. BENTON** • Assistant Secretary for Public Health  
Division of Public Health

July 24, 2020

Dr. Lilly Bouie, Regional Director  
United States Department of Agriculture  
Food and Nutrition Service  
61 Forsyth Street, Suite 8T36  
Atlanta, GA 30303

Dear Dr. Bouie:

The North Carolina Department of Health and Human Services respectfully requests a waiver of the education or enrichment activity requirement in the At-Risk Afterschool Meals (ARAM) program through the end of June 30, 2021 for our state.

Details of the waiver request are submitted in the format as required by the USDA and are described herein.

**Subject of waiver request: Child Nutrition Program Waiver of the Education or Enrichment Activity Requirement in the At-Risk Afterschool Meals (ARAM) program through the end of June 30, 2021 in North Carolina.**

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

Name of State agency: North Carolina Department of Health and Human Services  
State agency contact: Mary Anne Burghardt  
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914  
Telephone number: (919) 707-5783  
Email address: maryanne.burghardt@dhhs.nc.gov

State agency alternate contact: Courtney Jones  
Mailing address: 1914 Mail Service Center, Raleigh, NC 29699-1914  
Telephone number: (919) 368-4369  
Email address: courtney.jones@dhhs.nc.gov

**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.

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH**

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609  
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931  
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

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**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.**

The extension given to the Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs supports access to nutritious meals and snacks while minimizing potential exposure to the novel coronavirus (COVID-19). However, continuing to require education or enrichment activities for At-Risk Afterschool Meal (ARAM) programs defeats the purpose of waiving the congregate meal requirement. These two requirements work together to ensure appropriate safety measures for the purpose of providing meals and meal supplements afterschool for some of our neediest participants. In addition, statistics have shown the communities meeting the area eligibility requirements for ARAM are at increased risk for COVID-19.

The State agency has received guidance that, in absence of a waiver, the education or enrichment activity requirement could be fulfilled with online or otherwise virtual activities. Not all participating ARAM programs may have the capability to offer online enrichment or education activities. Additionally, offering enrichment or education activities online does not provide for equal access to participation. Access and participation in the online education or enrichment activities would be limited to children who live in households that can afford a device that children are allowed to use and internet access. Meal provision should not be determined based on an institution's ability to provide or a child's ability to access an online education or enrichment activity. Due to the well-established digital divide, maintaining this requirement during a public health crisis has the potential to further exacerbate inequity and reduce access to meals and snacks for children who need them the most.

During this public health emergency, waiving both the non-congregate meal requirement and the education or enrichment requirement for all At-Risk Afterschool Meal participants is vital to ensure recommended safety measures are practiced for all adults and children involved as well as ensuring equity to all participating programs and children.

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

A waiver of the Education or Enrichment Activity Requirements in At-Risk Afterschool Meals program waives the following requirements:

Under sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766a(a)(2)(C), respectively, afterschool meals and snacks must be served in a school or program with an education or enrichment purpose. FNS regulations further require at 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an education or enrichment activity.

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, providers of At-Risk Afterschool Meals would not be required to provide education or enrichment activities to their participants. Rather, they could continue to safely serve afterschool meals and snacks.

CACFP institutions may request to participate in the statewide waiver by notifying the NCDHHS of their intent to provide afterschool meals and snacks without education and enrichment activities. The

NCDHHS Special Nutrition Programs Unit would review and approve all requests and approve institutions in writing.

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

No state level barriers have been identified at this time. However, this is dependent on local school districts and how they choose to operate schools. A hybrid plan of in-person and online learning has been put forth, but local education authorities have the ability to determine their own plans. There are 115 Local Education Agencies in North Carolina each developing their own operating plan for the upcoming school year.

On March 10, 2020 Governor Cooper declared a State of Emergency. In response, DHHS has requested a number of waivers from CACFP requirements to address local barriers in response to the pandemic.

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

The NCDHHS does not anticipate this waiver will present any challenges to the department or the participating institutions. Rather, it will reduce barriers to participation and enable institutions at risk of closing due to lost finances the opportunity to retain reimbursement from the CACFP.

Implementation of this waiver will decrease the risk of exposure to COVID-19 faced by institutions in providing At-Risk Afterschool Meals to children especially when paired with the Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs.

**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 NCDHHS does not anticipate the waiver will increase the overall cost of the Program to the Federal Government since continued provision and participation in At-Risk Afterschool Meals is greatly impacted by fear of exposure by providers and families alike.

**10. Anticipated waiver implementation date and time period:**

Requested Waiver Timeframe:

- Waiver Request Start Date: August 17, 2020 or upon approval of the waiver
- Waiver Request End Date of June 30, 2021

**11. Proposed monitoring and review procedures:**

The State agency has discontinued on-site compliance 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.

State agency staff may conduct claim reviews for institutions implementing this waiver to ensure compliance. Institutions found to have non-compliance issues related to this waiver will be required to work with the NCDHHS/DPH 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 NCDHHS will report to FNS the number of institutions that used this waiver through the FNS 44 report every 30 and 90 days.

13. The State agency has submitted an update request to our webmaster to post the waiver request on our website, [www.nutritionnc.com](http://www.nutritionnc.com), as required.

**14. Signature and Title of Requesting Official:**

A handwritten signature in blue ink that reads "Mary Anne Burghardt".

Title: Nutrition Services Branch Program Director | State Director, Special Supplemental Nutrition Program for Women, Infants and Children (WIC) State Director, Child and Adult Care Food Program (CACFP)

Requesting official's email address for transmission of response: [maryanne.burghardt@dhhs.nc](mailto:maryanne.burghardt@dhhs.nc)