



Food and
Nutrition
Service

December 17, 2020

Braddock
Metro Center

Tamika Boone, Director
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Dear Ms. Boone:

This letter is in response to the November 20, 2020, waiver request from the Georgia Department of Early Care and Learning (GA DECAL). GA DECAL requested to waive the following regulation:

- 7 CFR 225.7(d)(2)(ii)(B), the requirement that State agencies must annually review a number of Summer Food Service Program (SFSP), sponsors whose program reimbursements in the aggregate, accounted for at least one half the total program meal reimbursements in the State in the prior year.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, GA DECAL stated they would like to align the frequency and number of reviews in the SFSP with their Child and Adult Care Food Program, (CACFP) reviews. According to GA DECAL, due to the COVID-19 pandemic they have seen a decrease in new and returning sponsors, which requires the State Agency, (SA) to conduct more frequent reviews on returning sponsors to meet the half-aggregate regulation. GA DECAL stated in their request that they would need to add an additional 15-20 sponsors this fiscal year, to their review cycle to meet the half-aggregate requirement. Per GA DECAL, these sponsors added to meet the half aggregate regulation are in good standing and have already been reviewed previously which places additional burden on returning sponsors and the SA. According to GA DECAL, granting this waiver would not only provide relief to the SA and sponsors, but would also allow them to select reviews based on risk and need which will result in a higher quality review.

To ensure continued program integrity for the SFSP, GA DECAL stated that in lieu of meeting the half-aggregate requirement, they would annually review 33.3% of

all participating sponsors, which would total around 22. According to GA DECAL, they plan to continue to comply with regulations at 7 CFR 225.7(d)(2)(ii)(A) *review new sponsors within the first year of operating*, as well as 7 CFR 225.7(d)(2)(ii)(C) *annually review sponsors who had operational issues the year prior*, (D) *review every sponsor at least once every three years*, and (E) *conduct reviews of at least 10 percent of each sponsor's sites or one site, if that's greater*.

To ensure continued program integrity for the CACFP, OSDE-CNP will conduct CACFP reviews as required per regulations. GA DECAL stated in their request they will provide training and technical assistance through virtual modalities to all program participants, both new and experienced.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request and activities within do not increase the overall costs of the Program to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen Program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance which is critical to ensure that current Program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), the Food and Nutrition Service approves GA DECAL's waiver request effective through September 30, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above regulatory requirements will facilitate GA DECAL's ability to successfully carry out the purpose of the Programs.

GA DECAL's oversight plan, as discussed above, provides assurance that the State will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, GA DECAL must take Program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on January 1, 2021 FNS is requiring that for the duration of this waiver, GA DECAL provide the Southeast Regional Office, (SERO) a quarterly written report. The report must provide information on how the State is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of Program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program; and
- A summary of any technical assistance measures that were provided.

Should GA DECAL determine this waiver is no longer necessary prior to September 30, 2021, please notify the SERO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the SERO.

Sincerely,



Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division
Child Nutrition Programs