Food and Nutrition Service
U.S. DEPARTMENT OF AGRICULTURE

CHILD NUTRITION PROGRAM
SY 2025-26 PROSPECTIVE WAIVER STATE REQUEST FORM

Food and Nutrition Service (FNS) Child Nutrition Programs are expected to be administered in accordance with all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l), provides USDA authority to waive requirements for State agencies or eligible service providers under certain circumstances.

This optional form is designed to streamline the process for State agencies requesting a prospective waiver to provide non-congregate meal service in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), the NSLP Seamless Summer Option (SSO), and the Child and Adult Care Food Program (CACFP) when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to building safety or other issues, labor-management disputes, or, when approved by the State agency for a similar cause.

State agencies utilizing this form should continue to provide notice and information to the public about their applications for a waiver in accordance with the requirements at Section 12(l)(1)(A)(ii) of the NSLA.

1. **State agency submitting waiver request and responsible State agency staff contact information:**

State Agency: Georgia Department of Early Care and Learning

Date (Click on box to select date.): 7/21/25

Mailing Address: 2 Martin Luther King Jr., Drive, Sutie 754, East Tower,

USDA is an equal opportunity provider, employer, and lender.

Name and Title of person completing this form: Sonja Adams, Sr. Manager of

Name and Title of person to whom the response should be addressed:

Tamika Boone, Director, Nutrition Services

2. **Region (Click on box to select region.):** Southeast Region

3. **Affirmation that eligible service providers participating in the waiver(s) are in good standing:**

Please check one: **Yes** ☑ **No** ☐

If No, please explain:

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]:**

☑ Allow local program operators to promptly respond to situations when congregate meal service is limited or negatively impacted by unanticipated school building or facility closures caused by natural disasters, unscheduled major building repairs, court orders relating to building safety or other issues, labor-management disputes, or, when approved by the State agency, for a similar unanticipated cause.

☐ **Other, please specify:**

5. Specific Program requirements to be waived. [Section 12(l)(2)(A)(i) of the NSLA] Please check only the requirements you are requesting to waive:

Summer Food Service Program and Seamless Summer Option (School buildings are closed with no virtual learning)

The waivers in this section apply to SFSP and SSO when school is closed due to the unanticipated causes listed in section 4, above. This applies when school buildings are closed, and virtual classes are not offered. If approved, these waivers are effective through June 30, 2026.

☑ *Non-Congregate Meal Service (SFSP/SSO)*

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(i)(15), SFSP meals served at sites approved for congregate meal service must be served in a congregate setting and must be consumed by participants on site.

☑ *Meal Service Times (SFSP/SSO)*

Under Program regulations at 7 CFR 210.10(l), 7 CFR 220.8(l), 7 CFR 225.16(c)(1), (2), and (3), meals served in the SFSP must follow meal service time requirements.

☑ *Parent and Guardian Meal Pickup (SFSP/SSO)*

Under the NSLA, 42 U.S.C. 1761(f)(3), and Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7), meals must be served to eligible children.

☑ *Service of Meals at School Sites during Unanticipated School Closures (SFSP/SSO)*

Under the NSLA, 42 U.S.C. 1761(c)(1), and Program regulations at 7 CFR 225.6(h)(1)(iv), State agencies may approve meal service operations only at non-school sites during unanticipated school closures.

National School Lunch Program and School Breakfast Program (School buildings are closed with virtual learning)

The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals during unanticipated school building closures due to the unanticipated causes listed in section 4, above, when virtual classes are offered. If approved, these waivers are effective through June 30, 2026.

☐ *Non-Congregate Meal Service (NSLP/SBP)*

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.

☐ *Meal Service Times (NSLP/SBP)*

Under Program regulations at 7 CFR 210.10(l) and 7 CFR 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.

☐ *Parent and Guardian Meal Pickup (NSLP/SBP)*

Under Program regulations at 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), and 7 CFR 220.8(a), meals must be served to eligible children.

☐ *Offer Versus Serve (NSLP only)*

Under the NSLA, 42 U.S.C. 1758(a)(3), and Program regulations at 7 CFR 210.10(e), program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch.

Child and Adult Care Food Program (Buildings are closed for child care centers, adult day care centers, emergency shelters, day care homes, outside-school-hours care centers, and/or at-risk afterschool sites)

The waivers in this section apply to all components of the CACFP. These waivers are intended to provide needed flexibility to support program operators in continuing to offer nutritious meals during unanticipated closures due to the unanticipated causes listed in section 4,

above. If approved, these waivers are effective through June 30, 2026.

☑ *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.

☑ *Meal Service Times (CACFP)*

Under Program regulations at 7 CFR 226.17a(m) and 226.20(k), meals served in the CACFP must follow meal service time requirements.

☑ *Parent and Guardian Meal Pickup (CACFP)*

Under the NSLA, 42 U.S.C. 1766(f)(1)(A) and Program regulations at 7 CFR 226.2 (Meals), meals must be served to eligible participants.

☑ *Enrichment Activity (CACFP)*

Under the NSLA, 42 U.S.C. 1766(r)(2)(B), afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment with an educational or enrichment activity.

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

Under this waiver, rather than requiring that participants remain at the meal service site to consume their meals, institutions/sponsors during unanticipated school closures will allow participants or parents/guardians to pick-up their meals for home consumption. Institutions/Sponsors will continue to be required to maintain point of service counts and all required meal service-related documentation to support the number of participants served and number of meals claimed each month for reimbursement. DECAL will continue to monitor these programs to ensure that the sponsors are in

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]:**

☑ No regulatory barriers expected at the State level.

If regulatory barriers are expected at the State level, please list steps taken to address them in the box below:

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:**

☑ No challenges to the State or eligible providers are anticipated with this waiver implementation.

If the State or eligible service providers anticipate challenges implementing this waiver, please explain in the box below:

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]:**

☑ No anticipated increase of Federal Government costs.

☐ **Other, please specify:**

10. Anticipated waiver implementation date and time period:

☑ July 1, 2025 through June 30, 2026.

☐ **Other, please specify:**

11. Proposed monitoring and review procedures:

DECAL will follow the review procedures in accordance with 7 CFR 225.7(d) and 7 CFR § 226.6(m) and provide training and technical assistance to sponsors in need of additional guidance. DECAL will conduct monitoring visits and reviews to ensure sponsors operate in accordance with USDA regulations to include record keeping requirements.

12. 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]:

https://www.decal.ga.gov/CACFP/WaiverRequests.aspx &

13. Signature and Title of Requesting Official:

Signature: Tamika Boone

Title: Director of Nutrition Services

Requesting official's email address for transmission of response: Tamika.Boone@dec

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 (Click on box to select date.):

☐ 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:

Signature from FNS Regional Office: