**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](mailto: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:** As the 2020-21 school year is now well underway, School Food Authorities (SFAs) and Local Education Agencies (LEAs) have made many adjustments to education models in order to accommodate for the novel coronavirus. COVID-19 continues to impact the ability to gather in indoor spaces, with large groups of people for extended periods of time. In order to protect students, teachers, and staff, the overwhelming majority of the approximately 201 SFAs have made the decision to provide education in either a fully virtual or hybrid model that involves both in person and virtual learning. Although disease incidence continues to be an issue, COVID-19 is expected to surge to greater numbers in the fall and winter months, which may result in more districts implementing learning in a fully virtual model. With these new operating challenges, it will be necessary to feed children away from school grounds some or all days. In order to accommodate this blended style of learning, the state agency (SA) is seeking to allow for summer programs to be operated in a non-congregate setting. Those SFAs that wish to implement feeding through the seamless summer option (SSO) in a non-congregate setting will only be granted permission to do so if they are 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]:** According to program regulations found at7 CFR 225.6(e)(15) and 7 CFR 226.19(b)(6)(iii), Child Nutrition Program meals must be served in a congregate setting and must be consumed by participants on site. However, with the public health emergency, the state agency is seeking to help minimize potential exposure to the novel coronavirus, while still providing access to food to children. The Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs-EXTENSION #2 specifies NSLP and SBP, and does not address SSO

Challenges without the waiver:

* Decrease in participation, due to risk of exposure in congregate settings and limited access to sites
* Financial implications to school nutrition programs operating NSLP and SBP unable to operate SSO
* Increase in program operators deciding to stop serving children
* Decrease is school nutrition labor force as health concerns impact staffing

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

* Decreased administrative and operating burden to SFAs by extending the non-congregate feeding flexibility to SSO through the 2020-21 school year
* Addressing public health concerns and health officials’ recommendations
* Increase access to food for children due to increase in unemployment during COVID-19

Expected outcomes of the wavier:

* Allow SFAs to serve SSO meals at non-congregate sites until June 30, 2021
* Maintained participation in Child Nutrition Programs
* Maintained support of local economies and continuing to provide economic activity through SFA employees
* Address public health concerns regarding social distancing

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

The state agency is requesting to waive the requirements under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A) and 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(e)(15) and 7 CFR 226.19(b)(6)(iii), Child Nutrition Program meals must be served in a congregate setting and must be consumed by participants on site.

**6. Detailed description of alternative procedures and anticipated impact on Program operations,**

**including technology, State systems, and monitoring:**

Currently, the nationwide waiver per COVID-19: Child Nutrition Response #33 is in effect until June 30, 2021, which allows state agencies to waive the congregate meal requirements. However, this waiver does not include SSO operations.

Many SFAs have already denoted multiple hardships of not being able to utilize SSO during these times. In conjunction with the SSO waiver the state agency has submitted regarding SSO operations, the SSO non-congregate aspect we are requesting in this waiver would significantly benefit SFAs.

Expected challenges without expansion of the waiver include but are not limited to:

* Unable to meet social distancing recommendations in congregate settings, thus the need for non-congregate.
* Increased need for cleaning and sanitizing products in order to maintain health recommendations for feeding in congregate settings, which would increase program costs.
* Decreased participation

Monitoring will be completed by the state agency; each SFA implementing the waiver will be required to keep records and documentation of meals served to students. SFAs will be monitored a minimum of one time per school year utilizing a desktop monitoring process. State agency monitoring will be accomplished by either a desktop review or through routine administrative review procedures.

If the waiver is not granted, program operations will be impacted by limiting the number of SFAs that have the capacity to continue to serve meals while regarding COVID-19 precautions. Not granting the waiver may ultimately decrease the number of meals served to children, which will decrease food security and increase childhood hunger.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:** The state agency has submitted a complementary waiver to USDA to consider allowing SSO operations during the school year. This waiver is to supplement that waiver. This waiver allows for meals to be served with social distancing in mind, while still providing quality nutritious meals to children.

**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 in regards to program operations, staffing issues, and congregate feeding concerns during the public health emergency.

**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. However, if not approved, program costs will continue to skyrocket.

**10. Anticipated waiver implementation date and time period:** The waiver will be implemented upon approval by USDA for SFAs that wish to serve SSO meals at non-congregate sites related to COVID-19. This waiver is requested through June 30, 2021 to cover any future recommendations related to COVID-19.

Implementation date requested: September 2020

Time period requested: June 30, 2021

**11. Proposed monitoring and review procedures:** Each SFA SSO operator is monitored during the regular administrative review process or through desktop review if not scheduled for an SSO review this school year.

**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, 543, 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, 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:**



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Title: School Nutrition State Director

Requesting official’s email address for transmission of response: [Sandy.Dawes@tn.gov](mailto: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:**