

Potable Water Waiver Request for Sponsors Operating NSLP/SBP and CACFP during School Year 2020-2021

Utah State Board of Education – Child Nutrition Programs

State agency submitting waiver request and responsible State agency staff contact information:

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Region: USDA Southwest Region

Program operator(s) participating in waiver and affirmation that they are in good standing:

Any Utah State Board of Education approved National School Lunch Program, School Breakfast Program and Child and Adult Food Care Program sponsor in good standing, operating during Program Year 2020-2021.

Description of the challenge the State agency is seeking to solve:

Challenge: Due to COVID-19, program sponsors reopening will have to adjust to new requirements and recommendations following safety precautions to mitigate the spread of the disease. School schedules will vary by LEA. Utah State's Board of Education provided an addendum to schools requested by the Governor's office that provided planning requirements and recommendations for K-12 school reopening. In the addendum, it is recommended that schools minimize use of water fountains when at all possible. This means water fountains may not be available to students during meal service as to decrease the possibility of virus spread through contaminated surfaces. SFA's also have concerns of providing bottled water as an alternative, as it would add a great expense to their budgets.

Goal: Allow sponsors to yield potable water requirement in Child Nutrition Programs while providing reimbursable meals.

Expected Outcomes: Sponsors will be able to continue providing reimbursable meals as they adapt to new schedules and challenges with COVID-19. Reduce economic burden by not having to provide an alternative for example, bottled water or coolers and cups.

Specific Program requirements to be waived (include regulatory citations):

SA request a waiver of regulations at: 7 CFR 210.10(a)(1) and 7 CFR 220.8(a)(1) *"Schools must make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service,"* 7CFR 226.25(i) *"A child care institution or facility must offer and make potable drinking water available to children throughout the day".*

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 school food authorities and CACFP sponsors on attempting to provide potable water to children when possible in a safe manner consistent with local and state health requirements. There are no impacts on technology, State systems and monitoring.

Description of any steps the State has taken to address regulatory barriers at the State level:

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

Anticipated challenges with waiver implementation:

Currently, the Utah State Department Board of Education does not anticipate challenges from the establishment of this state-wide waiver at the state or sponsor level. Rather, it is anticipated the waiver will allow program sponsors to minimize exposure to COVID-19 during the 2020-2021 school year.

Anticipated impact on Federal administrative costs and assurance that any increases in Federal administrative costs will be paid from non-Federal funds:

The establishment of this waiver will not increase the overall cost of the Program to the Federal Government.

Anticipated implementation date and time period:

The anticipated waiver implementation start date is August 1st, 2020 and is to remain in effect through June 30, 2021 for School Year 2020-2021 for SFAs. The anticipated waiver implementation start date is August 1st, 2020 and is to remain in effect through September 30, 2021 for Program Year 2020-2021 for CACFP sponsors.

Proposed monitoring and review procedures:

State agency staff will approve individual sponsor's written requests to implement the waiver, and monitor implementation of the 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 amount of funds 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]: <https://www.schools.utah.gov/cnp>

Notice to be released:

The Utah State Board of Education is seeking multiple waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support institutions and communities in providing meals to children in areas responding to COVID-19. All waiver requests can be viewed at <https://www.schools.utah.gov/cnp>

Signature and title of requesting official:

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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 your 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(l)(l)(A)(ii) of the NSLA

- Regional Office Analysis and Recommendations:
 - Recommend Approval Recommend Denied