



Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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Brian P. Kemp
Governor

Amy M. Jacobs
Commissioner

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
MEAL SERVICE TIMES FOR UNANTICIPATED SCHOOL CLOSURES WAIVER
REQUEST
August 14, 2023**

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@decals.ga.gov
- Sonja Adams, Senior Manager, Nutrition Services
Phone: (404) 463-2566; Email: Sonja.Adams@decals.ga.gov
- Robyn Parham, Policy Administrator, Nutrition Services
Phone: (678) 891-5866; Email: Robyn.Parham@decals.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 existing and potential organizations participating in the Summer Food Service Program that are in good standing.

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]:

If and when unanticipated school closures occur, such as during natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or public health emergencies such as the Covid-19 pandemic, meal service time requirements may impede participant's access to meals. During these events, SFSP sponsors must act quickly to prevent any disruption in participants' access to meals.

During the occurrences listed above, this waiver would allow sponsors to more streamline the access to nutritious meals. Participants, during emergency situations such as a natural disaster or a public health emergency, may not have the opportunity or travel means to attend separate, multiple meal services served throughout the day. This waiver would allow for the continued service of nutritious meals but would accommodate participants' current circumstances.

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

DECAL requests a waiver of regulations at 7 CFR 225.16(c)(2) and (3), which require the following:

- Breakfast meals must be served at or close to the beginning of a child's day. Three component meals served after a lunch or supper meal service are not eligible for reimbursement as breakfasts.
- Meal services must start at least one hour after the end of the previous meal or snack.

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

Under this waiver, sponsors would continue to serve nutritious meals, but do so at times that benefit the participants and current circumstances. Sponsors would be required to advise DECAL, as always, of the times and days of the meal services within each site's SFSP application.

DECAL will continue to monitor these programs to ensure that the sponsors are in compliance with meal service and meal service time disclosure requirements.

DECAL does not anticipate any impact on Program operations, technology, State systems or monitoring.

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]:

DECAL has not experienced any regulatory barriers when using the waiver in the past; and does not anticipate experiencing regulatory barriers going forward if this current waiver request is approved.

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 not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time-period:

Requested Waiver Timeframe:

- Waiver Request Start Date: October 1, 2023.
- Waiver Request End Date: April 30, 2024.

11. Proposed monitoring and review procedures:

DECAL will follow the review procedures in accordance with 7 CFR 225.7(d) and provide training and technical assistance to sponsors in need of additional guidance. DECAL will conduct monitoring visits and reviews to ensure sponsors operate in accordance with USDA regulations.

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

By September 30, 2024, DECAL will provide a report to FNS that will include: a list of approved SFSP sponsors; their approved sites under the waiver; and the number 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:

<https://www.decals.ga.gov/Nutrition/SFSPWaiverRequests.aspx>

14. Signature and title of requesting official:



- Tamika Boone, Director, Nutrition Services
- Requesting official's email address for transmission of response:

Tamika.Boone@decals.ga.gov

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: