

January 8, 2025

Tamika Boone, Director of Nutrition Services
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Dr. SE, Suite 754 East Tower
Atlanta, GA 30334

Dear Tamika Boone:

This letter is in response to the Georgia Department of Early Care and Learning (GA DECAL) January 6, 2025, request to waive Child and Adult Care Food Program (CACFP) requirements to allow institutions to offer non-congregate meals to participants fasting during Ramadan. Pursuant to Section 12(l) of the NSLA (42 U.S.C. 1760(l)), FNS approves GA DECAL's waiver request to allow institutions to offer, to fasting participants in attendance during Ramadan, non-congregate meals for participants to consume at a time that honors their religious principles.

In its request, GA DECAL indicated that approval of this waiver would benefit sites that serve meals to participants who observe Ramadan; those sites typically experience a significant drop in participation during Ramadan that could be mitigated by offering alternative meal service options. The waiver would also provide participants who observe Ramadan access to healthy and wholesome meals. FNS has determined that this waiver facilitates the purpose of CACFP as participants are in attendance at a participating site and eligible to receive meals but are unable to consume them during the day because they are fasting in observance of Ramadan. Furthermore, the waiver ensures all children have access to the nutrition they need.

Specifically, GA DECAL requested a statewide waiver of the CACFP requirements explained below.

Child and Adult Care Food Program

The waivers in this section apply to emergency shelters, adult day care centers, outside-school-hours care centers (OSHCC), and the at-risk afterschool care components of CACFP only. This statewide waiver does not apply to CACFP family day care homes or child care centers. However, per 7 CFR 226.3(e)(3), eligible service providers wishing to request waivers of the provisions in this section during Ramadan for use in either family day care homes or child care centers may submit a waiver for GA DECAL concurrence, including rationale, and FNS will consider them on a case-by-case basis.

Non-Congregate Meal Service (CACFP)

Under the NSLA, 42 U.S.C. 1766(f)(1)(A), CACFP meals must be served in a congregate setting and must be consumed by participants on site.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirements to serve meals through the CACFP emergency shelters, adult day care centers, OSHCC, and at-risk afterschool care component in a congregate setting, to participants who are in attendance at emergency shelters, adult day care centers, OSHCC, and at-risk afterschool care centers and fasting during Ramadan. Any other requirements referenced in these provisions remain in effect.

Meal Service Times (CACFP)

Under Program regulations at 7 CFR 226.20(k), meals served in the CACFP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives, for non-congregate meals served to participants who are in attendance at an emergency shelter,

adult day care center, OSHCC, or at-risk afterschool care center and fasting during Ramadan, the aforementioned requirements that set meal time parameters for CACFP at-risk emergency shelters, adult day care centers, OSHCC, and at-risk afterschool care centers. Any other requirements referenced in these provisions remain in effect.

Per GA DECAL's request, this waiver is effective February 28, 2025, through March 30, 2025. To maintain Program integrity and accountability of local operators, GA DECAL must work with institutions operating under this waiver to ensure meals are distributed only to participants in attendance at the site on the day non-congregate meals are offered, and that duplicate meals are not distributed to any participant. In addition, participation in the CACFP is at an eligible participant's discretion; therefore, if a participant chooses to consume a meal or snack during the day, institutions may not deny a meal or snack because the participant is thought to be fasting during Ramadan.

The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or Program operator that was granted a waiver. Therefore, by September 30, 2025, GA DECAL must provide to the FNS Southeast Regional Office (SERO) a report quantifying the impact of the waiver as described below.

The report must include the following:

- A description of how the waiver impacted CACFP meal service operations;
- A description of whether the waiver resulted in improved services to participants;
- A total number of institutions affected by this waiver;
- A description of the outreach conducted to families and participants in impacted sites, and whether the outreach/information was available in multiple languages; and
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Programs.

If you have questions, please contact the FNS SERO.

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division