



# 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  
PUBLIC HEALTH EMERGENCY – COVID-19  
(CACFP NON-CONGREGATE FEEDING)  
March 20, 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 Child and Adult Care Food Program (CACFP) organizations approved to operate and who are in good standing with the State agency.

**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]:**

Based on the exceptional circumstances relating to the recent declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, social distancing is necessary to mitigate the virus' spread.

Under normal circumstances, all meals served under the CACFP are intended to be consumed in settings where organized groups of eligible children and adults are gathered to eat. This means that participants must consume meals on-site in order for the meals to be reimbursable.

Therefore, Georgia DECAL is requesting a waiver of Program requirements to enable CACFP participants to consume Program meals in a non-congregate setting during the Federal declaration of a public health emergency due to COVID-19.

Georgia DECAL's overall goal in submitting this request is to improve meal service for Program participants by broadening the flexibilities that may be utilized by CACFP organizations and increasing the availability of meals served during this public health emergency.

**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 pursuant to section 12(1)(2)(A)(i) of the Richard B. Russell National School Lunch Act (NSLA) to allow non-congregate feeding under the CACFP under section 17 of the NSLA (42 U.S.C. 1766) during the declaration of the public health emergency COVID-19.

**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.

In the event the waiver request is denied, Georgia DECAL would continue its normal process of ensuring that meals are served in the approved congregate settings during the public health emergency resulting from COVID-19. Notably though, if such request is denied, Georgia DECAL anticipates there to be a reduction in access to meals served during the public health emergency and an increase in health and safety concerns amongst Program participants due to the required congregate nature of feeding.

Georgia DECAL will continue to conduct Program monitoring in accordance with 7 CFR 226.6(m) throughout the implementation period of the 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]:**

Georgia DECAL does not anticipate 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 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: March 20, 2020 or upon approval by USDA.
- Waiver Request End Date: September 30, 2020 or upon expiration of the declaration of the public health emergency, whichever is earlier.

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

Georgia DECAL will follow the review procedures in accordance with 7 CFR 226.6(m). Georgia DECAL will provide training and technical assistance to organizations in need of additional guidance on allowing CACFP meals to be consumed off-site.

Georgia DECAL will ensure CACFP application procedures are followed in accordance with Program regulations and will ensure that organizations submit adequate documents to support site eligibility. Approved CACFP sites and mealtimes will be electronically updated within GA ATLAS.

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


Georgia DECAL will provide USDA FNS with a summary of the use of this waiver, a list of the approved CACFP organizations and sites participating in non-congregate feeding, and a description of whether this waiver resulted in improved services to Program participants no later than one year from the date the waiver was approved or as required by USDA FNS.

**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://dec.al.ga.gov/Nutrition/Default.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](mailto: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:**
  - Recommend Approval
  - Recommend Denial

**Explanation:**