



Food and
Nutrition
Service

Park Office
Center

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Alexandria
VA 22302

March 26, 2019

Ms. Kathleen Britton
Director
Child Nutrition Programs
Utah State Board of Education
Post Office Box 144200
Salt Lake City, Utah 84114-4200

Dear Ms. Britton:

This letter is in response to the Utah State Board of Education's (USBE) January 28, 2019, request to waive the requirement for closed enrolled sites to use income eligibility applications to determine site eligibility in the Summer Food Service Program (SFSP). USBE requested a statewide waiver of the SFSP requirements found at 7 C.F.R. 225.2 and 225.15(f), which require eligibility determinations of closed enrolled sites to be submitted through an application form. Pursuant to the waiver authority granted at section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), The Food and Nutrition Service (FNS) approves USBE's waiver request through April 30, 2020.

USBE requested a statewide waiver to continue to provide flexibilities, previously approved in a FNS nationwide waiver that has been rescinded, to SFSP and SSO sponsors for a period of five years starting in 2019. This waiver would allow sponsors to operate closed enrolled sites in areas where at least 50 percent of children are eligible for free or reduced-price meals through the National School Lunch Program. According to USBE, approval of this waiver will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsors to meet the needs of their communities and the children they serve. In addition, if approved, the USBE will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures. Denial of this waiver would lead to increased State costs to update software systems, re-train sponsor and site staff, and monitor compliance. Denial of this waiver would also lead to increased sponsor administrative costs for processing income applications at closed enrolled sites and a decrease in the number of participating sites.

FNS approves USBE's request to waive the collection of income eligibility applications and allow closed enrolled sites to use data sources as outlined in policy memorandum SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, to verify that the site is located in an eligible area. This waiver is effective immediately and valid through April 30, 2020. While USBE requested this waiver for a period of five years, FNS limited the duration of the waiver to assess its impact on program year 2019 and the State's ability to report required data elements outlined below. This waiver is applicable to regulations at 7 C.F.R. 225.15(f), which require closed enrolled sites to collect income eligibility applications to determine that 50 percent of the children are eligible for free

and reduced-price meals. Under this waiver, all closed enrolled sites using area eligibility will have to establish eligibility for operation in 2019.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2019, USBE must provide to the FNS Mountain Plains Regional Office a written report quantifying the impact of the waiver, as described below. **Please note that any requests for renewal of this waiver are contingent on USBE's ability to provide complete data and an analysis of the waiver impact. Failure to provide the requested data may result in the automatic denial of a waiver request for the next program year.**

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the program;
- The number of sponsors and sites that used the waiver;
- The number of meals that were served at closed enrolled sites that used area eligibility and those that used income eligibility applications; and
- A summary of findings associated with the waiver of income eligibility applications.

FNS appreciates USBE's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the FNS Mountain Plains Regional Office.

Sincerely,



Angela M. Kline
Director
Policy and Program Development Division

Electronic Copies: Jane Brand, MPRO
Matthew Anderson, USBE