

Meal Service Times for Sponsors Operating during COVID-19 Unanticipated School Closures
Waiver Request

Utah State Board of Education – Child Nutrition Programs

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

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Region: USDA Southwest Region

Program operator(s) participating in waiver and affirmation that they are in good standing:

Any Utah State Board of Education approved CACFP, SFSP, and SSO sponsor in good standing, operating during an unanticipated school closure due to a COVID-19 outbreak.

Sponsors that would operate under this waiver are operating in communities where schools and/or childcare centers are closed in connection with a COVID-19 outbreak.

Description of the challenge the State agency is seeking to solve:

Challenge: Potential school closures as a result of any identified COVID-19 outbreaks. The Utah State Department of Health and Utah State Board of Education continue to monitor the situation.

"Social-distancing" is integral to the control of the COVID-19. CACFP/SFSP/SSO regulations require consumption of meals at meal sites, thus increasing the potential of exposure among program participants.

Goal: Provide up to two meals, per child, per day. The SA requests USDA allow flexibility for the service of multiple meals for the same day (or multiple days) to participants in a manner that minimizes potential exposure to COVID-19.

Expected Outcomes: Provide meals to participants, while limiting interaction and proximity to other participants therefore decreasing the risk of COVID 19 exposure.

Specific Program requirements to be waived (include regulatory citations):

SA request a waiver of regulations at:

7 CFR 220.8(e)(2) Serve breakfasts...during a period designated as the breakfast period by the school.

7 CFR 210.10 (l) (1) Timing. Schools must offer lunches meeting the requirements of this section during the period the school has designated as the lunch period. Schools must offer lunches between 10 a.m. and 2 p.m. Schools may request an exemption from these times from the State agency. With State agency approval, schools may serve lunches to children

under age 5 over two service periods. Schools may divide quantities and food items offered each time any way they wish.

(2) Adequate lunch periods. FNS encourages schools to provide sufficient lunch periods that are long enough to give all students adequate time to be served and to eat their lunches.

7 CFR 225.16 (c) (1-2). (c) Time restrictions for meal service. (1) Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps. (2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

7CFR 226.20 (k) (k) *Time of meal service.* State agencies may require any institution or facility to allow a specific amount of time to elapse between meal services or require that meal services not exceed a specified duration.

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

If approved, SA will provide technical assistance to sponsors on the process and procedure for planning and preparing a unitized meal and accurate counting and claiming. There are no impacts on technology, State systems, or monitoring.

Description of any steps the State has taken to address regulatory barriers at the State level:

There are currently no State level regulatory barriers related to this specific issue.

Anticipated challenges with waiver implementation:

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level since schools operating under the waiver would essentially operate the same as a normal school day. Alternatively, we anticipate this waiver will reduce challenges faced by regular school sites that experience unanticipated school closure because of COVID-19. Children can still benefit from meal service and schools can use encumbered resources.

Anticipated impact on Federal administrative costs and assurance that any increases in Federal administrative costs will be paid from non-Federal funds:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since these programs would be operating in situations where normal USDA Child Nutrition programs (NSLP/CACFP) are closed due to COVID-19. There are no additional staff costs to implement this waiver.

Anticipated implementation date and time period:

The anticipated waiver implementation start date is March 15, 2020 and is to remain in effect through June 30, 2021 for SY 2020 and SY2021.

Proposed monitoring and review procedures:

State agency staff who will approve individual school district written requests to implement the waiver will monitor implementation of this waiver.

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

No later than July 15, 2021, USBE will report to FNS the number of sponsors that used this waiver including the number of unanticipated operating days and meals claimed.

Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]: <https://www.schools.utah.gov/cnp>

Notice to be released:

The Utah State Board of Education is seeking multiple waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support institutions and communities in providing meals to children in areas experiencing school closures in response to COVID-19. All waiver requests can be viewed at <https://www.schools.utah.gov/cnp>

Signature and title of requesting official:

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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 your knowledge, experience and work with the State.

Date request was received at Regional Office:

• Date Received:

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(1)(1)(A)(ii) of the NSLA

• Regional Office Analysis and Recommendations:

Recommend Approval Recommend Denied