



Food and  
Nutrition  
Service

February 28, 2020

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

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

Dear Ms. Boone:

This letter is in response to the Georgia Department of Early Care and Learning's (DECAL) January 2, 2020, request to waive meal service time restrictions for sponsors in the Summer Food Service Program (SFSP). DECAL requested a statewide waiver of SFSP requirements under 7 CFR 225.16(c)(1) and (c)(2), which require minimum elapsed times between meal services and maximum durations of individual meal services. Pursuant to the waiver authority granted at section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), FNS approves DECAL's waiver request through April 30, 2022, or until FNS publishes a final regulation that supersedes this approval, whichever comes first.

DECAL requested this statewide waiver to continue to provide flexibilities, previously approved in an FNS nationwide waiver that has been rescinded, to sponsors in good standing for program year 2020 and continuing for a period of three to five years. In the request, DECAL states that this waiver would allow sponsors to schedule meal service times that align with community needs and access to transportation. DECAL asserts that less restrictive meal times help sponsors and sites continue to operate the program and will increase program participation. Without this waiver, DECAL anticipates it may incur additional costs for modifying its electronic application system and resources associated with training staff and SFSP sponsors on changes to meal service requirements.

FNS approves DECAL's request to waive meal service time restrictions for SFSP sponsors. This waiver is effective immediately and valid through April 30, 2022, or until FNS publishes a final regulation that supersedes this approval, whichever comes first. While DECAL requested this waiver for a period of three to five years, FNS limited the duration of the waiver to assess its impact and the State's ability to report required data elements outlined below. This waiver is applicable to regulations at:

- 7 CFR 225.16(c)(1), which places Federal limits on the amount of time that must elapse between the beginning of one meal and the beginning of the next, and
- 7 CFR 225.16(c)(2), which places Federal limits on the duration of a meal service.

Sponsors are still required to comply with application requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site.

Additionally, DECAL must ensure compliance with program monitoring and review procedures at 7 CFR 225.7(d)(2) and (d)(3).

The waiver authority at section 12(1) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by both December 31, 2020 and December 31, 2021, DECAL must provide to the FNS Southeast Regional Office a written report quantifying the impact of the waiver for the respective program year, as described below. **Please note that the continuation of this approval in program year 2021 is contingent on DECAL's ability to provide complete data and an analysis of the waiver impact for program year 2020.**

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the program;
- The total number of sponsors that used the waiver;
- The total number of sites that used the waiver;
- The total number of meals that were served at sites that utilized the waiver of meal service time restrictions; and
- A summary of benefits and challenges associated with the waiver of meal service time restrictions.

FNS appreciates DECAL's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Southeast Regional Office.

Sincerely,



Angela M. Kline

Director

Policy and Program Development Division

Electronic Copies: Rosie Daugherty, SERO  
Sonja Adams, DECAL  
Kate Alexander, DECAL