

**Continuation of National School Breakfast Program and/or National School Lunch Program for Distance Learning Off-Site Meal Consumption during COVID-19 Unanticipated School Closures
Waiver Request
Utah State Board of Education – Child Nutrition Programs**

State agency staff contact information:

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Region: USDA Southwest Region

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

Any Utah State Board of Education approved National School Breakfast Program (NSBP) and/or National School Lunch Program (NSLP) sponsor in good standing, operating alternative education options (i.e. online or packets) for students during an unanticipated school closure due to a COVID-19 outbreak.

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:

Program regulations intend school meals under the NSBP and NSLP are to be served and consumed as part of the school program, on school or school-related premises (field trips and work study programs). Therefore, school meals given to children to take home are not reimbursable (FNS Instruction 786-8, Rev. 1). USDA FNS policy SP41-2014 states, "Meals offered in the NSLP and SBP are intended to be consumed at school in a designated foodservice area during the established meal service period."

LEAs may provide alternative methods for students to continue schoolwork off-site as a result of school precautionary or identified COVID-19 outbreaks in the community. Methods may include course packets or online classes to continue education and still meet the state definition or approval of 'school day.'

"Social-distancing" is integral to the control of the COVID-19. NSLP regulations require consumption of meals at meal sites, thus increasing the potential of exposure among program participants. The state agency will be in communication with schools, local and state health department and education officials and be monitoring situations daily.

Goal:

Continue to provide access to school meals to students in a manner that minimizes potential exposure to COVID-19.

Expected Outcomes:

Alternative school meal/snack models, such as Grab-N-Go meal service or delivery, would provide meals to students, while limiting interaction and proximity to other participants therefore decreasing the risk of COVID 19 exposure.

Alternate points of service would need to be approved by the state agency. Point of service counts by free,

reduced and paid would be maintained and used for the claim for reimbursement.

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 210.7 and 7 CFR 220.9. Request state agency discretion to approve a distribution approach that includes NSBP/NSLP meal distribution for multiple days to align with SP08-2020 regarding meals served under the seamless summer option.

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

If approved, the Utah State Board of Education will provide technical assistance to sponsors on process and procedures for planning and preparing a unitized meal and accurate counting and claiming. 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 challenges at the state or sponsor level since school foodservice operating under the waiver would essentially operate the same as a normal operating day. Alternatively, we anticipate this waiver will reduce challenges faced by regular school sites that experience unanticipated school closure because of COVID-19. Children can still benefit from meal service and schools can use encumbered resources.

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 would be considered school days operating in situations where school buildings are not accessible due to COVID-19. There are no additional staff costs to implement this waiver.

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, 2020 for the remainder of the school year.

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

Notice to be released:

The Utah State Board of Education is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Services to provide meals under the National School Breakfast Program and National School Lunch Program for students completing education through distance learning or packets when school buildings are temporarily closed due to COVID-19 concerns.

The waiver would allow for an alternative or grab and go meal to enrolled students. The waiver would also allow school meals to be consumed off school premises. The waiver would allow state agency discretion to allow more than one meal to be served at one time to decrease social interaction due to the risk of COVID 19 exposure.

Signature and title of requesting official:

Kathleen Britton

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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:

Date Received:

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

Recommend Approval

Recommend Denial