

## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), 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*, May 24, 2018.

### **1. State agency submitting waiver request and responsible State agency staff contact information:**

Tennessee Department of Education,  
Sandy Dawes,  
State Director of School Nutrition,  
710 James Robertson Parkway  
Nashville, TN 37243  
Sandy.Dawes@tn.gov

### **2. Region:** Southeast Region

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:** At this time there are 3 confirmed school districts closed, as the waiver is for non-congregate feeding due to school closures for COVID-19. School Food Authorities (SFAs) wishing to claim reimbursements under this waiver will only be approved if in good standing with the state agency.

**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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:** The Tennessee Department of Education, School Nutrition Program (TN DOE) seeks to assist SFAs in meal service as a result of school closures related to the novel coronavirus disease (COVID-19). Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1761(c)(1)), codified at 7 CFR 225.6(d)(1)(iv), authorizes the provision of Summer Food Service Program (SFSP) or National School Lunch Program Seamless Summer Option (SSO) meal service to children during unanticipated school closures related to COVID-19.

**5. Specific Program requirements to be waived (include statutory and regulatory citations).** 7CFR 225.6(e)(15) that meals be served and consumed in a congregate setting, in order to support any social distancing requested by Federal, State, or local authorities. 7 CFR 225.6 (d)(1)(iv) limiting the operation of the SFSP or SSO during an unexpected school dismissal during the school year to non-school sites. 7 CFR 210.7 (1)(c) 7 CFR 210.10(2)(1) and 220.8 which addresses breakfast and lunch service times. Citation Memo dated March 06, 2020, SP 08-2020, SFSP 04-2020. The purpose of this memorandum is to provide updated guidance on the Child Nutrition Program flexibilities available during unanticipated school closures as a result of COVID-19. 7 CFR 225.6(d)(1)(iv) allows that the state agency shall ensure a proposed site operates meeting federal guidelines at both a school and non-school site.

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Alternative procedures are already in place and will continue if the waiver is not granted. Currently, meals cannot be served at non-congregate sites during school closures due to COVID-19. The state agency will continue to follow previously published guidance from FNS including, but not limited to, FNS Policy Memo: SP 55-2016, CACFP-2016, SFSP 18-2016 Meal Service during Unanticipated School and Day Closures.

Currently, the application for summer feeding sites contains information regarding area eligibility; this will provide assurance that the area eligibility requirements are upheld during unanticipated schools closures. Therefore, no new technology will be required to implement this waiver if granted. If the waiver is implemented, the following data will be collected: number of SFAs utilizing the waiver, number of sites that are serving meals during school closures for COVID-19, number of meals served at each site under the waiver, and total meals served by each SFA under the waiver.

Monitoring will be completed by the state agency; each SFA implementing the waiver will be required to keep production records, and documentation of meals served to students, a check list will be provided to districts implementing waiver to complete daily, this checklist will also be used for monitoring SFAs using this waiver. SFAs be monitored a minimum of one time per school year utilizing a desktop monitoring process. State agency monitoring will be accomplished by a desktop review and a checklist will be utilized to assure proper procedures are being followed. Results of the monitoring checklist will be documented within the state's online application system.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:** The state agency has an active unanticipated school closure waiver in place, which allows meals to be served at school sites during unanticipated school closures, however with the limits put on social interaction due to COVID-19, we are requesting an additional waiver to cover non-congregate feeding.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** There are no anticipated challenges to service providers with implementation of the waiver. The implementation of the waiver will alleviate potential challenges when school is closed due to COVID-19 by allowing meals to be served at non-congregate feeding sites.

**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(I)(1)(A)(iii) of the NSLA]:** The waiver will not result in increased program costs.

**10. Anticipated waiver implementation date and time period:** The waiver will be implemented upon approval by USDA on an as needed basis. As the waiver is for non-congregate feeding during school closures due to COVID-19, specific dates of implementation cannot be predicted at this time.

Implementation date requested: March 25, 2020

Time period requested: June 30, 2020

**11. Proposed monitoring and review procedures:** Monitoring will be completed by state agency; in accordance to USDA regulations. During the monitoring process, SA staff must ensure that the SFA and its participating sites are compliant with meal counting and claiming, menu planning, and food safety requirements established in 7 CFR 210 and 220. If an SFA operates one or more SSO sites due to COVID-19 school closure, the SA must select and review at least one SSO site. Documentation must be kept in accordance to USDA regulations.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS):** Meals served under the waiver will be claimed via SSO meals and reported monthly and quarterly via FNS 10, 523, and 777 reports. If the waiver is implemented, the following quantitative data will be collected: number of SFAs utilizing the waiver, number of sites that serve meals due to COVID-19 school closures, and meals served by each sponsor. Qualitative data regarding waiver implementation will also be collected including impact on services, including providing

nutritious meals, to recipients/participants. All FNS required reports will be submitted in a timely manner as requested by USDA requirements.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:** <https://www.tn.gov/education/snp-resources/snp-listservs.html>

**14. Signature and title of requesting official:**

\_\_\_\_\_ Title: Requesting official's email address for transmission of response:

**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(I)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**