



United States Department of Agriculture

Food and
Nutrition
Service

March 6, 2019

Park Office
Center

Kathleen Britton
Director, Child Nutrition Programs
Utah State Board of Education
P.O. Box 144200
Salt Lake City, UT 84114-4200

3101 Park
Center Drive
Alexandria
VA 22302

Dear Ms. Britton:

This letter is in response to the Utah State Board of Education's (USBE) request, dated January 31, 2019, to waive first week site visit requirements for sponsors in the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO). USBE requested a statewide waiver of SFSP requirements under 7 C.F.R. 225.15(d)(2) for all sites that have operated successfully the previous year and for sponsors that operate the National School Lunch Program (NSLP) or the Child and Adult Care Food Program (CACFP). Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), FNS approves USBE's waiver request through April 30, 2020.

USBE requested a statewide waiver for a period of five years beginning in program year 2019. USBE wants to continue to provide first week site visit waivers to all sites and sponsors for which FNS nationwide waivers, now rescinded, had previously applied. According to USBE, this waiver would allow sponsors to operate the SFSP in a more cost-effective manner and reduce administrative burden for sponsors, especially sponsors with sites in remote parts of the State. USBE also stated that this waiver will reduce burden for the State agency, as under this waiver, USBE will not be required to spend additional funds and staff time to update technology systems and revise State training and review procedures. Without this waiver, the State would likely experience a decrease in sponsors and sites, which would impact access to the program for children who need it.

FNS approves USBE's request to waive first week site visit requirements for sites in good standing that have operated successfully in the previous year, and sponsors that successfully participated in the CACFP or the NSLP and are in good standing; 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(d)(2), which requires sponsors to visit each of their sites at least once during the first week of operation under the program, for:

- Sites that have operated successfully in the previous year; and
- Sponsors that successfully participate in the CACFP or NSLP.

Sponsors are still required to conduct a full review of food service operations at each site within the first four weeks of operations and maintain a reasonable level of site monitoring, per regulatory requirements at 7 C.F.R. 225.15(d)(3). Sponsors must complete a monitoring form developed by the State agency during the conduct of these reviews. In cases where a site, whether new or returning, only operates for a short period of time, the review of food service operations must be conducted during the period of operation. Finally, please note that although USBE requested this waiver for SSO sponsors, the requirements at 7 C.F.R. 225.15(d)(2) do not apply to SSO sponsors.

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.**

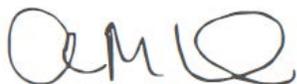
The report must include the following:

- 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 impacted the quantity of paperwork necessary to administer the program;
- The number of sponsors approved by USBE to opt out of the first week monitoring requirements;
- The number of sponsors who implemented the waiver and did not conduct the first week monitoring requirements;
- The total number of sites by sponsors;
- The number of sites at which sponsors did not conduct site visits during the first week of operation;
- Summary of findings associated with waiving the first week site visit requirements for returning sites that operated successfully during the previous summer;
- Report of any compliance issues noted with this flexibility during the application approvals and reviews; and
- Report of findings and technical assistance provided.

Ms. Kathleen Britton
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FNS appreciates the efforts of USBE to ensure that children continue to receive nutritious meals when they are not in school. If you have questions, please contact the Mountain Plains Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read 'AMK', written in a cursive style.

Angela M. Kline
Director
Policy & Program Development Division

Electronic Copies: Debbie Hammack, MPRO
 Matthew Anderson, USBE