

**Operation of CACFP At-Risk Afterschool Meals at Non-Area Eligible Sites providing SFSP or SSO Emergency Meals due to COVID-19**

**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:**

Eligible School Food Authorities (SFA's) and sponsors approved by the Utah State Board of Education to operate the National School Lunch Program, Summer Food Service Program and CACFP At-Risk Afterschool Meals Program in good standing to operate food services.

SFAs and sponsors operating under this waiver would provide needed meals/snacks to targeted areas experiencing closures and hardship in connection with the COVID-19 pandemic 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:

Utah has several SFAs with sites not meeting area eligibility criteria for Seamless Summer Option, Summer Food Service Program and At-Risk Afterschool Meals. Many of the identified sites are between 40-50% free and reduced. Sponsors have requested to operate a summer meal site to target areas efforts to meet the needs of children in low income households within identified sites. Some SFAs sponsors are operating a closed enrolled summer site to target outreach and provide meals to children in low income households. SFAs and sponsors would also like to partner with CACFP At-Risk Afterschool Program to provide a snack/supper to these children. Under the current area eligibility waiver approved by USDA, the CACFP At-Risk Afterschool Program would not be eligible to operate at these sites.

Goal:

SFAs and sponsors would like to partner to provide a breakfast, lunch or snack to targeted populations in non-area eligible sites through the Seamless Summer Option or Summer Food Service Program. CACFP At-Risk Afterschool Program sponsors would like to provide a snack or supper to the same population of children during school closures.

Expected Outcomes:

Children would be provided with much needed meals that otherwise are not available.

The Utah State Board of Education has received a state waiver from USDA FNS to approve open sites in areas where less than 50% of children are eligible for free or reduced-price meals assuring efforts are targeted to children in low income populations.

Currently summer meal sponsors also operate a closed enrolled site during the COVID-19 emergency servicing only enrolled children or an identified group of children. Closed enrolled sites operating emergency meals are targeted to children from low income households.

The Utah State Board of Education has also received opted to utilize the waiver, *Nationwide Afterschool Activity Waiver*, noting SFAs and sponsors may provide nutritious meals and snacks without an educational or enrichment activity during the COVID-19 emergency.

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

Utah is requesting a waiver for 7 CFR 226.2; 7 CFR 226.17a(b) noting CACFP Afterschool programs must be located in an attendance area of school where at least 50 percent or more of the children are eligible for free or reduced-price meals. Under current CACFP Afterschool Programs guidance, census data or closed enrolled data may not be used, except for emergency shelters, to qualify a site for afterschool meal program.

The state would like to FNS authority to allow operation of the CACFP At-Risk Afterschool Program to be operated in non-area eligible sites approved by the state agency where Seamless Summer Option and Summer Food Service Program emergency meals are being served to children when there is an identified need.

**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 request from the SFA or sponsor to ensure program benefits are being provided to students in low income households. The state agency would also see if the students could be provided meals at another operating site before approving the request. 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 and provide nutritious food to students in low income populations.

**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 targeted areas.

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

The anticipated waiver implementation start date is April 1, 2020 and is to remain in effect through June 30, 2020 or until expiration of the federally declared public health emergency.

**Proposed monitoring and review procedures:**

State agency staff will work with SFAs and sponsors to ensure plans to provide summer meals through the Seamless Summer Option or Summer Food Service Program are targeting low income populations. The state agency would ensure supper meals are not being provided through the summer meal programs. The state agency would also work with the SFAs and sponsors on a case-by-case basis to approve CACFP At-Risk Afterschool Programs in non-area eligible sites to ensure meals are provided to children in targeted low income households.

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

No later than one year after the date the state receives a USDA FNS waiver, USBE will report to FNS a summary of the use of the waiver by the State agency and local Program operators, a summary of how meals were provided to targeted low income population of children and a description of how the waiver resulted in improved services to participants.

**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 a waiver from the United States Department of Agriculture, Food and Nutrition Services. The purpose of this waiver is to provide CACFP At-Risk Afterschool program benefits to children in non-area eligible sites. The purpose is to provide children in areas of need experiencing hardship during school dismissal in response to COVID-19.

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

**Regional Office Analysis and Recommendations:**

Recommend Approval

Recommend Denial