



Georgia Department of Early Care and Learning

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

Nathan Deal
Governor

Amy M. Jacobs
Commissioner

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST

December 31, 2018

Child Nutrition Programs (CNP) are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), 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 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*, 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, Director of Provider Services, Nutrition Services
Phone: (404) 463-2566; Email: Sonja.Adams@decalf.ga.gov
- Tamika Boone, Director of Eligibility Services, Nutrition Services
Phone: (404) 656-6292; Email: Tamika.Boone@decalf.ga.gov
- Kate Alexander, Policy Administrator, Nutrition Services
Phone: (404) 651-8193; Email: 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 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Due to a waiver recently rescinded by USDA, DECAL anticipates not only a decrease in Program participation, but also a potential barrier to accessible meals service. DECAL seeks to increase Program participation and meals served in FY 2019 and to ensure SFSP sponsors in good standing can maintain their sites from the previous year.

Requiring sponsors to collect income eligibility forms from parents and guardians will likely serve as a deterrent for sponsors resulting in fewer sites operating in the SFSP. If a sponsor's only option to serve meals at a closed enrolled site is to collect income eligibility forms from parents and demonstrate that 50% of enrolled children are from households that meet the income guidelines, some sponsors may elect to not operate those sites. Sponsors may face challenges such as getting parents to complete and return the form and/or not being able to obtain a list of names and eligibility status of enrolled children from schools (assuming this will be permitted). Additionally, collecting paperwork presents a time-consuming burden to the organizations. In contrast, area eligibility allows a sponsor to show that meals will be served in an area that has a high percentage of low-income households and allows the sponsors to obtain a significant number of eligible participants more efficiently.

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

- Statutory Provision:
Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III)
- Regulatory Citation:
7 CFR § 225.2 – Definition of closed enrolled site.
Closed enrolled site means a site which is open only to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with §225.15(f).

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

Please refer to items #4 and #11. Also, as a result of this waiver rescission, DECAL would have to pay to modify its electronic application system to no longer allow sponsors to indicate they will use area eligibility to qualify closed enrolled sites.

If granted a waiver, DECAL would continue to identify a SFSP closed enrolled site's eligibility by: (a) using school data to establish area eligibility for the site, rather than using the income eligibility form; or (b) using census data to establish area eligibility for the site, rather than using the income eligibility form.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

DECAL has not experienced any regulatory barriers when using the waiver in the past. As previously mentioned, the waiver was beneficial to increasing sponsor/site participation and increased access to SFSP meals.

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(l)(1)(A)(iii) of the NSLA]:

The waiver will not increase the overall cost of the Program to the Federal Government. This process is already in place. Without the waiver, DECAL may incur additional costs for updating its electronic application system as well as for manpower and resources associated with training DECAL staff and SFSP sponsors on changes to eligibility requirements. Additionally, sponsors' labor and printing costs would increase in association with printing income eligibility applications and assisting parents with completing the forms.

10. Anticipated waiver implementation date and time-period:

FY 2019 – February 1, 2019. DECAL will begin SFSP training on February 8, 2019. DECAL anticipates the waiver to be effective for the next three to five years.

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 obtaining and implementing eligible meal sites. 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 October 31st of each year, 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(l)(1)(A)(ii) of the NSLA]:

A copy of the public notice can be found on DECAL’s website at:

<http://www.dec.al.ga.gov/documents/attachments/SFSPPublicNotice.pdf>

14. Signature and title of requesting official:

Tamika Boone for Sonja Adams, Director of Provider Services, Nutrition Services

Title:

Requesting official’s email address for transmission of response: Sonja.Adams@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:

- 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:



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**PUBLIC NOTICE:
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December 31, 2018**

In accordance with the United States Department of Agriculture (USDA) Food Nutrition Services policy memorandum, SP 15-2018, CACFP 12-2018, SFSP 05-2018 - *Child Nutrition Program Waiver Request Guidance and Protocol-Revised*, May 24, 2018, the Georgia Department of Early Care and Learning (DECAL) is seeking a waiver of statutory and/or regulatory Program requirements that were recently rescinded.

Two waiver requests will be submitted to the USDA FNS Southeast Regional Office (SERO) for the Summer Food Service Program (SFSP). DECAL will be requesting continued use of waivers involving:

- (1) Area Eligibility in Closed, Enrolled Sites (7 CFR § 225.2); and
- (2) Meal Time Restrictions (7 CFR § 225.16).

Copies of the official requests can be found here:

- SFSP Waiver Request – Closed Enrolled
<http://www.decals.ga.gov/documents/attachments/SFSPWaiverRequestClosedEnrolled.pdf>
- SFSP Waiver Request – Meal Time Requirements
<http://www.decals.ga.gov/documents/attachments/SFSPWaiverRequestMealTime.pdf>

For additional information, please contact Kate Alexander, Policy Administrator, at Kate.Alexander@decals.ga.gov.