



**Food and Nutrition Service**  
U.S. DEPARTMENT OF AGRICULTURE

August 13, 2025

Angelice Lowe

Director, Child Nutrition Programs

Alabama State Department of Education

5303 Gordon Persons Building

P.O. Box 30201

Montgomery, Alabama 36130-2101

Dear Angelice Lowe:

This letter is in response to the Alabama State Department of Education (ASDE) July 31, 2025, request on behalf of Pell City Schools to waive the requirement to meet the annual Community Eligibility Provision (CEP) election deadline for school year (SY) 2025-2026. The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) approves this waiver, as it aligns with USDA Secretary Brooke Rollins' commitment to support State innovation through waiver approvals and to prioritize timely and satisfactory customer service.

Specifically, ASDE has requested a waiver under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)) to waive the statutory requirement at Section 11(a)(1)(F)(x)(I) of the NSLA (42 U.S.C. 1759a) that local educational agencies (LEAs) intending to elect CEP in the following school year must notify the State agency not later than June 30 of the current school year. This requirement is codified in FNS regulations at 7 CFR 245.9(f)(4)(i).

ASDE is requesting this waiver because Pell City Schools was unable to elect CEP by the June 30 deadline because their new superintendent was appointed after the CEP election deadline.

The superintendent has expressed a strong commitment to implementing CEP, drawing from his previous experience where the program had a positive impact on students. He is eager to continue that success at Pell City Schools by ensuring all students have access to nutritious meals at no cost.

To grant a waiver under Section 12(l) of the NSLA, the NSLA requires that the waiver must facilitate the purpose of the Program(s), the public must receive notice and information regarding the proposed waiver, and the waiver must not increase the overall cost of the Program(s) to the Federal Government. FNS finds that ASDE's waiver request satisfies these statutory requirements.

After reviewing the waiver request and confirming that ASDE has met the statutory requirements, FNS has determined that approval of this waiver request would facilitate the ability of the State and LEAs to carry out the purpose of the Programs. Therefore, pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS is providing approval for ASDE to waive the statutory and regulatory requirements at Section 11(a)(1)(F)(x)(I) of the NSLA (42 U.S.C. 1759a) and at 7 CFR 245.9(f)(4)(i) for SY 2025-2026, that require LEAs electing CEP for the subsequent school year to notify their State agency by June 30. The waiver will allow ASDE to extend the CEP election date for Pell City Schools.

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 December 31, 2025, ASDE 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:

- A description of how the waiver impacted NSLP and SBP meal service operations,
- A description of whether the waiver resulted in improved services to children;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Program.

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

Sincerely,

**TINA NAMIAN** Digitally signed by TINA NAMIAN  
Date: 2025.08.13 09:23:47  
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Tina Namian

Deputy Associate Administrator

Child Nutrition Programs