



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

February 10, 2026

Joshua Nunnally
State Director of School Nutrition
Tennessee Department of Education
710 James Robertson Parkway
Nashville, TN 37219

Dear Joshua Nunnally:

This letter is in response to the Tennessee Department of Education's (TNDOE's) February 6, 2026, request to waive National School Lunch Program (NSLP) and School Breakfast Program (SBP) requirements to allow school food authorities (SFAs) to offer non-congregate meals to participants fasting during Ramadan. Pursuant to Section 12(l) of the NSLA (42 U.S.C. 1760(l)), FNS approves TNDOE's waiver request to allow SFAs to offer, to fasting participants in attendance during Ramadan, non-congregate meals for participants to consume at a time that honors their religious principles.

In its request, TNDOE indicated that approval of this waiver would provide participants who observe Ramadan access to healthy and wholesome meals. FNS has determined that this waiver facilitates the purpose of the NSLP and SBP as participants are in attendance at a participating school or site and are eligible to receive meals but are unable to consume meals during the day because they are fasting in observance of Ramadan. Furthermore, the waiver ensures all children have access to the nutrition they need.

Specifically, TNDOE requested a statewide waiver of the NSLP and SBP requirements explained below.

National School Lunch and School Breakfast Programs

Non-Congregate Meal Service (NSLP and SBP)

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the NSLP and SBP in a congregate setting, to students who attend school and are fasting during Ramadan. Any other requirements referenced in these provisions remain in effect.

Meal Service Times (NSLP and SBP)

Under program regulations at 7 CFR 210.10(l) and 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives, for non-congregate school lunches and breakfasts served to students who attend school and are fasting during Ramadan, the aforementioned requirements that set meal time parameters.

Offer Versus Serve (NSLP)

Under the NSLA, 42 U.S.C. 1758(a)(3), and program regulations at 7 CFR 210.10(e), Program operators of senior high schools (as defined by TNDOE) must participate in offer versus serve at lunch.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirements to serve non-congregate school lunches using offer versus serve for senior high school students who attend school and are fasting during Ramadan.

Per TNDOE's request, this waiver is effective February 17, 2026, through March 19, 2026. To maintain Program integrity and accountability of local operators, TNDOE must work with SFAs operating under this waiver to ensure meals are distributed only to participants in attendance at the school on the day non-congregate meals are offered, and that duplicate meals are not distributed to any participant. In addition, participation in the child nutrition programs is at an eligible participant's discretion; therefore, if a participant chooses to consume a meal during the day, schools may not deny a meal because the participant is thought to be fasting during Ramadan.

The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or Program operator that was granted a waiver. Therefore, by June 30, 2026, TNDOE must provide to the FNS Southeast Regional Office a report quantifying the impact of the waiver as described below.

The report must include the following:

1. A description of how this waiver improved services for the Program participants;
2. A summary of benefits and challenges associated with this waiver;
3. The total number of Program operators (SFAs) utilizing this waiver; and,
4. A description of the outreach conducted to families and participants in impacted schools and sites.

If you have questions, please contact the FNS Southeast Regional Office.

Sincerely,

Tina Namian
Deputy Associate Administrator
Child Nutrition Programs