



Child Nutrition Programs

State Waiver Request for Pre-Op Visits for New or Returning Sites in SFSP

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 (CNP), 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:

Utah State Board of Education, Child Nutrition Programs
Kathleen Britton, Child Nutrition Director
kathleen.britton@schools.utah.gov
801-538-7513
250 East 500 South
Salt Lake City, UT 84111-3204

2. Region:

Southwest Regional Office

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

For Utah State Board of Education (USBE) Child Nutrition Programs experienced and approved sponsors operating Summer Food Service Program (SFSP) in good standing (i.e.



not in withholding and has not exhibited any egregious errors regarding running the program).

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]:

The USBE Child Nutrition Section is requesting a state-wide waiver for Summer Food Service Program (SFSP) pre-operational site visits under certain conditions. The impact and challenges faced by the USBE Child Nutrition Section and Utah sponsors are detailed below.

Program Monitoring

In Program Year (PY) 2023 only 26% (28 of 105) of sites were new to the SFSP. Of those 28 sites, 100% of them were run by experienced SFSP sponsors. Over 35% (10 of 26) of the sites new to SFSP were already year-round at-risk after-school program sites. Utah has very few summers only SFSP sites. In Utah, most SFSP sites are operating the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Program. Requiring sponsors to visit each of their sites prior to operation of the SFSP unduly increases administrative burden, especially when in so many cases the SFSP is not the site's first experience operating a child nutrition program.

For some sponsors, such as the Utah Food Bank and Boys and Girls Club of Utah County, they are sponsoring sites in remote parts of the state. Requiring them to conduct pre-operational visits will greatly increase the burden of operating the program, when they are also required to conduct a visits within the first two weeks of operations for all new sites and complete a full review of food service operations within the first four weeks of operations for all sites. Some sites are located more than a 4-hour drive (one way) from sponsors' offices.

Utahns Against Hunger, a partner organization leading efforts to connect families and individuals to food resources so no Utahn goes hungry, supports this waiver.

The goal of this waiver is to allow for efficient and cost-effective program management and reduce administrative burden for sponsors and the USBE Child Nutrition Section.

Approval of this waiver will allow the USBE Child Nutrition Section and Utah sponsors to continue implementing streamlined measures for effective program management and operation. In addition, if approved, the USBE Child Nutrition Section will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures which would exceed the amount of administrative funds provided to our agency to administer the program as a whole.



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

The USBE Child Nutrition Section is requesting the individual regulations to be waived are outlined below:

Current regulation to be waived (italicized portions only): 7 CFR 225.15(d)(2) “*Sponsors must conduct pre-operational visits for new sites, sites that experienced operational problems the previous year, and existing sites that are new to non-congregate meal service, to determine that the sites have the capacity to provide meal service for the anticipated number of children in attendance and the capability to conduct the proposed meal service.*”

USBE Child Nutrition is not requesting a waiver from the requirement for sponsors to conduct pre-operational visits to sites that experienced operational problems in the previous year.

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

Description of Alternate Procedures: The pre-operational site visit for sites that are new to the SFSP, congregate, or non-congregate meal service types, will be waived. Our technology system is set up now to allow sponsors to request a pre-operational visit waiver when completing their annual renewal and indicate which sites they are requesting the waiver for. Sponsors will continue to conduct other required monitoring visits, including any necessary follow-up reviews. If a site and sponsor also participate in the at-risk afterschool care component of the CACFP, the sponsor may follow the CACFP review schedule year-round.

Prior to approving a sponsor’s SFSP application, they are required to submit proof of completing the state-agency provided online annual SFSP training for sponsor level staff. They must also submit anticipated dates of when they will provide annual SFSP training for site-level staff. When this waiver is requested by a sponsor, we will additionally require submission of proof of training for site-level staff for all sites indicated in their waiver request to verify that the site has been properly prepared for SFSP operations according to their site and meal-service type.

Anticipated impact on Program operations, including technology, State systems, and monitoring: This waiver will significantly decrease administrative burden and allow for efficient and effective oversight of program operations. The USBE Child Nutrition Section will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of this waiver. Approval of this waiver will be cost neutral for USBE Nutrition.



If this waiver is not implemented, the following impact on program operations will likely occur:

- Increased costs to the USBE Child Nutrition Section to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
- Significant impact on the USBE Child Nutrition Section staff time and effort and increased cost to update training and technical assistance materials, re-train sponsor and site staff, and monitor compliance with rescinded flexibilities and policies.
- Increased sponsor administrative labor cost to conduct pre-operational visits for all new sites, especially for large sponsor organizations.
- Increased sponsor administrative labor costs will result in less available funds for high-quality food purchase.
- Loss of sites due to increased administrative burden to conduct a pre-operational site visits for all new sites, especially for sites that are already familiar with child nutrition program operations.

These combined impacts may result in a significant reduction in the rate of program expansion and may even result in a decrease in program sponsors and sites due to increased administrative burden. This will result in decreased access to the program, a decrease in meals served to children and ultimately an increase in childhood hunger in Utah.

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]:

The current requirements increase administrative burden and create barriers to program access and effective program operation. To address these barriers, the USBE Child Nutrition Section is submitting this waiver. In addition, the USBE Child Nutrition Section has streamlined the application process for new sites to the SFSP that have already been operating the CACFP. The USBE Child Nutrition Section also utilizes lean principles for continuous process improvement for the program.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

There are no anticipated challenges with waiver implementation. Internal processes and procedures are already in place to ensure program integrity.

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]:



There is no anticipated impact on Federal administrative costs for State Agency oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

This waiver will be implemented immediately upon approval from USDA and is to remain in effect through September 30, 2024.

11. Proposed monitoring and review procedures:

Sponsors and sites will continue to be monitored by the USBE Child Nutrition Section as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the USBE Child Nutrition Section will implement a corrective action plan and conduct follow-up reviews, as needed.

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

The USBE Child Nutrition Section will provide FNS with required reports, including review findings and technical assistance provided and survey results showing impact on improved services and streamlined administrative requirements. This information will be available annually.

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]:

“Policy” tab on <https://www.schools.utah.gov/cnp/communityprograms/sfsp>

14. Signature and title of requesting official:

Name: Kathleen Britton

Title: Director, Child Nutrition Programs

Requesting official’s email address for transmission of response:

kathleen.britton@schools.utah.gov

Kathleen Britton

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: