

**CACFP At Risk Institutions-Congregate Feeding and Enrichment Activity Operation During COVID-19
Regular Operations or School Closures**

Waiver Request

Utah State Board of Education-Child Nutrition Programs

State agency staff contact information:

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Region: USDA Southwest Region

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

Any Utah State Board of Education (USBE) approved CACFP At Risk Sponsor in good standing, operating during an unanticipated school closure due to COVID-19 outbreak. Sponsors that would operate under this waiver are operating in communities where schools and/or childcare centers are impacted by the COVID-19 outbreak.

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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:

Challenge:

Potential school and childcare closures as a result of any identified COVID-19 outbreaks. The Utah State Office of Education continues to monitor the situation.

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

Goal:

To mitigate the spread of the virus and help ensure that children receive the meals they need during COVID-19 conditions, USBE is requesting the authority to apply the following waiver flexibilities:

- Allow sites operating CACFP At-Risk during a COVID-19-related school closure to waive the enrichment activity requirement and serve meals in a non-congregate setting.

Expected Outcomes:

Alternative meal/snack models, such as Grab-N-Go meal service, would 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 statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

USBE is asking for the flexibility to waive the following requirements:

- 7 CFR 226.17a(b)(ii and iii) - *To be eligible for reimbursement, an afterschool care program must have organized, regularly scheduled activities and include education or enrichment activities*

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

If approved, USBE will provide technical assistance to at-risk institutions on process and procedures 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. [Section 12(1)(2)(A)(ii) of the NSLA]:

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

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

Currently, USBE does not anticipate any significant challenges with the implementation of this statewide waiver. We anticipate this waiver will reduce challenges faced by CACFP at risk sites and allow them to serve children and organizations to use their encumbered resources.

The COVID-19 outbreak has many unknown variables that have not yet arisen. Future impact of waiver requests and aspects of program operations could affect implementation and tracking of the waiver.

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(1)(1)(A)(iii) of the NSLA]:

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 they normally would operate USDA Child and Adult Care Food Program At-Risk program. There are no additional staff costs to implement this waiver.

Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is March 16, 2020 and is to remain in effect through June 30, 2021 for FY 2020 and FY 2021.

Proposed monitoring and review procedures:

USBE will maintain a tracking system to identify all operators granted a waiver. State agency staff who will approve individual institution written requests to implement the waiver will monitor implementation of this waiver. The State Agency will also provide technical assistance throughout the duration of the waivers.

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

No later than July 15, 2021, the State Agency will report to USDA as required:

- Number of operators granted the waivers
- Number of meals served/claimed by operators granted a waiver
- Length of time granted waivers were in effect per site

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 their 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