



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 #4
UNANTICIPATED SCHOOL CLOSURE WAIVER REQUEST
January 13, 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 (CNP), 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.

Note: Three waiver requests were previously submitted to the USDA FNS Southeast Regional Office (SERO) on January 2, 2020 for the Summer Food Service Program (SFSP). Georgia DECAL is requesting continued use of this additional waiver.

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@decals.ga.gov](mailto:Tamika.Boone@decals.ga.gov)
- Sonja Adams, Senior Manager, Nutrition Services

Phone: (404) 463-2566; Email: Sonja.Adams@decals.ga.gov

- Kate Alexander, Policy Administrator, Nutrition Services
Phone: (404) 651-8193; Email: Kate.Alexander@decals.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) and the Child and Adult Care Food Program (CACFP) organizations approved to operate SFSP sites and 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]:

According to a recent USDA policy memorandum, “Schools may face unanticipated closures due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the state agency, a similar cause. Unanticipated school closures prevent children from receiving educational instruction and the nutritious meals they would normally receive.” [SF 04-2020, CACFP 03-2020, SFSP 03-2020, *Meal Service During Unanticipated School Closure*, November 5, 2019]. South Georgia recently experienced the effects of natural disasters with the March 2019 tornado outbreak and Hurricane Michael in October 2019. Each resulted in some level of structural damage, power outages, and/or road closures, and resulted in school closures within the impacted areas. Georgia DECAL is taking the proper precautions to effectively respond to children in need in the event of a future natural disaster or unanticipated school closure. Permitting approved, functioning SFSP sites to operate the Program during an unanticipated school closure regardless of whether the site is a school-site or a non-school site, allows children access to meals when their routine meal source is disrupted.

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 of regulation **7 CFR 225.6(d)(1)(iv)**, which explains when evaluating a proposed food service site [for approval], the State agency shall ensure that if it is a site proposed to operate during an unanticipated school closure, it is a non-school site.

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

In addition to the description outlined in item #4, this waiver request would also cover unanticipated school closures as a result of unscheduled major building repairs, court orders

relating to school safety (or other issues), labor-management disputes, or, when approved by the State agency, a similar cause.

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 has not experienced any regulatory barriers when using the waiver in the past. As previously mentioned, the waiver allows SFSP sites that are operative to continue meal service to children whose school was closed due to an unanticipated school closure.

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: February 1, 2020. (DECAL will begin SFSP training on February 13, 2020.)
- 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 unanticipated school closures. 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, 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:

- Tamika Boone
Tamika Boone, Director, Nutrition Services
 - Requesting official's email address for transmission of response:
Tamika.Boone@decal.ga.gov
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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: