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12/9/2019

JoEllen Collin
Southwest Region
1100 Commerce St.
Dallas, TX 75242

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

Utah State Board of Education-Child Nutrition Programs (USBE CNP)

Hafsa Zahid

hafsa.zahid@schools.utah.gov

801 538-7552

2. Region: Southwest Region

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

This waiver request is applicable state-wide for all approved sponsor organizations in good standing.

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]:

The USBE Child Nutrition section is requesting a state-wide waiver for Summer Food Service Program (SFSP) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission*.

The impact and challenges faced as a result of the rescinded flexibilities and policies to the USBE Child Nutrition section and Utah sponsors are detailed below:

Meal Time Restrictions

Sixteen years ago, FNS granted state agencies the authority to waive meal time restrictions in an effort to simplify program management. The waiver of meal time restrictions allows sponsors to serve meals at times that align with program activities and meet the needs of children and families. If meal time restrictions are implemented, the number of nutritious meals served to children in Utah will significantly decrease.

This past summer the Utah Food Bank (UFB) sponsored 51 sites. The UFB works with many community organizations to ensure SFSP meals are provided during site programming and are timed to meet site activities and schedules. At many sites they are using mobile trucks to serve areas along a route that includes several sites to maximize the number of nutritious meals served to hungry children. According to UFB, restricting meal service

times would have the following impact:

- UFB sites are located along mobile feeding routes at open sites at parks or at recreation centers and libraries, where children and youth participate in a combination of structured and non-structured activities. Because times when children and youth arrive at open sites ebbs and flows, site staff find they serve more children when they have longer serving windows. Mealtime restrictions would prevent hundreds of children from receiving a healthy meal. Families rely on these meals. They also rely on public transportation to get to meal sites, and therefore it is essential to have longer meal times to accommodate families.
- Several Utah Sponsors such as the Boys and Girls Clubs, YMCA of Northern Utah, Salt Lake City Corporation (Youth Services), Utah Community Action Programs, and the Utah Food Bank have utilized the meal time flexibility in order to serve meals that meet needs of the children and youth in the community. Sites need flexibility to accommodate a variety of factors, such as space to serve meals and class and activity schedules. In addition, Utah sponsors collaborate closely with each other to ensure that meal times do not conflict and that they are able to provide the maximum number of meals allowed per day as each site in order to optimize the benefit to the community. At times, sponsors must adjust meal times to accommodate other sponsors and some of these adjustments resulted in gaps which were less than three hours.
- Many sponsors use the meal time waiver flexibility to provide on-site meals prior to leaving to site for activities. This reduces the number of approved field trips that must be requested. This reduces the burden for both the sponsors and the State Agency responsible for approving those requests. The flexibility also reduces the chance that meals would be served outside the approved service window when unanticipated traffic conditions prevent children from returning to the site within the approved service window. The flexibilities also allow sites with multiple programs across various organizations the maximum opportunity to have children participate in the meal service(s).

Utahns Against Hunger, a partner organization leading efforts to connect families and individuals to food resources so no Utah child goes hungry, supports this waiver.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost-effective program management and reduce administrative burden for sponsors and the USBE Child Nutrition section.

Approval of this waiver will allow the USBE Child Nutrition section and Utah sponsors to continue implementing streamlined measures for effective program management and operation. In addition, if approved, the USBE Child Nutrition section will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures. Costs associated with modifying all the current materials, training and travel hours, additional review hours, as well as making the necessary software changes would easily exceed the amount of Summer Administration Funds the State of Utah receives each year for use in administering the program as a whole.

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

The USBE Child Nutrition section is requesting all flexibilities and policies rescinded in SFSP 01-2019 be reinstated. The individual regulations to be waived are outlined below:

Current regulation to be waived: 7CFR 225.16(c)(1) and (2) *“Time restrictions for meal service. (1) Three hours*

must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps.

(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.”

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

Description of Alternative Procedures:

To simplify program management, accommodate operational requirements and meet needs of participating children, time limits will not be placed on the duration of a meal service or the amount of time that must elapse between the beginning of one meal service and the beginning of the next. Sponsors must continue to establish meal times for each site and provide this information to the USBE Child Nutrition section to ensure effective oversight. The USBE Child Nutrition section will have discretion to determine the length of supper meal service and if meals served outside of the approved meal service may still be claimed for reimbursement in the case of an unanticipated event.

Anticipated impact on Program operations, including technology, State systems, and monitoring:

This waiver will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsor organizations to meet the needs of their communities and participating children. The USBE Child Nutrition section will continue to ensure program integrity through a thorough application approval process, technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of this waiver.

Approval of this waiver will be cost neutral for USBE CNP.

If this waiver is **not** implemented, the following impact on program operations will likely occur:

- Increased costs to the USBE Child Nutrition section to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
 - Significant impact on the USBE Child Nutrition section staff time and effort and increased cost to update training and technical assistance materials, re-train sponsor and site staff, and monitor compliance with rescinded flexibilities and policies.
 - A decrease in the number of meals offered at sites due to meal time restrictions. The restrictions hinder sites serving meals at times that align with site activities and needs of participating children. This will lead to a loss of reimbursement revenue.
 - Increased operational labor costs for sponsors due to the amount of time that must be placed between meals.
- These combined impacts will result in a significant decrease in access to the program, a decrease in meals

served to children and ultimately an increase in childhood hunger in Utah.

7. **Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:** The flexibilities and policies rescinded by the USDA FNS on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission* will increase administrative burden and create barriers to program access and effective program operation. To address these barriers, the USBE Child Nutrition section is submitting this waiver. The USBE Child Nutrition section also utilizes lean principles to implement streamlined measures and continuous process improvement for the program.
8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** There are no anticipated challenges with waiver implementation. Internal processes and procedures are already in place to ensure program integrity.
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(l)(1)(A)(iii) of the NSLA]:** There is no anticipated impact on Federal administrative costs for State Agency oversight with implementation of this waiver.
10. **Anticipated waiver implementation date and time period:** This waiver will be implemented immediately upon approval for program year 2019 and remain in effect for a period of five years.
11. **Proposed monitoring and review procedures:** Sponsors and sites will continue to be monitored by the USBE Child Nutrition section as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the USBE Child Nutrition section will implement a corrective action plan and conduct follow-up reviews, as needed.
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** The USBE Child Nutrition section will provide FNS with required reports, including review findings and technical assistance provided and survey results showing impact on improved services and streamlined administrative requirements. This information will be available annually.
13. **Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:** The public notice is located at: <https://www.schools.utah.gov/cnp/sfsp?mid=1218&tid=5>
14. Signature and title of requesting official:

Kathleen Britton

Name: Kathleen Britton

Title: Director, Child Nutrition Programs

Requesting official's email address for transmission of response: kathleen.britton@schools.utah.gov

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:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**

