



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 #5 PUBLIC HEALTH EMERGENCY WAIVER REQUEST March 10, 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@dec.al.ga.gov
- Sonja Adams, Senior Manager, Nutrition Services
Phone: (404) 463-2566; Email: Sonja.Adams@dec.al.ga.gov
- Kate Alexander, Policy Administrator, Nutrition Services
Phone: (404) 651-8193; Email: Kate.Alexander@dec.al.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 and 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]:

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) or the National School Lunch Program's Seamless Summer Option (SSO). Under normal circumstances, these meals must be offered in a congregate setting (7 CFR 225.6(e)(15)) and at non-school sites (7 CFR 225.6(d)(1)(iv)). However, during a public health emergency due to the novel coronavirus, social distancing may be necessary to avoid spread of the virus. To address this important issue, the Georgia Department of Early Care and Learning (DECAL) is requesting this waiver to enable sponsors to serve meals in a non-congregate setting and at school sites and non-school sites during a public health emergency related to the coronavirus.

Currently, Georgia DECAL is taking the proper precautions and working quickly to effectively respond to participants in need and in the event of a public health emergency related to the coronavirus. By approving functioning SFSP sites to serve non-congregate meals during this public health emergency and regardless of whether the site is a school site or non-school site, ensures that children in Georgia will not experience a lapse in food security.

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

- (1) Georgia DECAL requests a waiver of regulation **7 CFR 225.6(e)(15)**, which states, a sponsor approved for participation in the Program must enter into a permanent written agreement with the State agency. All sponsors must agree in writing to maintain children on site while meals are consumed.

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 and monitoring. If the waiver is not approved, Georgia DECAL will continue its normal process of ensuring meals are served in congregate

settings. However, Georgia would likely experience a reduction of children receiving meals if the non-congregate feeding waiver is not approved.

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]:

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

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]:

There are no anticipated increases to 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 10, 2020 or upon approval
- Waiver Request End Date: DECAL anticipates the waiver to be effective for the next three to five years, 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 a public health emergency related to the coronavirus. 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 31st 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; 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:
<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

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(l)(1)(A)(ii) of the NSLA**
- **Regional Office Analysis and Recommendations:**
 - Recommend Approval
 - Recommend Denial

Explanation: