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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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

The USBE-CNP is requesting a state-wide waiver for Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission*. The impact and challenges faced as a result of the rescinded flexibilities and policies to the USBE-CNP and Utah sponsors are detailed below:

Area Eligibility

FNS extended area eligibility to closed enrolled sites 16 years ago. 22 closed-enrolled sites utilized area eligibility in Program Year (PY) 2019 in Utah. Requiring sponsors to process individual income applications unduly increases administrative burden and will likely increase errors in site eligibility determination if the sites are willing to continue their participation under this requirement.

Area eligibility allows an administratively streamlined application process for families enrolling children in summer programming as well as for those sponsors and state agencies administering the program. Learning to correctly process income eligibility forms with all of the challenging and complex situations that arise would represent a huge increase in the training time and effort needed by sponsors during the application and renewal process as well as by state staff during the review process. State and sponsor standard operating procedures, training materials, and the State Agency on-line summer site application would need to be altered as all of the current materials and systems allow

closed enrolled site approval based on area eligibility. Area eligibility is also good for 5 years where qualifying based on income applications would only be good for one year. So there is a factor of 5 multiplier to the burden that this change causes.

In addition to sponsor impact, the USBE-CNP online application system contains school area eligibility data, allowing sponsors to select the correct data for their site location. This significantly streamlines the time it takes to determine site eligibility as well as ensures accurate eligibility percentages are used. If closed-enrolled sites are not able to use area eligibility, the online application system would need to be reconfigured. 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.

Area eligibility shows that summer meals are being serving to children living in an area of economic need and at-risk of food insecurity in much the same way as meals served at open sites. Allowing this flexibility will not undermine or diminish program intent. However, errors in individual application processing can make it so the state agency must recover funds from sponsors due to paperwork errors for meals served to otherwise eligible children.

Also by allowing sponsors to establish eligibility using area eligibility they are able to reduce any fear or hesitancy for participants that comes with filling out an income eligibility form. For some families the application process may present a barrier to participation in summer programs.

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-CNP and Utah sponsors to continue implementing streamlined measures for effective program management and operation. In addition, if approved, the USBE-CNP will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures.

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.

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

The USBE-CNP 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: 7 CFR 225.2 "closed enrolled site means a site which is open to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with 225.15(f).

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

Description of Alternative Procedures:

Area eligibility will be extended to closed enrolled sites. Closed enrolled sites could be determined eligible if located in areas where at least 50 percent of the children residing in the area are eligible for free and reduced price meals under the National School Lunch Program and School Breakfast Program, thereby waiving the requirement that individual eligibility determinations be made by submitting individual household income applications. Area eligibility will extend to closed enrolled sites that serve children that live in the area in which the site is located. As needed site eligibility documentation such as school enrollment boundary maps, and census maps will be obtained during the application process and kept by the sponsor for the duration of the eligibility period. This documentation will be checked prior to application as well as upon administrative reviews.

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-CNP 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 as our systems and procedures are already set up to utilize these described procedures.

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

- Increased costs to the USBE-CNP to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
- Significant impact on the USBE-CNP 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.
- Increased administrative costs for sponsors related to collecting and processing income applications for closed enrolled sites located in areas already determined eligible based on school and census data.
- Increased risk for administrative error determining eligibility through income applications.
- Loss of closed-enrolled sites due to increased administrative burden to process individual household income applications as well as a decrease in families completing applications.

These combined impacts will result in a significant decrease in program sponsors and sites due to increased administrative burden. This will result in decreased 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(I)(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-CNP is

submitting this waiver. The USBE-CNP 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(I)(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-CNP as outlined in 7 CFR 225.7 (2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the USBE-CNP 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-CNP will provide FNS with required reports, including review findings and technical assistance provided as well as 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(I)(1)(A)(ii) of the NSLA]: The public notice is located at:

<https://www.schools.utah.gov/cnp/sfsp?mid=1218&tid=5>

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:**