



Food and  
Nutrition  
Service

March 6, 2020

Braddock  
Metro  
Center

Ms. Kathleen Britton  
Director  
Child Nutrition Programs  
Utah State Board of Education  
Post Office Box 144200  
Salt Lake City, Utah 84114-4200

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Britton:

This letter is in response to the Utah State Board of Education, Child Nutrition Programs' (USBE CNP) December 16, 2019, request to waive first week site visit requirements for sponsors in the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO). USBE CNP requested a statewide waiver of SFSP requirements under 7 CFR 225.15(d)(2) for all SFSP sites that have operated successfully the previous year and for sponsors that operate the Child and Adult Care Food Program or the National School Lunch Program. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), FNS approves USBE CNP's waiver request through April 30, 2022, or until FNS publishes a final regulation that supersedes this approval, whichever comes first.

USBE CNP requested a statewide waiver beginning immediately and extending through April 30, 2022. USBE CNP wants to continue to provide first week site visit waivers to all sites and sponsors for which FNS nationwide waivers, now rescinded, had previously applied. Without this waiver, USBE CNP would require software system updates and revisions to statewide training and review procedures to comply with the waiver rescission, increasing administrative costs. According to USBE CNP, this waiver would foster more efficient and cost-effective oversight of program operations. USBE CNP will ensure program integrity through a thorough application process, technical assistance visits, administrative reviews, and training.

FNS approves USBE CNP's request to waive first week site visit requirements for sites in good standing that have operated successfully in the previous year, and sponsors that successfully participated in the Child and Adult Care Food Program or the National School Lunch Program and are in good standing; this waiver is effective immediately and valid through April 30, 2022, or until FNS publishes a final regulation that supersedes this approval, whichever comes first. This waiver is applicable to regulations at 7 CFR 225.15(d)(2), which require sponsors to visit each of their sites at least once during the first week of operation under the program, for:

- Sites that have operated successfully in the previous year; and

- Sponsors that successfully participate in the Child and Adult Care Food Program or the National School Lunch Program.

Sponsors are still required to conduct a full review of food service operations at each site within the first four weeks of operations and maintain a reasonable level of site monitoring, per regulatory requirements at 7 CFR 225.15(d)(3). Sponsors must complete a monitoring form developed by the State agency during the conduct of these reviews. In cases where a site, whether new or returning, only operates for a short period of time, the review of food service operations must be conducted during the period of operation. Finally, please note that although USBE CNP requested this waiver for SSO sponsors, the requirements at 7 CFR 225.15(d)(2) do not apply to SSO sponsors.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by both December 31, 2020 and December 31, 2021, USBE CNP must provide to the FNS Southwest Regional Office a written report quantifying the impact of the waiver for the respective program year, as described below. **Please note that the continuation of this approval in program year 2021 is contingent on USBE CNP's ability to provide complete data and an analysis of the waiver impact for program year 2020.**

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of sponsors approved by the State agency be able to implement the waiver;
- The total number of sponsors who actually utilized the waiver
- The total number of sites for which the waiver could be applied;
- The total number of sites for which the waiver was actually utilized;
- Summary of benefits and challenges associated with waiving the first week site visit requirements for returning sites that operated successfully during the previous summer; and
- Report of any compliance issues noted with this flexibility during the application approvals and reviews, as well as any technical assistance provided.

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FNS appreciates the efforts of USBE CNP to ensure that children continue to receive nutritious meals when they are not in school. If you have questions, please contact the Southwest Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read 'AMK', is positioned above the typed name.

Angela M. Kline  
Director  
Policy and Program Development Division

Electronic Copies: James Abraham, SWRO  
Hafsa Zahid, USBE CNP