

**Operation of SFSP/SSO by Non-Area Eligible School Food Authorities During Unanticipated School
Closures due to COVID-19
Waiver Request**

Utah State Board of Education – Child Nutrition Programs

State agency staff contact information:

Kathleen Britton, Director
Child Nutrition Programs
Utah State Board of Education
250 E 500 S
PO Box 144200
Salt Lake City, UT 84114-4200
801-538-7513
Kathleen.britton@schools.utah.gov

Region: USDA Southwest Region

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

Any Non-Area Eligible Public and Private School Food Authorities (SFA's) approved by the Utah State Board of Education to operate the National School Lunch Program, School Year 2019-20 and SY 2020-2021 in good standing to operate food services under the Summer Food Service Program or Seamless Summer Option.

SFAs would operate under this waiver would be operating in areas experiencing closures in connection with the COVID-19 outbreak following USDA and the State of Utah directives.

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 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.

Utah has several SFAs with sites not meeting area eligibility requirements and have no option for Federal feeding programs without a Federal declaration of disaster. State and community leaders and school district personnel are determining how best to continue Child Nutrition Program operations to feed children during an emergency due to COVID-19.

Goal:

Allow non-Area Eligible SFA's, in good standing, to feed students under Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option.

Expected Outcomes:

Children would be provided with much needed meals that otherwise are not available. Additionally, this waiver would allow SFA's operating under this waiver in school closure areas, to utilize perishable foods that were encumbered for use in school meals programs.

Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(2)(A)(i) of the NSLA]:

The Utah State Board of Education requests a waiver of regulations at 7 CFR 225.14 (3) "conducting a food service for children from areas in which poor economic conditions exist."

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

If approved, the Utah Child Nutrition Programs will review and verify the requesting sponsor is located in an area where schools have been closed due to COVID-19. 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:

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by schools and communities that are experiencing unanticipated school closures because of COVID-19.

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 will be operating in areas where schools are normally operating and being reimbursed for program meals.

Anticipated waiver 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 will work with sponsors to ensure SFSP/SSO sponsor and site approvals align with our current process. Final approvals to operate will be determined by state agency staff.

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(I)(I)(A)(ii) of the NSLA]:

Notice to be released:

The Utah State Board of Education is seeking three waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support schools and communities in providing meals to children in areas experiencing school closures in response to COVID 19. The first waiver would allow for an alternative or grab and go meal service that would limit participants' interaction and proximity to other participants and therefore decrease the risk of COVID 19 exposure. The second waiver would allow schools in areas not designated as high need to cover meals provided to students under the Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option. The third waiver would allow sponsors to provide reimbursable meals pending availability of meal pattern components.

Signature and title of requesting official:

Kathleen Britton

Kathleen Britton, Director
Child Nutrition Programs
Utah State Board of Education
801-538-7513
Kathleen.britton@schools.utah.gov

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(I)(I)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

Recommend Approval Recommend Denial