



**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
Non-Congregate Meal Service for
Outdoor Summer Meal Sites Experiencing Excessive Heat
June 2, 2023**

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 (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*, Month 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, Senior Manager of Provider Services, Nutrition Services
Phone: (404) 463-2566; Email: Sonja.Adams@decals.ga.gov

Robyn Parham, Policy Administrator, Nutrition Services
Phone: (404) 651-8193; Email: Robyn.Parham@dec.al.ga.gov

Tamika Boone, Director, Nutrition Services
Phone: (404) 656-6292; Email: Tamika.Boone@dec.al.ga.gov

2. **Region:** Southeast Region
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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

As temperatures during the summer months in Georgia can be very high, limiting sites to conducting congregate meal services during excessively high temperatures would create a potential barrier to accessible meals if there were no waiver in place.

Without waiver approval, sponsors may have to close their sites that do not have temperature controlled alternate locations when heat levels reach excessive temperatures, resulting in children not receiving nutritious meals on a consistent basis. Sponsors may also opt to sponsor only sites that are temperature controlled, which would result in pockets of the state having no meal service sites available to serve area children. In addition, for those sponsors who have participated in the Demonstration Project for Non-Congregate Feeding in the past, processes and procedures and site locations may likely have to be changed, causing increased costs and time spent.

DECAL has a goal of increasing the number of nutritious meals served to children across the state. Approval of this waiver will allow for the consistent service of meals to children despite harsh heat conditions.

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

DECAL requests a waiver of regulations at 7 CFR 225.6(e)(15), which requires a sponsor to maintain children on site while SFSP meals are consumed.

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

If granted a waiver, there will be no significant impacts on technology, state systems, or monitoring.

DECAL will implement the processes and procedures that were in place when sponsors participated in the Nationwide Waivers that were issued during the COVID-19 pandemic. Sponsors will be required to request approval for this waiver in GA DECAL's ATLAS waiver module for the applicable meal service sites. Sponsors will be required to maintain National Weather Service heat advisory documentation to correspond with meals that were served in a non-congregate setting, and to record the date and number of meals served in a non-congregate setting due to excessive heat advisories within the claim for reimbursement.

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]:

GA DECAL does not anticipate any state level regulatory barriers related to this specific issue.

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

GA DECAL does not anticipate any challenges with the implementation of these waivers.

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]:

GA DECAL does not anticipate any increased costs to the Federal Government with the approval of these waiver requests.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is upon approval from USDA and is to remain in effect through May 1, 2024.

11. Proposed monitoring and review procedures:

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for the Program. This practice will be consistent with 7 CFR 225 requirements. DECAL will require sponsors to indicate their desire to participate in the waiver within the ATLAS waiver module for DECAL approval. Sponsors will be required to maintain documentation supporting the non-congregate meal services resulting from a National Weather Service's (NWS) heat advisory, excessive heat warning, or excessive heat watch. In addition, sponsors will be required to document within a site's claim for reimbursement the date and number of meals served when utilizing the waiver. The proper use of the waiver will also be reviewed during sponsor SFSP compliance reviews.


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 SFSP sponsors and sponsored sites that participated in the waiver, the month for which the waiver was utilized, the number of meals and meal types served in a non-congregate setting and the date the meals were served.

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 notices can be found on the GA DECAL website at:
<https://www.decal.ga.gov/Nutrition/SFSPWaiverRequests.aspx>.

14. Signature and title of requesting official:



- Sonja Adams, Sr. Manager *for* Tamika Boone, Director, Nutrition Services
- Requesting official's email address for transmission of response:
Sonja.Adams@decal.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:**
 - Recommend Approval
 - Recommend Denial