

Waiver Request for Maximum Meals Served Per Site by Sponsors Operating SSO and SFSP in FY 2021

Utah State Board of Education – Child Nutrition Programs

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

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2. Region: USDA Southwest Region

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

Any Utah State Board of Education approved SSO or SFSP Sponsor in good standing, operating during Summer 2021.

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

During the current school year and the upcoming 2021-2022 school year waivers allow SSO service of Breakfast and Lunch and CACFP At Risk Supper. This has occurred throughout the state of Utah. Our state has had coordination of LEA's and private non-profit Sponsors to operate afterschool programs. This has greatly benefited children and provided improved access to meals during this public health emergency. The transitioning to Summer service presents a challenge to maintain access to these same meals during a time when children are most vulnerable. Current waivers do not provide flexibility for SFSP/SSO to continue providing Breakfast, Lunch and Supper and regulatory statute for Summer meals restricts access for this service to continue.

The goal is to provide continued access to Breakfast, Lunch and Supper as they have been during the academic school year. A waiver would provide the continued collaboration of LEA's and private non-profit organizations to meet the operational demands LEA's are facing for Summer and meet the nutritional needs of children in communities where there is food insecurity. The expected outcome will be consistent and nutritious meals will be provided to children year round.

5. Specific Program requirements to be waived (include statutory and regulatory citations):

The regulatory citation requested to be waived is maximum number of meals per site per day noted in 7CFR225.16(3)(b)(i-ii) and is also referenced in USDA guidance memo SP09-2017. **Question #16 [New] Can a location serve as both an SSO site and an SFSP site?** A sponsor cannot serve both SSO and SFSP at one site, on the same day. It is not the intent of the programs to be used in conjunction, but rather a sponsor should choose the program that is most compatible with the needs of the site. Sponsors should refer to the Seamless Summer and Other Options for Schools Web site to help select the meal service that is most appropriate for each site at <http://www.fns.usda.gov/sfsp/seamless-summerand-other-options-schools>.

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

Each respective entity would operate, request any other COVID-19 flexibility waivers and be responsible to ensure program integrity. Procedures would remain the same as during the academic school year. No changes or impact to technology are anticipated and the State Agency will review data for duplicate sites and sites in close proximity as current procedures define. The State Agency and LEA/Sponsors will complete required monitoring as defined in procedures with no changes.

7. 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.

8. 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. This waiver request is based on feedback from LEA's and private non-profit sponsors.

9. 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.

The waiver is not anticipated to impact the overall cost to the Federal government any more than what has already been incurred over the last year with the implementation of Supper meals throughout the school year.

10. Anticipated implementation date and time period:

June 1, 2021 through the September 1, 2021 or the beginning of the academic school year for which the operate site is located.

11. Proposed monitoring and review procedures:

State Agency will maintain a tracking system to identify all operators granted a waiver. State agency staff who will approve individual institution written requests to implement the waiver will monitor implementation of this waiver. The State Agency will also provide technical assistance throughout the duration of the waivers.

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

No later than November 1, 2021, the State Agency will report to USDA:

- Number of Sponsors and sites granted this waiver
- Number of meals serve/claimed by site utilizing this waiver

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]: USBE Child Nutrition Programs webpage under Waivers: <https://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