

## State Monitoring 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:

USBE Child Nutrition Programs is in good standing in operating USDA FNS Child Nutrition Programs.

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

Challenge: Completing National School Lunch Program (NSLP) administrative reviews in SY2021 with the extension of summer meal operations through June 30, 2021 with existing nationwide waivers creating a need to restructure the review schedule for SY2021. Utah's original schedule was outlined to complete SSO reviews the summer after the NSLP administrative review, as encouraged by FNS in the Administrative Review Guidance Manual. States have been advised that Seamless Summer Option reviews do not substitute for a NSLP administrative review. The number of sponsors and sites by program with a note regarding SSO reviews can be found on page four.

There are apparent additional administrative and operational burdens on program operators and business officials due to the COVID-19 public health emergency. Program administrative and school staff are working through ongoing staff shortages, illness or quarantine due to the high number of COVID-19 cases throughout the state.

Goal: Submit a state monitoring plan for USDA approval. Continue with program operations and internal controls to ensure program integrity. Continue to identify and provide technical assistance needs and training to program operators. Follow-up on any complaints or concerns received by the state CNP staff or USBE.

Utah is currently approved under a waiver to complete NSLP administrative reviews during a 5-year cycle. Utah is requesting approval to complete NSLP administrative reviews in a six-year cycle ending June 30, 2025. Continue utilizing USDA FNS issued [Nationwide Waiver of Onsite Monitoring Requirements in the School Meals Programs, Extended through June 2021](#), COVID-19: Child Nutrition Response #41, August 4, 2020. The state will proceed with two FSMC first year reviews to evaluate the SFA procurement process, contract management and documentation. The state will realign procurement reviews with the Administrative Reviews in SY22.

Expected Outcomes: Implementation of the state monitoring plan to satisfy regulatory requirements within a six-year cycle for NSLP Administrative Reviews. Complete reporting as defined by USDA FNS.

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

The state Child Nutrition Programs are requesting a waiver of regulations at: 7 CFR 210.8(a)(1) *Onsite reviews* and 220.11(d)(1) *Onsite reviews*; 7 CFR 210.18(c) *Timing of administrative reviews and cycle* and 7 CFR 210.18(e) *Number and type of schools to review, including Seamless Summer option review requirements*.

SFAs may elect to conduct site reviews under the flexibilities outlined in the nationwide monitoring waivers for NSLP/SBP and SSO/SFSP.

State agencies must conduct administrative reviews of all school food authorities participating in the National School Lunch Program (including the Afterschool Snacks and the Seamless Summer Option) and School Breakfast Program at least once during a 3-year review cycle, provided that each school food authority is reviewed at least once every 4 years. For each State agency, the first 3-year review cycle started the school year that began on July 1, 2013 and ended on June 30, 2014. At a minimum, the onsite portion of the administrative review must be completed during the school year in which the review was begun.

Requesting waiver to provide targeted, technical assistance and waive formal monitoring of the SSO Administrative Review for SFAs that have sites operating under the Area Eligibility Waiver in SY2021. School Program Specialists are assigned to SFAs as a primary point of contact to distribute program information, answer questions, identify training needs. The primary Specialist communicates training and technical assistance needs to the program development team. The program development team in coordination with the program support team determines training and technical assistance delivery methods.

Utah was granted a waiver to 7 CFR 210.18(c) by USDA on June 14, 2019. The administrative review cycle was approved to be extended through June 30, 2024 to operate on a five-year cycle. Procurement and FSMC reviews will continue under current review cycles as approved by USDA.

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

See attached state monitoring plan. Approval of the state monitoring plan for a six-year administrative review cycle will allow program sponsors to focus on program administration and operations to provide meals for children throughout the state during COVID-19 public health emergency in SY2021. Working with SWRO office to extend the procurement cycle to a seven year cycle. The FSMC review cycle will stay on the three year cycle. This will allow state staff to continue to conduct monitoring through SSO Reviews and meet training and technical assistance needs of program sponsors. Please refer to the USBE CNP Monitoring Procedures for details on monitoring and technical assistance for SY2021.

**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.

**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. There are no additional staff costs to implement this waiver.

**Anticipated implementation date and time period:**

The anticipated waiver implementation start date is August 16, 2020 and is to remain in effect through June 30, 2021. Approval of the request for a six-year administrative review cycle waiver would expire on June 30, 2025.

**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 31, 2021, USBE will report a narrative of the impact of the approved waivers to FNS or report as defined by USDA FNS.

**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:**

*Kathleen Britton*

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## Sponsors and Sites by Program

October 2020

### SSO & SFSP:

103	SSO sponsors with paid claims in October*
842	SSO sites with paid claims in October
0	SFSP sponsors with paid claims in October
0	SFSP sites with paid claims in October
103	Total SSO & SFSP sponsors with paid claims in October
842	Total SSO & SFSP sites with paid claims in October

### SBP & NSLP:

26	SBP sponsors with paid breakfast claims in October
109	SBP sites with paid breakfast claims in October
27	NSLP sponsors with paid claims in October
113	NSLP sites with paid claims in October
27	Total SBP & NSLP sponsors with paid claims in October
113	Total SBP & NSLP sites with paid claims in October

### CACFP & FDCH:

128	CACFP sponsors with paid claims in October
257	CACFP sites with paid claims in October
6	FDCH sponsors with paid claims in October
1145	FDCH sites with paid claims in October
131	Total CACFP & FDCH sponsors with paid claims in October
1402	Total CACFP & FDCH sites with paid claims in October

\*Note: SFAs that were scheduled for an Administrative Review (AR) in SY 2021 operating without an Area Eligibility Waiver will receive a SSO Review in SY2021 using the AR SSO forms. The SFAs operating SSO with the Area Eligibility Waiver will receive technical assistance and training. All SSO Sponsors that were scheduled for an AR review in SY21 will be conducted in SY22.

**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(l)(l)(A)(ii) of the NSLA
  
- Regional Office Analysis and Recommendations:
  - Recommend Approval                       Recommend Denied