



United States Department of Agriculture

Food and
Nutrition
Service

March 4, 2020

Braddock
Metro
Center

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's Child Nutrition Programs' (USBE-CNP) December 16, 2019, request to waive the requirement for closed enrolled sites to use income eligibility applications to determine site eligibility in the Summer Food Service Program (SFSP). USBE-CNP requested a statewide waiver of the SFSP requirements of 7 CFR 225.15(f), which require eligibility determinations of closed enrolled sites to be submitted through an application form. Pursuant to the waiver authority granted at 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a statewide waiver to continue to provide flexibilities, previously approved in an FNS nationwide waiver that has been rescinded, to sponsors through April 30, 2022. USBE-CNP reports that the waiver would allow sponsors to operate closed enrolled sites in areas where at least 50 percent of children are eligible for free or reduced-price meals through the NSLP. USBE-CNP has fully integrated area eligibility into their closed enrolled sponsor and site applications, review procedures, trainings, and State technological systems. In the request, USBE-CNP states that approval of this waiver would continue to assist USBE-CNP and SFSP sponsors to streamline and control costs. According to USBE-CNP, denial would also increase administrative costs for sponsors of closed enrolled sites that would have to collect applications and make income eligibility determinations for individual children.

FNS approves USBE-CNP's request to waive the collection of income eligibility applications and allow closed enrolled sites to use data sources as outlined in policy memorandum SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, to verify that the site is located in an eligible area. 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(f), which require closed enrolled sites to collect income eligibility applications to determine that 50 percent of the children are eligible for free and reduced-price meals. It does not apply to sites that meet the regulatory definition of a camp (7 CFR 225.2) and receive reimbursement for three meals a day. Under this waiver, all closed enrolled sites using area eligibility will have to establish eligibility for operation in 2020; this eligibility determination will be effective for the duration of this waiver.

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 reduced the quantity of paperwork necessary to administer the program;
- The number of sponsors that used the waiver;
- The total number of sites that used the waiver;
- The total number of meals that were served at closed enrolled sites that implemented the waiver to use area eligibility and those that used income eligibility applications; and
- A summary of benefits and challenges associated with the waiver of income eligibility applications.

FNS appreciates USBE-CNP's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Southwest Regional Office.

Sincerely,



Angela M. Kline
Director
Policy and Program Development Division

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