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12/09/2019

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.zah@schools.utah.gov](mailto:hafsa.zah@schools.utah.gov)

801 538-7682

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waiver for Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) on October 11, 2018 through SFSP 01-2019 *Summer Food Service Program Memoranda Rescission*. The impact and challenges faced as a result of the rescinded flexibilities and policies to the USBE Child Nutrition Section and Utah sponsors are detailed below.

### Program Monitoring

In Program Year (PY) 2019, 87% (61 of 78) sites returned from the previous year with only 15 of them new to the program. Over 90% (68 of 78) were year-round at-risk afterschool program or returning sites. Utah has very few Summer only SFSP sites. Over 88% (199 of 225) Seamless Summer Option sites operating in 2019 were returning sites from the prior summer. Over 65% (147 of 225) SSO sites are school sites. In Utah the vast majority of sites are already operating the National School Lunch Program (NSLP) or the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Program. Requiring sponsors to visit each of their sites within the first week of site operation unduly increases administrative burden, and in most cases the first week of summer operation is not the site's first week of child nutrition program operation.

For some sponsors such as the Utah Food Bank and YMCA of Northern Utah they are sponsoring sites in remote part of the state. Requiring them to conduct additional monitoring visits will greatly increase the burden of operating the program. Some sites are located more than a 4 hour drive (one way) from the sponsors office.

Utahns Against Hunger, a partner organization leading efforts to connect families and individuals to food resources so no Utahn 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 which would exceed the amount of administrative funds provided to our agency to administer 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: 7 CFR 225.15(d)(2) *“Sponsors shall visit each of their sites at least once during the first week of operation under the program and shall promptly take such actions as are necessary to correct any deficiencies.”*

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

**Description of Alternative Procedures:**

The first week site visit for sites that operated successfully in the previous year (or other most recent period of operation) and had no serious deficiency findings, or that participated successfully in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP), will be waived for SFSP and SSO sponsors in good standing. Our technology system is set up now to allow sponsors to request a first week visit waiver when completing their annual renewal and indicate which sites they are requesting the waiver for as well as certifying the site operated successfully in the prior year and did not have any significant operational problems. Sponsors will continue to monitor all sites within the first four weeks of operation and will maintain a reasonable level of site monitoring, including any necessary follow-up reviews. If a site and sponsor also participate in the at-risk afterschool care component of the CACFP, the sponsor may follow the CACFP review schedule year-round.

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

This waiver will significantly decrease administrative burden and allow for efficient and effective oversight of program operations. 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 School Nutrition.

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.
- Increased sponsor administrative labor cost to conduct first week site visits for all sites, especially for large sponsor organizations.
- Increased sponsor administrative labor costs will result in less available funds for the purchase of high quality food.
- Loss of sites due to increased administrative burden to conduct site visits at each site during the first week of operation.
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These combined impacts may result in a significant reduction in the rate of program expansion and may even result in a 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(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. In addition, the USBE Child Nutrition Section works closely with the Utah Department of Public Health and Environment (CDPHE) to ensure sponsors operating both SFSP and CACFP are in good standing; this includes cross training efforts and sharing administrative review results between agencies. The USBE Child Nutrition Section also utilizes lean principles for 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 posted 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](mailto: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**

