CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
Alabama Request for Waiver of Meal-Time Restrictions
SFSP 10-2017, SFSP 06-2017, SFSP 11-2011 rescinded

1. State agency submitting waiver request and responsible State agency staff contact information:

   Alabama State Department of Education (ALSDE)
   Ms. June Barrett Owen, Coordinator, Child Nutrition Programs
   jbarrett@alsde.edu : (334) 694-4656
   Mr. Ben Guthrie, Administrator, CACFP and SFSP
   bguthrie@alsde.edu : (334) 694-4659

2. Region: Southeast

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

   If the US Department of Agriculture (USDA) grants a waiver request to the ALSDE, the ALSDE staff will require that each sponsor’s highest-ranking official sign an attestation statement that their program is in good standing.

   “Good standing means the institution must have no serious deficiencies declared in the most recent review cycle” (USDA Administration Guide, Summer Food Service Program 2016 page 11). The waiver request includes flexibility for the following: SP 10-2017, SFSP 06-2017. Meal Service Requirements in the Summer Meal Programs with Questions and Answers – Revised December 5, 2016.

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]:

   Summer Food Service programs must allow for flexibility of meal service times to promote and offer meals to more students to have a highly successful program. Summer schedules often change for children. By allowing meal service time flexibility, sponsors may serve a meal at a time when the greatest number of children can participate and receive meals. They can also provide meals which will respond to the needs of the population and not necessarily the needs of a particular site. Teenagers’ schedule of summer activities would greatly benefit from the flexibility of meal service hours which will allow sponsors to have greater flexibility. This flexibility will allow, encourage and promote participation. It will also allow sponsors’ flexibility in staffing sites, which may reduce operational costs to the sponsor. Cost savings can then be channeled to program service and meals
improvements. Waiving the meal-time requirement will also allow time to serve expanded meal service time to best serve the local population of children.

The goal of the waiver of meal restriction requirement that three hours must lapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must elapse between lunch and supper if no snack is served and that the duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals. Sponsors can plan meal service times that work for the individual sites and make the greatest use of available site supervisor personnel. Waiving the meal duration restrictions would allow sponsors to serve for longer periods of time, as approved by the SA, and offer meals to more children.

5. **Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(I)(2)(A)(i) of the NSLA]: 7 CFR 225.16(c)(1) and 7 CFR 225.16(c)(2)
   Requirement that three hours must lapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must lapse between lunch and supper if no snack is served. And the duration of meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**
   Sponsors are required to submit each site’s meal service times in the site application portion of the online application for SA approval. No change will occur with procedure or online application process. Sponsors must continue to establish and follow approved meal service times and if sites for meal service change, changes must be revised per site on the online application and approved by SA. The SA ensures that site applications are approved only if meals are served as traditionally regarded, for example, breakfast as the first meal of the day and is served in the morning.

7. **Description of any steps the State has taken to address regulatory barriers at the State level.** [Section 12(I)(2)(A)(ii) of the NSLA]:
   There are no regulatory barriers at the SA regarding meal service time restrictions.

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:**
   The waiver has been in effect for eight years prior to federal rescission and there were no challenges with its application. SA staff review each site application to ensure that meals are served during the traditional time of day such as breakfast is the first meal served and that there is sufficient time for meal service, etc. There are no challenges expected with implementation of this 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 increase the overall cost of the program to the federal government. Implementation of this waiver is anticipated to reduce administrative and operating costs for sponsors. It also anticipated that a reduction in food waste will occur because sponsors will have the flexibility to determine meal times for the greatest participation. There are no anticipated increases in cost with the approval of this waiver. If the waiver is not approved, an increase in cost to the sponsors is anticipated, both for food waste and in operational costs associated with staffing sites since the flexibility will allow for staggered meal service times across sites in the local program.

10. Anticipated waiver implementation date and time period: May 1, 2020-April 30, 2021.

11. Proposed monitoring and review procedures: All meal service times are reviewed and approved by SA staff for appropriate times (for example, breakfast served as first meal and in the morning). Site reviews ensure that meals are served in the time period approved by the SA. Sites serving outside the approved time period are cited with a finding.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): The number of sites for which this waiver is granted will be reported, as well as any findings from sponsor reviews associated with the waiver. The SA will report data as 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.alsde.edu/sec/cnp/Pages/forms-afl.aspx?tab=Summer%20Food%20Service%20Program&navtext=Forms and Resources
14. Signature and title of requesting official:

[Signature]

Title: Alabama State Superintendent of Education
emackey@alsde.edu

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: