



Food and
Nutrition
Service

February 12, 2020

Braddock
Metro Center

1320
Braddock
Place
Alexandria
VA 22314

Ms. Tamika Boone
Director, 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 14, 2020 request to waive the requirement that, during unanticipated school closures, Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) meals must be served at non-school sites. Specifically, DECAL requested a statewide waiver of the SFSP requirements of Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(c)(1)) codified at 7 CFR 225.6(d)(1)(iv), which would allow the State to approve the operation of SFSP and SSO meal service at school sites during unanticipated school closures. Pursuant to the waiver authority granted at section 12(l) of the NSLA, FNS approves DECAL's waiver request through April 30, 2022.

DECAL requested a waiver beginning February 1, 2020, for a period of three to five years. This waiver would allow State agencies to approve sponsors to operate during unanticipated school closures at a school site. In its request, DECAL described how the waiver would protect children's access to meals when their routine meal source is disrupted. DECAL states that this waiver will allow them to maximize the options available for meal service, as functioning school sites may be the most accessible location where meals can be served. DECAL anticipated barriers that the State agency and sponsors would face without this waiver approval, including losses of program sites, resulting in fewer meals served to children.

FNS approves DECAL's request to waive the requirement that State agencies may only approve non-school sites to operate during unanticipated school closures. DECAL may approve school sites in good standing to serve meals during unanticipated school closures unless doing so would present a safety concern. This waiver is effective immediately and valid through April 30, 2022. 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 225.6(d)(1)(iv), which require State agencies to only approve a site proposing to operate during an unanticipated school closure if it is a non-school site.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by August 31, 2020, DECAL must provide to the FNS Southeast Regional

Office a written report quantifying the impact of the waiver, as described below. Because this approval is for three years, DECAL is also required to comply with this reporting requirement in 2021 and 2022. Data must be submitted not later than August 31 each year. **Please note that the continuation of this approval in 2021 and 2022 is contingent on DECAL's ability to provide complete data and an analysis of the waiver impact for 2020 and 2021. Any requests for renewal of this waiver are contingent on DECAL's ability to provide complete data and an analysis of the waiver impact for each program year.**

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 and SSO;
- The number of sponsors and sites that used the waiver;
- The number of meals that were served at school sites during unanticipated school closures;
- The number of meals that were served at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver.

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