



Department of

Human Services

Summer Food Service Program

Summer 2023



Department of
Human Services

SFSP 2023 Waiver Opportunities



Pre-COVID 19 Waivers

- In 2018 USDA rescinded 4 nationwide SFSP waivers in response to an Office of Inspector General (OIG) review
 - 1st week site visits for Sponsors
 - Offer Vs Serve
 - Meals service times restrictions
 - Area eligibility for closed enrolled sites
- USDA created a process for State Agencies to apply for participation in these waivers on a case-by-case basis



TN Waiver Request

- TN DHS applied to participate in the below waivers for SFSP 2022:
 - First week site visits
 - 7 CFR 225.15(d)(2)- requires sponsors to visit sites at least once during the first week of operation
 - Applications for closed enrolled sites
 - 42 U.S.C. 1761(a)(1)(A)(i)(III) and 7 CFR 225.15(f)- allows SFSP closed enrolled sites to determine site eligibility using Area Eligibility instead of income eligibility applications
 - Meal service time restrictions
 - 7 CFR 225.16(c)(1) and (c)(2) which set the minimum time that must elapse between meal services and limit the duration of meals
- DHS did not apply for the Offer Vs Serve waiver

TN Waiver Approval

- Public Notice for TN's waiver participation can be found on the DHS Newsroom [website](#)
- USDA approved TN's waiver request for SFSP 2022
- These waivers are available to all approved SFSP sponsors participating in SFSP 2022 that did not receive a notice of serious deficiency in SFSP 2021.

How can a Sponsor use these Waivers?

- These waivers do not need to be specifically applied for by the Sponsoring organization
- Accurate information needs to be entered and approved in the TIPS site applications
- Meals served outside of TIPS approval are not eligible for reimbursement

First Week Site Visits

- TIPS site application question #34

32. a) Is this a mobile site? Yes No

32. b) Is this an outdoor site? Yes No

33. Indicate how the site supervisor will communicate the number of meals that will be needed for the following day:

Site Staff will contact the Sponsor to order meals

34. Are you requesting a waiver for the First Week Site Visit? Yes No

35. List the types of scheduled activities at this site, or write "NA" if no activities.

- Sponsors may request to waive first week site visits for returning sites in good standing

Meal Service Time Restrictions

- Mealtimes restrictions are outlined at 7 CFR 225.16(c)
 - Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another
 - 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper
 - The service of supper shall begin no later than 7 p.m.
 - In no case may the service of supper extend beyond 8 p.m.
 - The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals
- Under the waiver Sponsors can request exemption from these regulations by entering mealtimes into the TIPS site applications
- Mealtimes entered in TIPS must be approved and must be followed by the Sponsor

Area Eligibility for Closed Enrolled Sites

- TIPS site application questions #25-26

25. Site Type: Closed - Enrolled in Needy Area

Reason for operating a Restricted Open or Closed Enrolled Site:

The Promising Scholars enrichment program is available to MNPS students only.

26. Eligibility Method: School Data

Provide the complete name of the school district, school name, and the number of free and reduced-price eligible students from which this site will draw its attendance.

School District: Davidson County

School Name: Amqui

Percentage of Enrollment Eligible for Free and Reduced-price Meals: 84.00 %

Program Year of School Data: 2018 - 2019

Provide the following Census information:

Block Number:

Group Number:

Percentage of Needy Children: %

COVID-19 Waivers

- In 2020 and 2021 USDA issued almost 100 waivers for the Child Nutrition programs for COVID-19
 - <https://www.fns.usda.gov/fns-disaster-assistance/fns-responds-covid-19/child-nutrition-covid-19-waivers>
- All nationwide SFSP waivers for Sponsors expired at the end of SFSP 2021
- Congress did not provide USDA authority to extend any of the nationwide COVID-19 waivers to SFSP 2022

Transitioning to Normal SFSP Operations

- USDA created an opportunity for State Agencies to request participation in specific waivers to help facilitate a transition back to “normal” SFSP operations.
- State Agencies were able to request participation through the 12(l) waiver process.
- TN DHS’s Waiver Request can be found on the Newsroom [Website](#)

SFSP 12(1) Waivers

Summer 2022 and SY 2022-23 Child Nutrition Programs 12(1) Waiver Checklist

**Longest effective dates are in italics; actual effective dates are contingent on date of approval*

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO):

The waivers in this section apply to SFSP and SSO for summer 2022. However, FNS expects that flexibilities under the waivers in this section will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic.

- Waiver 1: Non-Congregate Meal Service during Summer 2022 [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(e)(15)] (*May 1, 2022-September 30, 2022*)
- Waiver 2: Parent/Guardian Meal Pickup during Summer 2022 [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2, 7 CFR 220.8(a), 7 CFR 225.2, and 7 CFR 225.9(d)(7)] (*May 1, 2022-September 30, 2022*)

How can a Sponsor use these Waivers?

- These waivers MUST be specifically applied for by the Sponsoring organization
- Sponsors must complete the Sponsor Waiver Application form and submit it to DHS for review and approval prior to implementing waivers
- Sponsors must provide justification for use of the waivers to meet the requirement that “FNS expects that flexibilities under the waivers will only be implemented by Program operators when congregate meal service is limited by the COVID-19 pandemic”

Sponsor Waiver Application

- Waiver use justification
 - How is COVID-19 preventing congregate meal service
- Description of how the Sponsor proposes to implement the waivers
- List of sites where the waiver will be used
- Program Integrity Plan
 - Overview of plan
 - Description of how site will ensure only one meal is served per child per day
 - Description of how site will ensure that adult picking up meal is a parent/guardian picking up a meal for a child
- Duration of waiver request

Waiver Data

- Once approved for participation in the waiver Sponsors may serve meals in a “Grab and Go” distribution method
- Sponsors are required to collect data showing what days the waivers were utilized and how many meals were served under the approved waivers
- Waiver data should be submitted to DHS at the end of the approved waiver time period
- Failure to collect data and submit it to DHS may result in meal disallowance

TN Heat Waiver Request

- USDA did not extend the heat demonstration project to SFSP 2022, instead they created another waiver opportunity for states
- TN DHS has applied for a waiver to allow SFSP Sponsors to provide non-congregate meal service at outdoor sites when experiencing excessive heat
- Public Notice for TN's waiver participation can be found on the DHS Newsroom [website](#)

Excessive Heat Waiver Application

- TIPS site application questions #32 and 35

32. a) Is this a mobile site?

Yes No

32. b) Is this an outdoor site?

Yes No

33. Indicate how the site supervisor will communicate the number of meals that will be needed for the following day:

Site Staff will contact the Sponsor to order meals

34. Are you requesting a waiver for the First Week Site Visit?

Yes No

35. Are you requesting that this Site to be included in the waiver for non-congregate feeding due to excessive heat?

Yes No

- To be eligible for this waiver both questions must be “yes”

Use of Excessive Heat Waiver

- The excessive heat waiver can be used at approved outdoor sites when the National Weather Service issues a heat advisor or excessive heat warning for the area where the site is located
- The Sponsor must save a copy of the National Weather Service notification and make available upon request
- Sponsors can allow children to take meals off-site for consumption when these conditions occur
- Sponsors must provide DHS Documentation at the end of the summer showing when the waiver was used and how many meals were taken off site

Note on the Excessive Heat Waiver

- DHS has not been approved to participate in this waiver as of today.
- We will notify all sponsors if/when we receive approval
- If DHS does not receive USDA approval sites will not be allowed to let children take meals off site during times of excessive heat
- Failure to collect and submit waiver data on days the waiver was used may result in meal disallowances

Questions?

Contact us:

Child and Adult Care Food Program

CACFP.DHS@tn.gov

and

Summer Food Service Program

TNSFSP@tn.gov

(615) 313-4749

USDA Non-Discrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- 1. mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
- 2. fax:** (833) 256-1665 or (202) 690-7442; or
- 3. email:** Program.Intake@usda.gov

This institution is an equal opportunity provider.