



**Georgia Dept
of Early Care
and Learning**
BRIGHT FROM THE START

2 Martin Luther King Jr. Drive SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Brian P. Kemp
Governor

Amy M. Jacobs
Commissioner

**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
STREAMLINING PROGRAM REQUIREMENTS
AND IMPROVING INTEGRITY IN THE SFSP
FINAL RULE
April 28, 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 (CNP), 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*, May 24, 2018.

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

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

- 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
- Tamika Boone, Director, Nutrition Services
Phone: (404) 656-6292; Email: Tamika.Boone@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]:

At the onsite of the provisions outlined in the *Streamlining Program Requirements and Improving Integrity in the SFSP* Final Rule, DECAL immediately assessed the requirements and compared them to our current processes. Many of the requirements were already in place and/or DECAL made immediate adjustments to align with the Final Rule. However, for example, Meal Service Times requirements will require a significant change to DECAL's electronic application system. Based on the extended time required to complete the adjustments and test the product, DECAL seeks a waiver to delay the implementation of the Final Rule.

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

DECAL requests to waive the following:

Compliance date: Compliance with the provisions of this rule must begin May 1, 2023, Final Rule, *Streamlining Program Requirements and Improving Integrity in the Summer Food Service Program (SFSP)*, September 19, 2022, Vol. 87, No. 180, p. 57304 (original).

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

DECAL anticipates all provisions will be implemented before the start of the SFSP. If by chance the process is further delayed, DECAL has systems in place to manually track and monitor the requirements.

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

However, approval of this waiver will allow for the time needed to implement all aspects of the Final Rule, to include accommodating the changes required to DECAL's electronic application system which would ensure adherence to Meal Service Time Requirements.

Finally, DECAL will ensure all sponsors meet SFSP requirements with regard to financial viability, financial management, administrative capability, and program accountability, in addition to continuing to meet all program integrity measures as outlined in regulations while utilizing this waiver.

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 at this time.

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: May 1, 2023.
- Waiver Request End Date: January 1, 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):

DECAL will provide all 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:



- Sonja Adams, Sr. Manager *for* Tamika Boone, Director, Nutrition Services
- Requesting official's email address for transmission of response:
Sonja.Adams@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: