



CHILD NUTRITION PROGRAM STATE FIVE YEAR AR CYCLE WAIVER REQUEST

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

Waiver Request-Administrative Review 3-year Cycle to a 5-year Cycle April 18, 2019

- 1. State agency submitting waiver request and responsible State agency staff contact information:**
Utah State Board of Education
Kathleen Britton, Child Nutrition Program Director
Kathleen.britton@schools.utah.gov
801-538-7755
- 2. Region:** MPRO
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Yes.
- 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]:**

Prior to applying for the waiver, the state office staff met to discuss the upcoming 3-year review cycle and program workload. The state office sent out a survey to current program sponsors to ask for their perspective on the Administrative Review process and feedback on the current 3-year review cycle. The state office quickly received over 89 responses from the 136 sponsors.

Increase in Program Sponsors and State Staffing

- The number of sponsors in Utah’s National School Lunch Programs increases consistently every year, but the state agency rarely increases the number of state program specialists. Sponsors have grown from 107 in school year 2013-2014 to 133 in school year 2018-19, with five new sponsors planned for 2019-20 Utah currently utilizes an e-review system which has greatly improved efficiency in conducting reviews. However, in planning for the upcoming 3-year cycle, Utah has determined they will not be able to effectively sustain the workload. A 5-year review cycle would greatly help the state agency to accommodate the current and foreseen workload challenges of training and supporting new sponsors, new food service directors and new state office staff. Below is a chart illustrating how the state agency has needed to pull additional existing personnel to help complete reviews as the number of reviews has increased.

Program Year	Number of ARs (does not include SSO, TA visits, etc.)	Notes
2014	31	7 Specialists conducted AR reviews
2015	37	7 Specialists conducted AR reviews
2016-Last year of current AR 3-year cycle	45	7 Specialists plus 2 FDP Specialists, 1 Sr. Specialist and 1 Coordinator conducted AR reviews
2017	40	7 Specialists

		plus 2 FDP Specialists, 1 Sr. Specialist and 1 Coordinator conducted AR reviews
2018	39	7 Specialists, plus 2 FDP Specialists and 1 Sr. Specialist conducted AR reviews
2019-Last year of current AR 3-year cycle	52	7 Specialists, plus 2 FDP Specialists and 1 Sr. Specialist conducting reviews at 97 sites; 13 new SFAs and state received waiver to not conduct ARs at 3 new SFAs as they were reviewed as sites under different sponsors in the prior year. Current total number of NSBP/NSLP sponsors is 136.
2020		State office is currently training and working to approve 5 new NSBP/NSLP sponsors to begin SY2020.

- With the current number of NSBP/NSLP sponsors at 136, the state office would need to complete 45 Administrative Reviews during the first two

years of the 3-year review cycle and 46 reviews during the last year of the 3-year review cycle. Potentially adding 15 new NSBP/NSLP program sponsors over the current 3-year cycle would bump the number of reviews to 50 Administrative Reviews the first two years and 51 Administrative Reviews the third year of the cycle. Our state continues to see a growth in the number of sites operating at school districts and charter schools, which also impacts the workload and number of sites that must have an on-site review.

Staffing at the State and Local Levels

- We continue to see staffing changes at the state office. From experience, it takes a Specialist between 18-24 months to feel confident leading a multi-site Administrative Review. The state office has seen burnout due to travel demanding specialists spend between 2-4 days out of the work week on reviews during the months of October through April. Agendas are planned to minimize the cost of overnight travel stays and on-site review time is blocked out from 7:00 am – 4:00 pm.

Review sites are often hours away in remote locations, and specialists must leave for breakfast reviews long before office hours in order to arrive at a breakfast sites by 7:00-8:00 am. Unpredictable winter weather can make trips hazardous, as Utah has many rural sites and icy mountain passes on the way.

- The Utah State Board of Education will also be applying for a breakfast observation waiver to reduce the number of early morning trips our state staff will need to take in icy road conditions.
- An Administrative Review lasts for approximately 4 ½ months from start to finish, and some specialists conduct as many as nine reviews in a season, which makes for a tight schedule. Utah's high density of students means that most reviews include multiple sites, with some large districts such as Davis and Granite requiring ten site visits. Staff illness, travel safety concerns, and personnel or local staff emergencies can easily derail even the most well-planned review schedule. We have engaged additional state level staff from other program areas (Food Distribution Program, Child and Adult Care Food Program, Summer Food Service Program, and office staff) to assist with Administrative Reviews to meet the review timelines, but these specialists require extra time and training to understand the review process for NSLP and meal pattern requirements.
- In general, due to the number of reviews to be completed within the required timeframe the availability of the specialist to assist SFAs not receiving an administrative review has been significantly reduced. Our office tries to ensure at least one team member is covering phones each day during the week, but our sponsors have provided feedback stating our state office

customer service has been compromised as many staff are out of the office at the same time. Due to the amount of travel and days out of the office to conduct the AR visits reduce the amount of time the specialists are able to provide technical assistance or support SFAs with program improvement, general questions, expansion, or outreach. If the review burden was reduced, our specialists could devote more time to technical support for SFAs who are not actively involved in reviews. This may even help SFAs catch problems and fix them early on, rather than requiring remedial work later.

- Our office has developed online training modules to provide basic program training to state and local staff. Even with these resources, the best training and technical assistance has been through personal interaction in small group settings, so our office provides annual in-person training to program sponsors every September. Since new Administrative Review Guidance isn't generally released until September, it can be difficult to put together quality training that comprehensively covers the new guidelines. Unfortunately, we can't offer this training any later, as we open our review schedule in October in order to finish by the end of the school year.
- Staffing at the local level continues to change. Turnover with food service directors is greater in the small sized SFAs. We have worked with new directors who started in their position just days before the onsite review. There is little flexibility to provide training to the new director and reschedule the Administrative Review because of the already packed review schedule. Regular turnover at schools and our lack of availability to train them makes Administrative Reviews even more difficult for both parties.
- Our office has received feedback from the local SFAs that it takes between 60-100 hours for a small SFA to prepare for an Administrative Review. This is in addition to regular daily and monthly duties such as planning menus, managing finances, procuring resources, and supervising their kitchens staff. Several sponsors in the survey mentioned the added expense of bringing in substitutes to help with regular responsibilities so they can devote enough time to preparing for their review.

Procurement Reviews

- Utah currently has a 6-year review cycle in place. In SY 2019, Utah aligned timelines between the Administrative Review and Procurement Review so selected LEAs/SFAs received both reviews in one school year. Currently, we have one staff member leading and completing all procurement reviews. A 5-year cycle would help the state office free up time to train other program staff to conduct and assist with the procurement reviews. We recognize moving to a 5-year Administrative Review cycle will not align with our current Procurement Review Cycle and some School Food Authorities (SFAs) will not have their

Procurement Review in conjunction with their Administrative Review.

- Current approved Procurement Review Cycle (approved by MPRO 11/24/17)

SY 16-17	Cycle 2/Year 1 of AR Schedule	UT completed 1/3 procurement reviews
SY 17-18	Year 2	Utah received MPRO approved to complete all SFA procurement reviews and training plan within the 6 years (2 AR cycles)
SY 18-19	Year 3	21 Procurement Reviews Being Conducted
SY 19-20	Cycle 3/Year 1 of AR Schedule/ Year 4 Procurement	Start New AR Schedule
SY 20-21	Year 2 AR/Year 5 Procurement	
SY 21-22	Year 3 AR/ Year 6 Procurement	

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

In school year 2013-2014, the U.S. Department of Agriculture’s Food and Nutrition Service (FNS) introduced the unified Administrative Review and a 3-year review cycle (7 CFR 210.18). In February 2019, USDA FNS released a memorandum to allow state agencies to request a waiver for the 3-year review requirement and extend the review cycle (SP12-2019, Flexibility for the Administrative Review Cycle Requirement,

USDA Food and Nutrition Service, <https://www.fns.usda.gov/school-meals/flexibility-administrative-review-cycle-requirement>, February 22, 2019). State agencies are required to use the process to request a waiver as outlined in SP15-2018, Child Nutrition Program Waiver Request Guidance and Protocol-Revised May 24, 2018, <https://www.fns.usda.gov/child-nutrition-program-waiver-request-guidance-and-protocol-revised>).

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

The state office would like to expand the current 3-year Administrative Review cycle process and tracking to a 5-year review cycle. Increasing the review cycle by two years will build program integrity by better preparing and training sponsors. We have received feedback from SFA directors they need additional program training and support from the state office to build effective and efficient school meal programs. Because of overloaded review schedules, technical assistance is often done in conjunction with the review, while local staff are already overwhelmed with documentation that must be completed. There is not enough time to provide thorough training. Changing to a 5-year review cycle will allow our staff to provide effective and quality customer service and training for our SFAs.

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]:

In school year 2018, the state office began using an e-review module to increase efficiency in documenting off-site and on-site review activities. In school year 2019, School Food Authorities also began using the Administrative Review module to complete off-site questions and submit corrective action. Two Food Distribution Program Specialists also lead and conduct Administrative Reviews in addition to their Food Distribution Program duties (including TEFAP). The state office also pulls in additional Child and Adult Care Program Specialists to assist with review activities. Review efforts are coordinated between the school and summer program staff to complete Seamless Summer Option (SSO) reviews in a short timeframe. The Office Specialist and Administrative Secretary help Specialists by creating review letters and have been trained to review free and reduced eligibility against enrollment rosters. In school year 2019, the state piloted a coordinated review effort at three Local Education Authorities to combine all federal programs, including Title 1 and Special Education, into one review utilizing staff from all three programs. The goal was to reduce the burden on the LEA in completing the financial portions of the reviews and consolidate on-site visits to make better use of the LEA staff time. The state office is still in the process of gathering feedback from the LEAs to see if this model will work for future years. The state office also combined the procurement review with the Administrative Review. Currently, our office has one lead overseeing procurement reviews.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

We continue to expect staffing changes at both the state and local levels. We currently have an average of five new SFAs coming on the NSLP program annually. As a result of continued program outreach and statewide student enrollment growth, we may see the average number of NSLP sponsors increase to more than five new sponsors a school year.

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]:

The state office will continue to plan annual budgets within current year funds available for state level activities to ensure best use of SAE funds.

10. Anticipated waiver implementation date and time period:

July 1, 2019 through June 30, 2024

11. Proposed monitoring and review procedures:

Utah proposes to continue to use the Administrative Review Guidance and current procedures to transition from a 3-year review cycle to a 5-year review cycle. Additional training and technical assistance will be provided to new and high-risk sponsors. The state agency will also use state audit findings to determine when School Food Authorities need additional focused reviews outside of the Administrative Review to ensure program compliance and integrity.

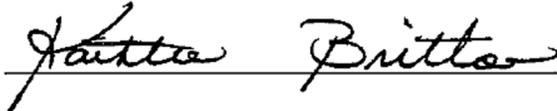
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

The state office will continue to complete the FNS-640 report annually. School Foodservice Authorities who meet the criteria to conduct the Independent Review of Applications will be required to complete the FNS-874 Independent Review of Applications report. SFAs will be trained on Independent Review of Applications tracking and reporting outcomes of the free and reduced eligibility approval processes. Internal monitoring and tracking of Administrative Reviews will be kept. Adjustments will be made as needed to ensure all current SFAs will receive an Administrative Review within the approved 5-year review cycle.

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]:

Posted online at <https://schools.utah.gov/cnp/nslp> under the “Waivers” tab.

14. Signature and title of requesting official:

 4/18/2019

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:**