



# Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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(404) 656-5957

**Brian P. Kemp**  
Governor

**Amy M. Jacobs**  
Commissioner

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**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
NUMBER AND TYPE OF MEALS SERVED  
March 18, 2020**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, Month 24, 2018.

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

Georgia Department of Early Care and Learning (DECAL) Contacts:

- Tamika Boone, Director, Nutrition Services  
Phone: (404) 656-6292; Email: [Tamika.Boone@decalf.ga.gov](mailto:Tamika.Boone@decalf.ga.gov)
- Sonja Adams, Senior Manager, Nutrition Services  
Phone: (404) 463-2566; Email: [Sonja.Adams@decalf.ga.gov](mailto:Sonja.Adams@decalf.ga.gov)
- Kate Alexander, Policy Administrator, Nutrition Services  
Phone: (404) 651-8193; Email: [Kate.Alexander@decalf.ga.gov](mailto:Kate.Alexander@decalf.ga.gov)



**2. Region: Southeast**

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

This waiver request applies to all Summer Food Service Program (SFSP) organizations approved to operate SFSP sites, are in good standing, and for whom DECAL determines (in its discretion) to have demonstrated such need for the request.

**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. [Section 12(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

The Richard B. Russell National School Lunch Act authorizes the provision of meals to children who are not in school during unanticipated school closures through the Summer Food Service Program (SFSP). Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, USDA FNS has provided several Program flexibilities in an effort to address concerns regarding the loss of meals for low-income children. However, DECAL is unaware of any flexibility relative to the number and type of reimbursable SFSP meals during a COVID-19 outbreak.

Under normal circumstances, and with State agency approval, sponsors of open, restricted open, and enrolled sites may serve up to two meals each day. Meal combinations consisting of a lunch and supper are not allowable (7 CFR 225.16(b)(3)(ii)). Amidst the COVID-19 pandemic, school closures have been extended for unprecedented lengths of time. Accordingly, Georgia's children are losing access to meals they otherwise would have had under the Child and Adult Care School Program (CACFP). In accordance with the newly issued Federal guidance, Georgia's Governor signed Executive Order 3.16.2020 closing all public elementary, secondary, and post-secondary public schools in Georgia from March 18, 2020 through March 31, 2020. As such, SFSP sponsors are eager to serve *at least two* meals and a snack to children, with meals being both lunch and supper.

In an effort to significantly reduce food insecurity and hunger amongst Georgia's most vulnerable children, the Georgia Department of Early Care and Learning (DECAL) is requesting a waiver of 7 CFR 225.16(b)(3)(ii) enabling SFSP sponsors of open, restricted open, and enrolled sites who are in good standing, and within DECAL discretion, to serve up to two meals and a snack each day. This waiver requests that sponsors have the option to serve a lunch and supper as the two eligible meals to claim.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:**



Georgia DECAL requests a waiver of regulation **7 CFR 225.16(b)(3)(ii)**, which provides that food service sites other than camps and sites that primarily serve migrant children may serve two meals each day, if one is a lunch and the other is a breakfast or a snack.

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

DECAL does not anticipate any significant Program operational changes, including those affecting technology, State systems, and monitoring. However, it would require minor modifications to the Division's online database system, GA ATLAS.

If the waiver request is not approved, DECAL would continue its normal process of ensuring that the number and type of SFSP meals are served in accordance with existing Program requirements. However, DECAL would expect a significant increase in food insecurity amongst Georgia's children during unanticipated school closures as a result of COVID-19.

Georgia DECAL will follow the provisions outlined in USDA Policy Memorandum, SP 04-2020, CACFP 03-2020, SFSP 03-2020, *Meal Service during Unanticipated School and Day Care Closures*.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(1)(2)(A)(ii) of the NSLA]:**

Georgia DECAL has not experienced any regulatory barriers at the State level.

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

DECAL does not anticipate any challenges with the waiver implementation.

**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. [Section 12(1)(1)(A)(iii) of the NSLA]:**

The waiver will likely increase the overall cost of the Program to the Federal Government if additional meal is eligible for reimbursement, but for all other reasons mentioned in number 4 above, Georgia DECAL feels it is in the best interest of Georgia's children to maximize their access to health meals during the COVID-19 related school closures.

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

Requested Waiver Timeframe:

- Waiver Request Start Date: March 18, 2020 or upon approval by USDA.
- Waiver Request End Date: DECAL anticipates the waiver to be effective for one year or as required by USDA.



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

DECAL will follow the review procedures in accordance with 7 CFR 225.7(d). DECAL will provide training and technical assistance to sponsors in need of additional guidance in operating approved SFSP meal sites during unanticipated school closures. DECAL will conduct monitoring visits and reviews to ensure sponsors operate eligible meal sites in accordance with USDA regulations. DECAL will ensure SFSP application procedures are in line with USDA regulations and ensure sponsors submit adequate documentation to support site eligibility.

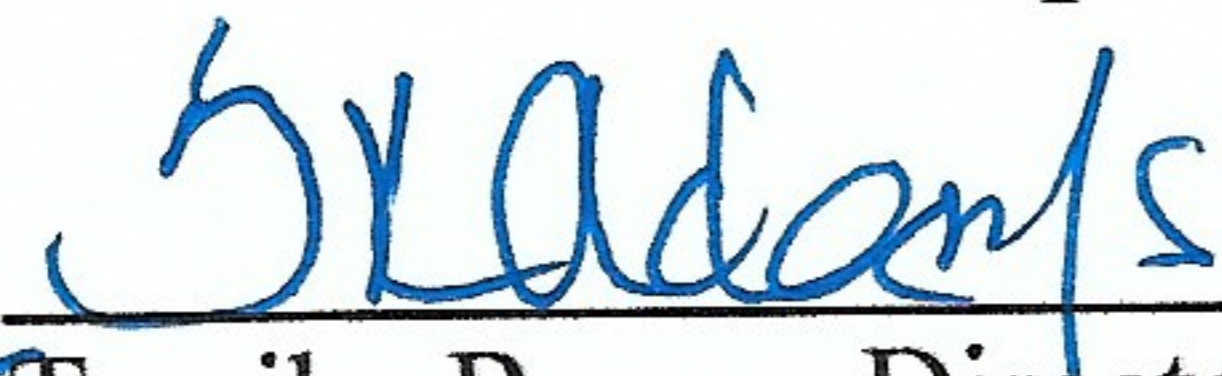
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

By December 31<sup>st</sup> of each year or as prescribed by USDA, DECAL will provide a report to FNS that will include: a list of approved SFSP sponsors; their approved sites under the waiver; area eligibility documentation; the number of meals served per site, and type of meals served per site. DECAL will also provide all other SFSP reporting in accordance with USDA regulations.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLAI]:**

A copy of the public notice can be found on DECAL's website at:  
<http://www.decal.ga.gov/Nutrition/SFSPWaiverRequests.aspx>

**14. Signature and title of requesting official:**

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\_\_\_\_\_  
Tamika Boone, Director, Nutrition Services

- Requesting official's email address for transmission of response:  
[Tamika.Boone@decal.ga.gov](mailto:Tamika.Boone@decal.ga.gov)

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**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

- Date Received: \_\_\_\_\_
- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(1)(1)(A)(ii) of the NSLA**



- **Regional Office Analysis and Recommendations:**

- Recommend Approval
- Recommend Denial

**Explanation:**