



Food and
Nutrition
Service

February 28, 2019

Park Office
Center

Kathleen Britton
Director, Child Nutrition Programs
Utah State Board of Education
250 East 500 South
P.O. Box 144200
Salt Lake City, Utah 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) January 30, 2019, request to waive meal service time restrictions for sponsors in the Summer Food Service Program (SFSP). USBE requested a statewide waiver of SFSP requirements under 7 C.F.R. 225.16(c)(1) and (c)(2) to provide flexibility for SFSP sponsors to align meal times with available community programs and services. 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a statewide waiver to continue to provide flexibilities, previously approved in an FNS nationwide waiver that has been rescinded, to sponsors for five years, effective from the beginning of program year 2019. This waiver would allow sponsors to schedule meal service times that align with community activity programs and access to public transportation. USBE asserts that less restrictive meal times help sponsors operate efficient and cost-effective programs, maximize meal benefits for eligible children, and better meet the needs of families of children and at-risk youth in Utah. Without this waiver, USBE would require updates to software systems in order to comply with the regulatory requirements for meal time restrictions, which would increase the cost of SFSP administration. In addition, there would be a significant impact on USBE's staff time and increased costs to update training and technical assistance materials, re-train sponsor and site staff, and monitor compliance.

FNS approves USBE's request to waive meal service time restrictions for SFSP sponsors; 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. 225.16(c)(1), which places Federal limits on the amount of time that must elapse between the end of one meal and the beginning of the next, and
- 7 C.F.R. 225.16(c)(2), which places Federal limits on the duration of a meal service.

Sponsors are still required to comply with application requirements at 7 C.F.R. 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site.

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Additionally, USBE must ensure compliance with program monitoring and review procedures at 7 C.F.R. 225.7(d)(2) and (d)(3).

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 sites that waived Federal meal time restrictions; and
- A summary of findings associated with the waiver of meal service restriction times.

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 Mountain Plains Regional Office.

Sincerely,



Angela Kline
Director
Policy and Program Development Division

Electronic copies: Debby Hammack, MPRO
Matthew Anderson, USBE