



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:

ALLOWING MORE THAN THE REQUIRED NUMBER OF MEALS TO BE SERVED PER CHILD PER DAY IN THE AT-RISK AFTERSCHOOL COMPONENT OF THE CHILD AND ADULT CARE FOOD PROGRAM

August 3, 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)

2. Region: Southeast

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

The request to waive the regulatory requirements applies to all organizations participating in the CACFP At-Risk Afterschool Program.

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]:

To accommodate parents of school age children who must work outside of their homes during the COVID-19 pandemic, Georgia DECAL's Licensing Division is allowing childcare facilities to provide care for school age children during the start of the school year. This means school age children will be in attendance at various child care centers that operate the At-Risk Afterschool program. Under these circumstances and as schools reopen via virtual platforms, the facility would provide, in addition to meals, access to and assistance with the child's respective school's virtual instruction and curriculum. DECAL has received concerns from providers, childcare associations, and others, that due to current regulatory requirements, CACFP providers may not be reimbursed for certain meals served to school-age children.

Therefore, Georgia DECAL seeks this waiver to allow At-Risk Afterschool providers to claim reimbursement for more than one meal and/or snack that is currently permitted under usual At-Risk Afterschool circumstances. Specifically, the waiver would allow CACFP At-Risk providers to: (1) serve two meals and one snack per child per day as is allowed in the traditional CACFP program; and (2) serve At-Risk Afterschool meals during the day while virtual school is in session. Overall, in many cases throughout the state of Georgia, school age children will be in childcare settings for the entire school day, specifically in many facilities currently operating At-Risk Afterschool programs. These At-Risk Afterschool facilities that are providing all day care will be significantly impacted financially and operationally if they are only able to claim reimbursement for a snack and supper meal. This waiver is intended to provide financial and programmatic support that would provide reimbursement for up to 2 meals and 1 snack per child, per day.

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

- **7 CFR 226.17a(k):** Only one at-risk afterschool snack and, in eligible States, one at-risk afterschool meal per child per day may be claimed for reimbursement. An at-risk afterschool care center that provides care to a child under another component of the Program during the same day may not claim reimbursement for more than two meals and one snack, or one meal and two snacks, per child per day, including the at-risk afterschool snack and the at-risk afterschool meal. All meals and snacks must be claimed in accordance with the requirements for the applicable component of the Program.

- **7 CFR 226.17a(m):** (1) At-risk afterschool snacks. When school is in session, the snack must be served after the child's school day. With State agency approval, the snack may be served at any time on weekends and vacations during the regular school year. Afterschool snacks may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year-round calendar. (2) At-risk afterschool meals. When school is in session, the meal must be served after the child's school day. With State agency approval, any one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year. Afterschool meals may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year-round calendar.

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

Georgia DECAL does not anticipate any required Program operational changes, including those affecting technology, State systems, or monitoring. If the waiver extension is not approved, Georgia DECAL will continue its normal process of ensuring all CACFP requirements are met. If approved, DECAL does anticipate a potential increase in At-Risk Afterschool participation.

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]:

There are no regulatory barriers at the State level to address.

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

Georgia DECAL does not anticipate any challenges with this waiver implementation. Rather, existing operational challenges would likely and profoundly improve.

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 anticipated increase in the overall cost of the Program to the Federal Government would be related to an increase in meals served to children who reside in areas with the most need in the State.

10. Anticipated waiver implementation date and time-period:

Requested Waiver Timeframe:

- Waiver Request Start Date: August 1, 2020
 - Waiver Request End Date: May 30, 2021
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11. Proposed monitoring and review procedures:

Georgia DECAL will also follow the review procedures in accordance with 7 CFR 226. Georgia DECAL will provide training and technical assistance to sponsors in need of additional guidance in operating approved CACFP facilities during this public health emergency related to the coronavirus.

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

Not later than 1 year after the date of such approval or as prescribed by USDA, Georgia DECAL will provide a report to FNS that will include the following:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

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 Georgia DECAL's website at:

<http://www.dec.al.ga.gov/CACFP/WaiverRequests.aspx>

14. Signature and title of requesting official:

Tamika Boone, Director, Nutrition Services



- Requesting official's email address for transmission of response: Tamika.Boone@dec.al.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:**
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Allowing More than the Required Number of CACFP Meals

August 3, 2020

Page 5 of 5

Recommend Approval

Recommend Denial

Explanation: