

**Waiver Request for Sponsors Operating Provision 2 Special Assistance Option
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. Eligible service providers participating in waiver and affirmation that they are in good standing:

The USBE Child Nutrition Programs are requesting a state-wide waiver for one School Foodservice Authority (SFA) who was approved to operate a Provision 2 base year in School Year 2019-20. The SFA continues to be in good standing with the state Child Nutrition Programs. Approval of this waiver would greatly reduce administrative and household burden as the SFA begins reopening school for SY 2020-21 under current COVID-19 circumstances.

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]:

Challenge:

During the public health emergency caused by COVID-19, the SFA was operating a base year initially providing meals at no charge to students under the National School Breakfast Program (NSBP) and National School Lunch Program (NSLP). With unanticipated school closures in March, the SFA transitioned to operate the Seamless Summer Option the end of March – June. Therefore, the Provision 2 site will not have NSBP and NSLP base year claim month to apply free, reduced and paid claiming percentages in following non base year months of April, May and June. Subsequently, the site would be required to conduct a new base year in order to derive monthly claiming percentages for each operating month in a typical school year or return to normal counting and claiming. Requiring the SFA to complete a new base year or to return to normal counting and claiming will cause administrative burden on the SFA and state office. Additionally, it will put an administrative burden on families to fill out household applications for free and reduced-price meals for the NSBP and NSLP.

Goal:

To maintain the site's four-year Provision cycle so the site may operate the second year as a non-base year beginning in SY 2020-21.

Expected Outcome:

Enrolled students would continue to have access to meals at no-cost. The SFA would be able to operate the NSBP and NSLP during COVID without the burden of collecting and processing student meal eligibility documentation. This waiver request seeks to allow the SFA approved Provision 2 site to continue serving meals under the previously validated claiming percentages for SY20-21.

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

The USBE Child Nutrition Programs requests a statewide waiver of the Special Assistance certification and reimbursement alternatives regarding monthly/annual percentage requirements under 7 C.F.R. 245.9(b)(3)(i) and 245.9(b)(3)(ii).

During SY2020 base year claim months were affected with the unanticipated school closure and the Provision 2 site transitioning to Seamless Summer Option. During a standard Provision 2 base year, monthly claims submitted for NSBP/NSLP are used to calculate non base year claiming percentages. USBE Child Nutrition Programs requests to waive the requirement that an entire school year of meal claiming data be used to calculate monthly/annual claiming percentages for future non-base years and can instead use data through March 2020 to calculate an annual claiming percentage.

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

If approved, USBE Child Nutrition Programs will allow the SFA site to continue operating under previously established Provision 2 claiming percentages established under the NSBP and NSLP claim months in SY20-21. USBE Child Nutrition Programs will calculate each non-base year NSBP and NSLP claims using an annual claiming percentage based from SY2020 NSBP and NSLP claim data. The annual claiming percentages would be applied to the second, third and fourth consecutive school years, and applicable extensions, in order to calculate reimbursement claims for free, reduced price and paid lunches each month. The free, reduced price and paid percentages for NSBP would be calculated using the same method.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(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:

USBE Child Nutrition Programs does not anticipate challenges with the waiver implementation. Approval of the waiver will reduce burdens and challenges to the SFA site operating under Provision 2 by proceeding with claiming percentages that were already validated by the State agency when first approved to operate under the special provision.

Approval of this waiver request will also minimize additional administrative burden at the State agency level by not requiring additional validation reviews in a time of restricted travel and uncertain building closures due to COVID-19.

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. [Section 12(I)(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 SBP or NSLP meals would be reimbursed at the previously established claiming percentages in the sites operating under special provisions. Approval of this waiver request would reduce spending associated with travel that would be necessary should sites need to establish new claiming percentages.

10. Anticipated waiver implementation date and time period:

This waiver would be implemented for SY20-21 and remain in effect through the end of the first Provision 2 cycle (SY2023-24) and any cycle extension(s).

11. Proposed monitoring and review procedures:

The State agency will continue to provide technical assistance and guidance to sponsors operating under Provision 2 and CEP as they navigate the COVID-19 outbreak. Information on the claim submission and calculations will be provided to the SFA. The state agency will continue to monitor claim submissions and Provision 2 calculations to ensure correct claiming percentages are used to calculate reimbursement for the NSBP and NSLP.

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

USBE Child Nutrition Programs will continue to report all data as required by federal regulations. No later than September 30, 2021 USBE will report to the USDA Food Nutrition Service:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

13. 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]:

Web-link to the Public Release: <https://schools.utah.gov/cnp/nslp?mid=1201&tid=7> under 'Waivers'

14. 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 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