

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 (CNP), 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
Bill Byford, Interim Director
710 James Robertson Pkwy
Andrew Johnson Tower, 10th floor
931-797-6981
Bill.Byford@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 no service providers to affirm, as the waiver is for unanticipated school closures. However, 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 agency is seeking to absolve the requirement that the School Food Authority (SFA) may only serve meals at non-school sites during unexpected school closures. This seeks to streamline program requirements by allowing any school site to participate in the seamless summer option (SSO) to serve meals during unanticipated school closures. If a school site wishes to serve meals during an unanticipated school closure, and has not previously been approved under SSO, the SFA may submit a new SSO application to serve meals during the unanticipated school closure. If the waiver is granted, SFAs will be able to serve meals at area eligible school sites during unanticipated school closures.

Challenges without the waiver:

- Increase in childhood hunger during unanticipated school closures as there will be fewer sites available to serve children. Many SFAs only operate at school sites, meaning without implementation of the waiver, many communities will not have a place to feed children in the event of an unanticipated school closure.
- Increased administrative burden to SFAs to comply with regulations.

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

- Decreased administrative burden to SFAs.
- Allowing meals to be served at school sites during unanticipated school closures to meet the needs of communities and maximize program participation.
- Maintained SFA and site participation.

Expected outcomes of the waiver:

- Continue to allow SFAs to serve meals at school and non-school sites during unanticipated school closures and help ensure children do not experience a lapse in food security.

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

[Section 12(I)(2)(A)(i) of the NSLA]: Section 13(c)(1) of the NSLA (42 U.S.C. 1761(c)(1) requires that meals served to children not in school during an unanticipated closure may only be reimbursed by FNS if the meals were served at non-school sites.

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. Meals cannot be currently served at school sites during unanticipated school closures. The state agency will continue to follow previously published guidance from FNS including, but not limited to, FNS Policy Memo: SP 04-2020, CACFP 03-2020, SFSP 03-2020 Meal Service During Unanticipated School Closures.

The online application system currently utilized to approve SSO applications has an option for SFAs to select that the site will be used to serve meals during unanticipated school closures. The application for summer feeding sites also 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 school sites that serve meals during unanticipated school closures, 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 state agency; each SFA implementing the waiver at school sites will be monitored a minimum of one time per school year when weather conditions permit. If an SFA is operating more than one site under the waiver, not all sites will be required to be monitored. State agency monitoring will be accomplished by site visits and a checklist will be utilized to assure proper procedures are being followed. Results of the monitoring checklist will be documented within the online application system.

If the waiver is not granted, program operations will be impacted by limiting the number of SFAs that have the capacity to serve meals during unanticipated school closures as some SFAs only serve meals at school sites. Not granting the waiver may ultimately decrease the number of meals served to children which will increase food insecurity and childhood hunger. Furthermore, SFAs will have to modify their unanticipated school closure and emergency plans without waiver implementation.

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]: Prior to rescission of this specific waiver, the state had allowed meals to be served at school sites during an unanticipated school closure. The rescission creates regulatory barriers that would otherwise not be in place and cannot be improved without a waiver from USDA.

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 unexpectedly by allowing meals to be served at school sites, possibly where prepared, and not force the food to be transported to an alternate location, if the school site would be more suitable.

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(l)(1)(A)(iii) of the NSLA]: The waiver will not result in increased program costs. The waiver may avoid additional costs in travel expenses by allowing meals to be served at school sites, where prepared, if the school site is accessible during an unanticipated school closure.

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 unanticipated closures, specific dates of implementation cannot be predicted at this time.

Implementation date requested: October 17, 2022

Time period requested: five years, through December 2027

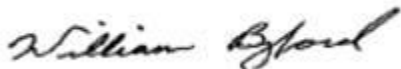
11. Proposed monitoring and review procedures: Monitoring will be completed by state agency; each SFA implementing the waiver at school sites will be monitored a minimum of one time per school year when weather conditions permit. If an SFA is operating more than one site under the waiver, not all sites will be required to be monitored. Monitoring will be accomplished by site visits and a checklist will be utilized to assure proper procedures are being followed. Results of the monitoring checklist will be documented within the online application system.

Each SFA will report to the state agency the number of sites implementing the waiver and the number of meals served at each site where the waiver is utilized.

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 school sites that serve meals during unanticipated 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.

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-forms.html>

14. Signature and title of requesting official:



Asst. Commissioner/Interim State Nutrition Director

Requesting official's email address for transmission of response: Bill.Byford@tn.gov

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: