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### CHILD NUTRITION PROGRAM UTAH WAIVER REQUEST

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), 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  
Kelsey Eller, Child Nutrition Specialist, [kelsey.eller@schools.utah.gov](mailto:kelsey.eller@schools.utah.gov), 801-538-7972

**2. Region:**

Southwest Regional Office

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

This waiver request is applicable state-wide for all approved SFAs in good standing.

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

This request is for an extension of CEP deadlines to ensure eligible SFAs have sufficient time to collect necessary data to elect CEP for SY 2022-2023. The COVID-19 pandemic continues to effect SFAs with significant staff shortages and supply chain issues, and additional time is necessary for sponsors to gather, and review identified student data.

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

- ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), (f)(4)(viii), and (f)(4)(ix)
- LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)
- State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)
- State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)
- June 30 election date under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a and FNS regulations at 7 CFR 245.9(f)(4)(i)

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

<b>CEP Requirement</b>	<b>Annual Deadline</b>	<b>Waiver Deadline</b>
Data used to calculate ISP	April 1	Anytime between July 1, 2021-June 30, 2022
LEA Notification	April 15	June 30, 2022
State Agency Notification	April 15	June 30, 2022
State Agency Publication	May 1	June 30, 2022
Elect CEP for SY 2022-2023	June 30	September 30, 2022

**7. Description of any steps the State has taken to address regulatory barriers at the State level.  
[Section 12(I)(2)(A)(ii) of the NSLA]:**

There are no regulatory barriers at the state level.

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

There are no anticipated challenges with this waiver implementation.

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

There is no additional cost to the program or the federal government for this waiver.

**10. Anticipated waiver implementation date and time period:**

This waiver will be implemented immediately upon approval for program year 2021-2022 and remain in effect until September 30, 2022

**11. Proposed monitoring and review procedures:**

The deadline changes will not impact the state agency's monitoring and review process.

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

The state agency will report the number of new schools that opt into CEP using this waiver no later than December 1, 2022.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

<https://schools.utah.gov/cnp/nslp?mid=1201&tid=7>

**14. Signature and title of requesting official:**

*Michelle Martin*

Michelle Martin, Program Development Coordinator  
Child Nutrition Programs  
Utah State Board of Education

**Requesting official's email address for transmission of response:**

[michelle.martin@schools.utah.gov](mailto:michelle.martin@schools.utah.gov)

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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:**

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA**
- Regional Office Analysis and Recommendations: