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### **CHILD NUTRITION PROGRAM STATE 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(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), 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, Child Nutrition Programs  
Kathleen Britton, Child Nutrition Director  
[kathleen.britton@schools.utah.gov](mailto:kathleen.britton@schools.utah.gov)  
801-538-7513

**2. Region:**

Southwest Regional Office

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

For Utah State Board of Education (USBE) Child Nutrition Programs experienced and approved sponsors operating the National School Lunch Program (NSLP), School Breakfast Program (SBP), Fresh Fruit and Vegetable Program (FFVP), Special Milk Program (SMP), Summer Food Service Program (SFSP), and/or Child and Adult Food Care Program (CACFP) 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

The COVID-19 pandemic continues to affect SFAs with significant staff shortages, supply chain issues and changing health guidance. Due to this, USBE is requesting flexibilities outlined in the attached waiver checklist when impacted by COVID-19.

The goal of the waiver is to allow for efficient and cost-effective program management, ensure access to healthy meals for Utah children, and offer flexibilities when operations are impacted by COVID-19 to reduce administrative burden for sponsors and USBE.

Approval of this waiver will allow USBE and sponsors to continue implementing streamlined program operations. USBE expects that the waiver will decrease administrative burden and allow sponsors to focus on serving healthy food to their communities and provide more time to transition back to normal operations.

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

See attached waiver checklist

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

The Summer 2022 and SY 2022-23 Child Nutrition Program 12 (l) waivers are needed to allow sponsors to continue to provide meals when program operations are impacted by COVID-19. Operational flexibilities at the sponsor and state level will be utilized as outlined in the attached waiver checklist.

**Anticipated Impact:** The waivers will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsors to meet the needs of their communities. The USBE will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a

result of this waiver. Approval of this waiver will be cost neutral for USBE.

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

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

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

There are no anticipated challenges with waiver implementation. USBE internal processes and procedures are already in place to ensure program integrity.

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

There are no anticipated challenges with waiver implementation. USBE internal processes and procedures are already in place to ensure program integrity.

**10. 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(l)(1)(A)(iii) of the NSLA]:**

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

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

The anticipated statewide implementation start date is upon approval from USDA and is to remain in effect through dates identified on the attached checklist.

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

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 215, 220, 225, and 226 review requirements.

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

No later than October 30, 2023, USBE will report to USDA the number of sponsors that used this waiver.

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

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

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

Title: Director

Requesting official's email address for transmission of response:

[kathleen.britton@schools.utah.gov](mailto: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:**

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**