



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 27, 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 from 7 CFR 226.2, which defines **area eligibility** as “the attendance area of a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price school meals.” We are working in collaboration with the North Carolina Department of Public Instruction (NCDPI) to ensure sites that are determined area eligible for the Summer Food Service Program (SFSP) or Seamless Summer Option (SSO) may also offer a supper and snack under the At-Risk Afterschool Meals (ARAM) component of the Child and Adult Care Food Program (CACFP). This waiver is intended to ensure consistency across Child Nutrition (CN) programs and expand access to additional meals for North Carolina’s most vulnerable children.

This waiver submission is a revision to the original that was submitted April 7, 2020. The dates of use in the original waiver request have now passed. The State agency still believes institutions would benefit from expanded area eligibility given the ongoing economic devastation of the pandemic. Over 20% of the working population is unemployed, the consequences of which are just starting to be felt due to Congressional relief. Area eligibility, as determined by our partners at NCDPI, would allow more children to receive meals and snacks during this unprecedented time.

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 Expansion of Area Eligibility in the At-Risk Afterschool Meals (ARAM) Program as a result of COVID-19 Pandemic

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

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH • NUTRITION SERVICES BRANCH

LOCATION: 5601 Six Forks Road, Building 2, Raleigh, NC 27609
MAILING ADDRESS: 1914 Mail Service Center, Raleigh, NC 27699-1914
www.ncdhhs.gov • TEL: 919-707-5800 • FAX: 919-870-4818

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Name of State agency: North Carolina Department of Health and Human Services
State agency staff 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 staff 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.

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 30, 2020, the North Carolina Department of Public Instruction (NCDPI) received approval from the Southeast Regional Office (SERO) of the United States Department of Agriculture's (USDA) Food and Nutrition Service (FNS) to waive the area eligibility requirement that open sites must meet a 50% threshold of free and reduced-price meals.

In its request, NCDPI asserts that many areas in North Carolina do not qualify as area eligible, but are experiencing rapid economic decline due to COVID-19-related job and income losses. NCDPI states that this waiver will maintain children's access to the SFSP and SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, NCDPI requests to waive the requirement at 7 CFR 225.14(c)(3), 7 CFR 225.2(a)(b)(c), 7 CFR 225.6(c)(2)(i)(G), 7 CFR 225.6(c)(3)(i)(B), and 7 CFR 225.6(d)(1)(i). FNS approved this waiver request.

This waiver authority is necessary because the North Carolina Department of Health and Human Services (NCDHHS) and NCDPI are working collaboratively to expand access to meals for children living in areas with rapid economic decline. Many of the children who will benefit from access to nutritious meals and snacks through SFSP or SSO could also benefit from a supper and/or snack at the same location.

With diagnoses of confirmed COVID-19 illnesses in North Carolina, waiving the requirement to serve congregate meals in the CACFP to continue to provide

reimbursable meals to the State's most food-insecure, economically distressed children and adults during closures is necessary.

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

The NCDHHS 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 226.2 Definitions, Eligible area (a): For the purpose of determining the eligibility of at-risk afterschool care centers, the attendance area of a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price school meals.

7 CFR 226.6(b)(1)(viii): State agency administrative responsibilities, Application procedures for new institutions.

7 CFR 226.6(f)(ix)(B) and (C): State agency administrative responsibilities, Comply with requirements for determining eligibility of at-risk afterschool care centers.

7 CFR 226.15: Institution provisions, Area eligibility.

7 CFR 226.17a (f) and (i)(1) and (i)(2): At-risk afterschool care center provisions.

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. NCDHHS is requesting that any county in the state that has seen a significant increase in unemployment temporarily be exempt from the area eligibility requirements. NCDHHS will designate sites approved under this condition to ensure their eligibility is identifiable and explicit to this waiver and a designated period of time.

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

If approved, this request will allow sites approved in SFSP or SSO for expanded area eligibility to also qualify for ARAM suppers and/or snacks.

Approval of the waiver will also ensure many of North Carolina's most vulnerable children have access to food while conserving other community resources for other vulnerable populations that may not be served by the Child Nutrition programs. CACFP institutions may request to participate in the statewide waiver by notifying the

NCDHHS of their intent to serve sites approved by NCDPI suppers and/or snacks through the ARAM program. SNP staff will review and approve all requests in writing.

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

No state level barriers have been identified. On February 11, 2020, Governor Roy Cooper directed the establishment of a COVID-19 Task Force to further prevent, prepare for, and respond to the COVID-19 infections in the State. Currently, the Task Force is developing a response strategy that addresses a range of possible scenarios. On March 10, 2020 Governor Cooper declared a State of Emergency. On March 27, 2020, Governor Cooper issued a statewide stay at home order through April 29, 2020.

7. 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. Implementation of this waiver will decrease the challenges faced by institutions approved to provide nutritious meals through expanded area eligibiliyt in SFSP/SSO and allow institutions to serve an additional meal and/or snack through ARAM.

8. 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 establishment of this statewide waiver will not substantially increase the overall cost of the Program to the Federal Government.

9. Anticipated waiver implementation date and time period:

Requested Waiver Timeframe:

- Waiver Request Start Date: **July 28**, 2020 or upon approval of the waiver
- Waiver Request End Date: June 30, **2021**

10. 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 Stay at Home Order is lifted. Institutions found to have non-compliance issues related to this waiver will be required to work with the NCDHHS on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

11. 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.

12. The State agency has submitted an update request to our webmaster to post the waiver request on our website, www.nutritionnc.com, as required.

13. **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.gov