



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 2 **December 31, 2018**

Child Nutrition Programs (CNPs) 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.

Rescinding the waiver limits sponsors' flexibility to designate meal service times at their sites. Sponsors have unique operations and populations served. Therefore, requiring sponsors to wait 3-4 hours between each meal service may prove to be challenging for sponsors to execute and could result in fewer sponsors and/or sites participating in the SFSP.

Limiting this flexibility could also result in fewer children receiving meals in the SFSP. DECAL could potentially lose a population of children who return for more than one meal (i.e., lunch and breakfast) if the next meal for the day will not be available until 3-4 hours later. In some areas (especially those in rural areas or those with transportation limitations), children may not be able to leave a site and then return hours later. This could most especially be the case for open sites which make-up over 80% of DECAL's SFSP sites.

Lastly, limiting meal service to (2) hours for lunch or supper and (1) hour for all other meals, reduces the flexibility sponsors have to manage their food service operations. In some areas (especially those in rural areas or with transportation limitations) or sites that have a high demand (significant number of children showing up for a meal), 1-2 hours may not be enough time to allow children to arrive and then to consume a meal. This could result in fewer children receiving meals in the SFSP and/or sponsors sacrificing the number of sites to effectively manage tight meal duration schedules.

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

- Regulatory Citation:
7 CFR § 225.16 - Meal service requirements.
(c) *Time restrictions for meal service.*(1) Three hours must lapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7

p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps.

(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

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, DECAL would need to pay to modify its electronic application system to enforce these time requirements.

If granted a waiver, DECAL would continue to require sponsors to provide information regarding their meal service times at each site, but sponsors would not be required to ensure that specific time periods elapse between the meal services. DECAL would also offer the flexibility of extending the duration of a meal service, especially in cases where children may arrive closer to the end of a meal service. Lastly, DECAL would ensure service of a supper meal does not extend beyond 8 p.m.

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:

DEAL 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 modifying its electronic application system and manpower and resources associated with training DECAL staff and SFSP sponsors on changes to meal service requirements.

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 on meal time requirements. DECAL will conduct monitoring visits and reviews to ensure sponsors are following the information submitted to DECAL regarding their meal service times for each site.

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; meal service times and the duration of each meal; 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]:

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:

 _____, Director of Provider Services, Nutrition Services
Title:

Requesting official’s email address for transmission of response:

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:
CHILD NUTRITION PROGRAM STATE WAIVER REQUEST
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.dec.al.ga.gov/documents/attachments/SFSPWaiverRequestClosedEnrolled.pdf>
- SFSP Waiver Request – Meal Time Requirements
<http://www.dec.al.ga.gov/documents/attachments/SFSPWaiverRequestMealTime.pdf>

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