

## **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  
Bill Byford, State Nutrition Director  
710 James Robertson  
Pkwy Andrew Johnson  
Tower, 10<sup>th</sup> floor  
931-797-6981  
[Bill.Byford@tn.gov](mailto:Bill.Byford@tn.gov)

### **2. Region:**

Southeast Region

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

The Tennessee School Nutrition Program and Shelby County School District are in good standing with the regional and national office.

### **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]:** Due to recent snowstorm and freezing weather Shelby County Schools is experiencing a boil water order. This is causing the district difficulty in providing meals to students without a reliable water source to properly

wash food and cook food.

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

Meal Pattern requirements for each age/grade group 7 CFR 210.10 and 7 CFR 220.8 and 220.23)  
Fruit and Vegetable group, Whole Grain-rich requirement and 50% Juice requirement 7 CFR  
210.10, 7 CFR 220.8 and 7 CFR 220.23.  
Offer vs Serve (7 CFR 210.10 (c).

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

If the waiver request is approved, there will be no significant impact to technology, state systems or monitoring.

**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]:**

There are no regulatory barriers at the State level.

**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 state does expect to see continued improved services for SFAs.

**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:**

The waiver will be implemented upon approval by USDA and until the boil water requirement has been lifted in Shelby County Tennessee.

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

Monitoring SNP programs under requested waivers will follow review regulations for each program. This practice will be consistent with 7 CFR 210, 220, and 225 review requirements.

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

All FNS required reports will be submitted in a timely manner according to USDA requirements.

**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**

**Signature and title of requesting official:**

\_\_\_\_\_ **State Nutrition Director**

Requesting official's email address for transmission of response: [Bill.Byford@tn.gov](mailto:Bill.Byford@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:**