

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:

As School Food Authorities (SFAs) and Local Education Agencies (LEAs) make plans for returning to school for the 2020-2021 school year, food service considerations must be made. As the start of the school year approaches and coronavirus cases continue to rise, many districts are choosing to begin school with either a fully virtual model or a hybrid model of virtual and in-person learning. In order to maintain food security in a socially distanced manner, SFAs would like to be able to provide afterschool snacks along with breakfast and lunches to students participating in virtual learning. Additionally, SFAs would like to provide snacks to students attending school but who are no longer able to participate in extracurricular activities as many have been cancelled to implement social distancing recommendations to limit the spread of the novel corona virus. In order to provide afterschool snacks to students participating in virtual learning and those without access to extracurricular activities, the regulatory requirements of congregate feeding, enrichment activities, and serving times must be waived.

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]:

As LEAs plan for returning to school, social distancing remains a top priority. In order to accommodate recommended social distancing guidelines, schools are implementing new and unique strategies for learning, including a fully virtual start to the school year for some LEAs and a mix of virtual in school learning for others. In order to maintain social distancing guidelines, many afterschool and extracurricular activities are also being cancelled. Without enrichment activities, children will not have access to afterschool snacks, however this does not alleviate the presence of food insecurity. SFAs being able to implement after schools snacks with flexible time requirements, without enrichment activities, and in a non-congregate setting is critical to children's well-being.

Challenges without the waiver:

- Decrease in participation in the afterschool snack program due to lack of enrichment activities.

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

- Increase food security of children and families by providing children afterschool snacks outside of current regulatory requirements.
- Ability to maintain social distancing guidelines while still providing supplemental snacks to school children.

Expected outcomes of the wavier:

- Allow SFAs to serve snacks through multiple modes of delivery without LEAs being required to provide enrichment activities or in congregate settings.
- Allow SFAs to serve snacks through multiple modes of delivery without LEAs being required to serve snacks during afterschool hours.
- 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).

Under sections 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act and 42 U.S.C. 1766a(a)(2)(C), afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 210.10(o)(1)(ii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity.

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

Allowing SFAs to serve snacks without the supervised activities and in a non-congregate setting will allow more students access to the snack program while maintaining social distancing guidelines.

Monitoring will be completed by the state agency; each SFA implementing the waiver will be required to keep records and documentation of snacks served. SFAs will be monitored by the state agency staff, which may include ensuring the waiver request form is on file with the state agency. State agency monitoring will also be accomplished during routine administrative review procedures.

If the waiver is not granted, program operations will be impacted by increasing programmatic burden on food service operators. Fewer districts will be able to appropriately provide snacks to students in a safe

way in regards to pandemic concerns. Not granting the waiver may ultimately decrease the number of snacks 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 regulations seeking to be waived prevent state-level remedies from being a possibility to address the issue.

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 barriers to implementing new meal service models in response to public health measures resulting from the outbreak of the novel coronavirus.

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. Implementation of the waiver will allow snack service to continue to students as it usually would during a traditional school year without virtual learning and with continued extracurricular activities.

10. Anticipated waiver implementation date and time period: The waiver will be implemented as districts return to school for the 2020-2021 school year to accommodate for virtual and hybrid learning models and cancelled extracurricular activities as related to COVID-19.

Implementation date requested: August 2020

Time period requested: June 30, 2021

11. Proposed monitoring and review procedures: Each SFA is monitored during the regular administrative review process. SFAs that wish to utilize the waiver will submit a waiver request form to the state agency. The state agency will keep all waiver request forms on file.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): Reporting would be considered through Qualitative data regarding waiver implementation will also be collected including impact on services, including providing nutritious snacks, 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-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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: