



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, School Nutrition Program
Joelene Kappeler, Lead Consultant
710 James Robertson Parkway
Andrew Johnson Tower, 10th Floor
(615) 440-2018
Joelene.Kappeler2@tn.gov

2. Region: Southeast

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

Shelby County Schools are in good standing with the state agency and compliant with program regulations.

Sites impacted by waiver:

1. Freedom Academy Prep, Westwood Campus (ASD)
2. Freedom Prep Whitehaven (Fields)

SP 15-2018, CACFP 12-2018, SFSP 05-2018

3. Freedom Preparatory Academy
4. Freedom Preparatory Academy 4

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]:

CEP policy requires schools to elect CEP June 30, and it does not allow for late elections. Freedom Preparatory Academy started the 2018-19 school year as their own SFA and was not part of Shelby County School's meal application during the election process. Approx. 4 weeks after meal service began, Freedom Preparatory Academy requested four sites to be added under Shelby County Schools when Freedom Preparatory Academy's vendor declared bankruptcy and could no longer provide meals. Shelby County Schools accepted the four sites as standard meal counting and claiming sites, while all other sites are CEP. The goal is to qualify these additional sites as CEP schools to ensure free meals for all students and implement CEP reimbursement claiming percentages for Shelby County Schools.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

Interested and eligible LEAs must notify their State agency of their intent to elect CEP and submit ISP data representative of April 1 no later than June 30, unless an extension is granted [7 CFR 245.9(f)(4)(i)].

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

By allowing the additional sites to operate CEP there will be a decreased burden on families and an expansion of access to students who may not have been able to afford breakfast or lunch. Operating CEP will decrease stigma from student's peers. Increased revenue when operating CEP ensure program investment and help improve food quality. CEP will greatly decrease administrative burdens and costs associated with application processing and verification. In addition, Shelby County School sites have operated CEP the last 5 years and the SA will have to provide additional training on application processing and benefit issuance. Allowing Shelby County Schools to operate CEP at these additional sites will decrease the State agency monitoring burden by verifying attendance lists to Direct Certification lists, which is a faster process than verifying application accuracy and eligible benefit categories.

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 allowed the 30-day carryover for switching from CEP to non-CEP, and offered this waiver request.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The biggest challenge for the eligible service provider, Shelby County Schools, is communication to families. The students were CEP, not CEP, and now possibly CEP again. Meal charges could be a challenge as well, depending on the implementation date.

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]:

Allowing Shelby County Schools to operate CEP at their four additional Freedom Preparatory Academy sites will decrease the administrative expense for these schools. While Shelby County Schools may appear to receive a higher reimbursement after the approval of this waiver, these requested sites were operating and receiving reimbursement under Shelby County Schools during SY17-18. Resulting in a similar reimbursement of what was received during SY17-18 by Shelby County Schools.

10. Anticipated waiver implementation date and time period:

Anticipated waiver implementation date: March 1, 2019.

We ask that any retroactive benefits eligible to Shelby County Schools be approved.

11. Proposed monitoring and review procedures:

SA will ensure site supervisors have trained staff via sign-in sheets for all added Freedom Preparatory Academy sites. SA will request proof of letters sent to families. SA will review submitted claim by Shelby County Schools to ensure accuracy.

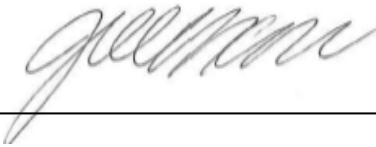
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

As a State agency will ensure compliance of SP15-2016. We will review documentation to evaluate whether the group of schools meets the minimum ISP of 40%, that the LEA participate in both NSLP and SBP, and has a record of administering the program in accordance with program regulations.

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 :



Title: Lead Consultant

Requesting official's email address for transmission of response:

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:**