



Food and
Nutrition
Service

June 15, 2020

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

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

Dear Ms. Boone:

This letter is in response to the Georgia Department of Early Care and Learning's (DECAL) March 18, 2020, request to waive the restrictions on the number and type of meals Summer Food Service Program (SFSP) sponsors can serve during the novel coronavirus (COVID-19) pandemic. DECAL requested a statewide waiver of SFSP requirements at 7 CFR 225.16(b)(3)(i) and (ii) to allow SFSP sponsors to serve more than the number of meals, or different combination of meals, than are allowed. DECAL requested a waiver to, at their discretion, allow SFSP sponsors of open, restricted open, and closed enrolled sites who are in good standing, to serve two meals and a snack each day. DECAL requested to serve lunch, supper, and a snack instead of the currently allowable combination of breakfast and lunch or lunch and a snack. While snacks and suppers can be provided through the At-Risk Afterschool Component of the Child and Adult Care Food Program (CACFP At-Risk), DECAL asserts that allowing SFSP sponsors to serve more meals than permitted under SFSP regulations would provide greater access to meals for Georgia's children. While the Food and Nutrition Service (FNS) is sympathetic to the challenges facing SFSP sponsors during the COVID-19 pandemic, FNS denies this request.

FNS understands that communities have been adversely impacted by the current public health emergency; however, FNS is denying this request, as it would conflict with the purpose of SFSP. Under the authority provided in the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), approval of a waiver of Program requirements is dependent on the waiver facilitating the ability of the State or eligible service provider to carry out the purpose of the program. Per Section 13 of the NSLA (42 U.S.C. 1761(a)(1)(D)), the intent of SFSP is to provide food service similar to that made available to children during the school year under the school lunch or school breakfast programs. Unless a service institution is a camp or serves meals primarily to migrant children, these services may only include up to two meals, lunch and an optional breakfast, each day, or one meal, lunch, and one snack a day (42 U.S.C. 1761(b)(2)). Congress has maintained these long-established meal limits to address program accountability weaknesses and curb Federal spending. Changing the meal service limits to allow for supper or two meals and a snack per day would alter the structure of the program and run counter to its purpose of providing service similar to that of the school lunch or school breakfast programs.

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FNS recognizes that critical changes in meal services must be made during this public health emergency and stands ready to continue to assist State agencies and Program operators. In service of this, FNS has provided COVID-19-related technical support and approved multiple nationwide waivers to grant State agencies additional flexibility in the administration of SFSP and CACFP. FNS recommends that Georgia explore the options granted in these waivers to maximize the number of meals served to children daily through these Programs.

FNS appreciates DECAL's commitment to meet the nutritional needs of children during this challenging time. If you have questions, please contact the FNS Southeast Regional Office.

Sincerely,



for

Angela M. Kline
Director
Policy and Program Development Division

Electronic Copy: Rosie Daugherty, SERO