

## **Tennessee School Nutrition Program COVID-19 Waiver Request**

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 Child Nutrition Program  
Sandy Dawes,  
State Director, School Nutrition Program Andrew Johnson  
Tower, 10<sup>th</sup> Floor  
710 James Robertson Parkway  
Nashville, TN 37243

### **2. Region:**

Southeast

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

The Tennessee School Nutrition Program in good standing with the regional and national office. All SFAs 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]:**

The extension of CEP deadlines will ensure eligible SFAs have sufficient time to collect the necessary data to elect CEP for SY 2022-23, as schools continue to respond to and recover from the COVID-19 pandemic. In order to facilitate the adoption of CEP for SY 2022-2023,

additional time is necessary to gather accurate identified student data.

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

**Tennessee is requesting the following CEP deadlines to be waived:**

ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), (f)(4)(viii), and (f)(4)(ix)

LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)

State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)

State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)

June 30 election date under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a and FNS regulations at 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:**

This waiver would allow SFAs in Tennessee additional time to identify directly certified student data as well as enrollment data for possible election and participation in the CEP for SY 22-23.

**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 already sent reminders to SFAs of pending deadlines and will continue to encourage prompt CEP data collection and election.

**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.

**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.

**10. Anticipated waiver implementation date and time period:**

CEP Requirement	Annual Deadline	Waiver Deadline
Data Used to Calculate ISP	April 1	April 30, 2022
LEA Notification	April 15	June 30, 2022
State Agency Notification	April 15	June 30, 2022
State Agency Publication	May 1	June 30, 2022
Elect CEP for SY 2022-2023	June 30	August 31, 2022

Implementation date requested: March 22, 2022

Time period requested: March 22, 2022- August 31, 2022

**11. Proposed monitoring and review procedures:**

Tennessee Department of Education will provide training, technical assistance and complete compliance reviews as required by USDA requirements. Tennessee Department of Education will use review procedures found in 7 CFR 245.9(f) for those who elect to participate in CEP.

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

Continue to provide required reports by the extended deadlines, as well as any other reports required by FNS.

**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:**

*Dr. Sandy Dawes*

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Title: Tennessee Department of Education State Director of School Nutrition Programs

Requesting official's email address for transmission of response:

[Sandy.Dawes@tn.gov](mailto:Sandy.Dawes@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**



