



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

April 7, 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.

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:

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 27699-1914

Telephone number: (919) 707-5783

Email address: maryanne.burghardt@dhhs.nc.gov

State agency staff alternate contact: Courtney Jones

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

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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 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. The NCDHHS Special Nutrition Programs Unit will have the site and sponsor sign a certification statement regarding dual participation in the SFSP/SSO and 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 eligibility 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: April 7, 2020 or upon approval of the waiver
- Waiver Request End Date: June 30, 2020

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):

No later than December 31, 2020, the NCDHHS will report to FNS the number of institutions that used this waiver including the number of unanticipated operating days and meals claimed.

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:



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