

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,
Dr. Sandy Dawes
School Nutrition State Director
710 James Robertson Parkway
10th Floor
Nashville, TN 37243
Sandy.Dawes@tn.gov
629-203-0208

2. Region: Southeast Region

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Davidson County (Metro Nashville) is 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 agency is seeking to absolve the requirement that the specific school must be an elementary school to be eligible to participate in the Fresh Fruit and Vegetable (FFVP) program. Murrell Special Day School is a transitional school with the majority of its enrollment K-6 students, which is considered an elementary school in Tennessee. There are approximately three students out of the 37 enrolled students that are seventh graders. This site also serves a population of students with an ISP of 70.27% and operates as a CEP site. Murrell Special Day School is a site within one of the larger School Food Authorities (SFA) within the state that operate FFVP on an annual basis.

Challenges without the waiver:

- Service limited to children in eligible elementary schools in more traditional schools vs a special transitional school such as this one.

The goal of implementing the waiver is to improve overall services through:

- Increased overall participation in FFVP for Davidson County Metro Nashville SFA.
- Flexibility of FFVP eligibility of one site within a large school district.

Expected outcomes of the waiver:

- Allow SFA to serve FFVP to students that attend Murrell Special Day School.
- Increase participation in FFVP.
- Maintained support of local economies and continuing to provide economic activity through FFVP activities.

5. Specific Program requirements to be waived (include statutory and regulatory citations).

The agency is seeking to absolve the requirement that the specific school must be an elementary school to be eligible to participate in FFVP as stated in the FFVP handbook. Murrell Special Day School is a transitional school with the majority of its enrollment K-6 students, which is considered an elementary school in Tennessee.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Currently, the FFVP site application allows for state agency personnel to manually input a site for FFVP if they are not considered eligible based on system criteria from the NSLP application. We also utilize paper applications on case-by-case situations to best serve the SFAs. If this waiver is implemented, this SFA could utilize state agency override within the electronic platform or could use a paper application for the site in question. Therefore, no new technology will be required to implement this waiver if granted.

Monitoring will be completed by the state agency; the SFA implementing the waiver will be required to keep production records and documentation of FFVP items served to students. The SFA will be monitored via routine administrative review procedures.

If the waiver is not granted, program operations will be impacted by limiting the number of sites to serve by FFVP. Not granting the waiver may ultimately decrease the number of items served to students, which will increase food insecurity and childhood hunger.

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 is submitting this waiver on behalf of the SFA's request. There are no barriers at the state level that the state agency can resolve without this waiver.

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.

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 for the specific site covered within the waiver request.

Implementation date requested: July 1, 2022

Time period requested: June 30, 2023

11. Proposed monitoring and review procedures: FFVP items will be monitored and reviewed through scheduled administrative reviews.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): The state agency will maintain the waiver and waiver response from SERO on file. No additional reporting is required.

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

14. Signature and title of requesting official:



Title: School Nutrition State Director

Requesting official's email address for transmission of response: Sandy.Dawes@tn.gov; 629-203-0208

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(l)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: