



Food and
Nutrition
Service

March 14, 2023

Braddock
Metro Center

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Dear Tamika Boone:

This letter is in response to Georgia Department of Early Care and Learning's (DECAL) February 9, 2023, request to provide non-congregate meal service in the Summer Food Service Program (SFSP) when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, for a similar unanticipated cause. In order to support continued access to nutritious meals, the Food and Nutrition Service (FNS) recognizes that certain operational flexibilities may be necessary.

FNS has authority to issue statewide waivers under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l). To grant a Section 12(l) waiver, the NSLA requires that the waiver must facilitate the purpose of the Program, the public must receive notice and information regarding the proposed waiver, and the waiver will not increase the overall cost of the Program to the Federal Government. FNS finds that DECAL's waiver request satisfies these statutory requirements.

Specifically, DECAL requested a statewide waiver of the requirements explained below.

Unanticipated School Closures (Schools are closed with no virtual learning)

The waivers in this section apply to the SFSP during unanticipated school closures. This applies when school buildings are closed and virtual classes are not offered. These waivers are effective through April 30, 2023.

Non-Congregate Meal Service during Unanticipated School Closures (SFSP)

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and program regulations at 7 CFR 225.6(i)(15), SFSP meals must be served in a congregate setting and must be consumed by participants on site.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, during an unanticipated school closure, FNS waives the aforementioned requirements to serve meals through the SFSP in a congregate setting. Any other requirements referenced in these provisions remain in effect.

Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP)

Under the NSLA, 42 U.S.C. 1761(f)(3), and program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7), meals must be served to eligible children.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that meals may only be served directly to children. Any other requirements referenced in these provisions remain in effect.

Meal Service Times for Unanticipated School Closures (SFSP)

Under program regulations at 7 CFR 225.16(c)(1), (2), and (3), meals served in the SFSP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that set meal time parameters for SFSP sites. Any other requirements referenced in these provisions remain in effect.

Service of Meals at School Sites during Unanticipated School Closures (SFSP)

Under the NSLA, 42 U.S.C. 1761(c)(1) and program regulations at 7 CFR 225.6(h)(1)(iv), State agencies may approve meal service operations only at non-school sites during unanticipated school closures.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, during an unanticipated school closure, FNS waives the aforementioned requirements that limit the operation of SFSP to non-school sites.

FNS is granting these waivers to allow DECAL and local Program operators to more quickly respond to those occasions when congregate meal service is limited or negatively impacted by unanticipated school building closures caused by natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, for a similar unanticipated cause. However, DECAL **may not** approve a waiver for a local Program operator for more than 10 consecutive operating days without approval from FNS. In situations that may warrant longer approval periods, the FNS Southeast Regional Office (SERO) will work closely with the DECAL to determine if an extension is needed.

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 September 30, 2023, DECAL must provide to the FNS SERO a report quantifying the impact of the waiver, as described below. The report must include the following:

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- A description of how the waiver impacted meal service operations at participating sites;
- A description of whether the waiver resulted in improved services to children;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program; and
- A summary of benefits and challenges associated with the waiver.

In addition, FNS may request information on the use of the waiver on a more frequent basis.

If you have questions, please contact the FNS SERO.

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division