



Food and  
Nutrition  
Service

February 2, 2021

Braddock  
Metro Center

Dr. Linette Dodson  
Georgia Department of Education  
205 Jesse Hill Jr. Drive, SE  
1570 Twin Towers East  
Atlanta, GA 30334

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Dear Dr. Dodson:

This letter is in response to the December 18, 2020 waiver request from the Georgia Department of Education (GaDOE SNP). GaDOE SNP requested to waive the following statutory and regulatory requirements in the National School Lunch Program (NSLP):

- 42 USC 1769c(b)(1)(C)(i) and 7 CFR 210.18(c) - Timing of administrative reviews and cycle;
- 7 CFR 210.19(a)(5) - Food Service Management Company (FSMC) review cycle requirements;
- 42 USC 1769c(b)(6)(A) and 7 CFR 245.11 (a)-(b) - Notification of second review of applications;
- 7 CFR 210.18(e)(3)(ii) - Site selection for other Federal program reviews;
- 7 CFR 210.8(a)(1) - school food authorities reviews of lunch by February 1; and
- 7 CFR 220.11(d)(1) - school food authorities reviews of breakfast by February 1.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, GaDOE SNP proposed an alternative oversight plan for the NSLP that includes extensive technical assistance and continued monitoring for all school food authorities (SFAs). GaDOE SNP operates NSLP and the School Breakfast Program (SBP) only; it does not operate the Summer Food Service Program or the Child and Adult Care Food Program. For NSLP, GaDOE SNP will extend the FSMC review cycle from three years to five years to align the review with the current administrative review (AR) and procurement cycles. While GaDOE SNP will maintain the current five-year AR cycle, it seeks to waive the requirement that each SFA is reviewed at least once every six years due to AR postponements. For SFAs scheduled

to receive an AR in school year (SY) 20-21, GaDOE SNP requests to waive the requirement that SSO be reviewed the summer before or after. On behalf of SFAs, GaDOE SNP seeks to waive the second review of applications as no SFAs operating NSLP meet the review criteria. Additionally, GaDOE SNP requests a waiver of monitoring requirements on behalf of SFAs operating SSO in order to meet their current needs on the ground; SFAs operating NSLP will continue to meet the regulatory requirements.

To ensure program integrity in the NSLP, GaDOE SNP will continue to provide oversight and monitor NSLP program operations. With the current five-year AR cycle, each SFA needs to be reviewed at least once every six years. Many SFAs who were scheduled to receive an AR in SYs 19-20 and 20-21 opted to operate a different program and therefore cannot be reviewed within six years. GaDOE SNP will ensure that each SFA is reviewed by the end of the current AR cycle and within eight years of the last AR. For SFAs scheduled to receive an AR in SY 20-21 that are operating NSLP, the AR will be completed as planned. For those SFAs whose AR was postponed from SYs 19-20 or 20-21 to a later SY, GaDOE SNP will schedule a coordinated support visit during this SY to ensure program integrity. This review will also include the completion of the dietary specifications tool to validate compliance with nutrient requirements and a follow-up on any findings from the previous AR to ensure all required corrections were made. Any SFA scheduled for an AR in SY 20-21 and that operates SSO will receive a SSO review in summer 2021, if the program is still in operation. For FSMC reviews, GaDOE SNP will align these reviews with the AR to reduce State agency and SFA burden. For SFAs operating SSO in SY 20-21, monitoring will continue to occur for all approved sites and regular on-site monitoring of NSLP and the SBP will resume in SY 21-22, provided that operations resume as normal.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall costs of the Program(s) to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance which is critical to ensure that current program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves GaDOE SNP's waiver request effective through:

- June 30, 2021 for NSLP monitoring requirements; and
- June 30, 2023 for the FSMC review cycle extension.

Please note that this only extends the FSMC review cycle and does not waive the requirement itself for a review cycle. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate GaDOE SNP's ability to successfully carry out the purpose of the Programs.

GaDOE SNP's oversight plan, as discussed above, provides assurance that GaDOE SNP will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, GaDOE SNP must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any GaDOE SNP that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that, for the duration of this waiver, GaDOE SNP provide the Southeast Regional Office (SERO) a quarterly written report. The report must provide information on how GaDOE SNP is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the Program(s); and
- A summary of any technical assistance measures that were provided.

Should GaDOE SNP determine this waiver is no longer necessary prior to the expiration of the dates listed above, please notify the FNS SERO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run

successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS SERO.

Sincerely,

A handwritten signature in blue ink, appearing to read "Saracino", is written over a horizontal line.

Jessica Saracino  
Acting Director  
Program Monitoring and Operational Support Division  
Child Nutrition Programs