



**CHILD NUTRITION PROGRAM SY2019
ADMINISTRATIVE AND SIX CENT WAIVER REQUEST**

State agencies are encouraged to use this form to submit waiver requests to the Food and Nutrition Service (FNS) Regional Offices. States should consult with FNS when developing waiver requests to ensure a well-reasoned, thorough request is submitted. States are encouraged to submit waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 27-2017, CACFP 12-2017, SFSP 08-2017, *Child Nutrition Program Waiver Request Guidance and Protocol*, April 26, 2017.

1. State agency submitting waiver request and responsible State agency staff contact information:

Utah

2. Region:

MPRO

3. Program operator(s) participating in waiver and affirmation that they are in good standing:

Yes.

4. Description of the challenge the State agency is seeking to solve:

Administrative Review & 6 Cent Certification - Attachment

5. Specific Program requirements to be waived (include regulatory citations):

See Attachment

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

See Attachment

7. Description of any steps the State has taken to address regulatory barriers at the State level: See Attachment

8. Anticipated challenges with waiver implementation:

See Attachment

9. Anticipated impact on Federal administrative costs and assurance that any increases in Federal administrative costs will be paid from non-Federal funds:

See Attachment

10. Anticipated implementation date and time period:

See Attachment

11. Proposed monitoring and review procedures:

See Attachment

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

See Attachment

13. Signature and title of requesting official:

Kathleen Britton, Director

August 13, 2018

Title:

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 your knowledge, experience and work with the State.

• **Date request was received at Regional Office:**

• **Regional Office recommendations:**

Child Nutrition Program
State Waiver Request SY19
Utah Child Nutrition Programs

4. Description of the challenge the State Agency is seeking to solve:

The Utah Child Nutrition Programs would like to request waivers to current practice for Administrative Reviews and 6 Cent Certification. We have an unprecedented number of new School Food Authorities (SFAs) beginning 2018-2019, drastically increasing the number of required reviews for the end of this review cycle and 6 Cent Certifications. Some of these activities will be duplicated because the SFAs are starting program participation in the last year of the administrative review cycle. The duplication of efforts impacts the time specialists spend providing training, technical assistance, and support to all program sponsors.

At the end of SY18, the Child Nutrition Programs were asked to separate some sites from existing SFAs due to the Every Student Succeeds Act (ESSA) financial tracking requirements. As a result, the Utah Child Nutrition Program staff have been working with 12 charter and private schools to become their own program sponsors for the 18-19 school year. In addition, two independent charter schools have been approved to be their own SFA for a total of 14 new SFAs. This total is significantly higher than the number of new SFAs our department has brought on in previous years.

Our team of nine school specialists (two of which oversee USDA Foods and TEFAP) will be required to conduct 55 Administrative Reviews in a 19-week window in order for all SFAs to be reviewed by the end of SY18-19. The 19-week review window has been determined using SFA program start and end dates, school holidays, and breaks. Though this might be reasonable if our specialists were focused solely on administrative reviews during the school year, our staff have a variety of other responsibilities including: overseeing, attending, and providing program trainings and conferences, technical assistance visits, follow-up reviews due to high risk, on-site visits conducted due to complaints we may receive, and assistance with summer meal program approvals, training, and on-site reviews.

5. Specific Program requirements to be waived:

6 Cent Certification Waivers

To ensure our staff are providing the highest quality support and to reduce redundancy in work from SFA staff, our office would like to request a 6 Cent Certification waiver for 11 of the 14 new SFAs: Pacific Heritage, Salt Lake Center for Science Education, Gateway Preparatory, East Hollywood, Esperanza, St. Xavier, Odyssey House, St. Vincent, Kearns St. Ann, Early Light and Wallace Stegner. This will be for SY 18-19 (the end of the three year cycle) (Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010; Correction, USDA FNS, Final Rule, Federal Register, Vol. 79, No. 11, January 16, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-01-16/pdf/2014-00624.pdf>)

Eight of these schools will also receive an Administrative Review this school year, which will include a menu compliance review.

Three of the new SFAs, Pacific Heritage, Salt Lake Center for Science Education, and Odyssey House, had menu reviews in SY 17-18, as they were selected sites for the Administrative Review under another sponsor. The state office has previously certified the menus and found them compliant. Going forward, the new SFAs will be using similar menus or receive a vended meal from another SFA in good standing.

Our state has a robust process to train and bring sponsors onto the program to ensure program understanding and compliance. Preapproval visits, technical assistance by phone, email and in-person is completed. Online trainings are available on a variety of topics to provide additional assistance to school staff. Our office also completes a first claim review with new sponsors.

Administrative Reviews

We are asking for an Administrative Review waiver for three new SFAs: Salt Lake Center for Science Education, Odyssey House and Pacific Heritage for the 18-19 school year (the end of the three-year cycle). These schools were reviewed sites under district sponsors in the previous year (2017-2018). This waiver would reduce redundancy. Per USDA regulations, state agencies must review each SFA once during each 3-year review cycle, with no more than four years lapsing between reviews (Administrative Reviews in the School Nutrition Programs, USDA Food and Nutrition Service, Final Rule, Federal Register, Vol. 81, No. 146, Friday, July 29, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17231.pdf>). The schools would be incorporated into the first or second year of the review cycle.

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

Administrative Reviews

We request the previous Administrative Review records be accepted for the schools listed below, waiving the review requirement for school year 2018-2019. This would reduce duplication of efforts in monitoring and procedures. Documentation from the 2017-2018 menus will be kept on file in the new SFAs folder. School meal program specialists work with each new SFA closely to set up a strong foundation of the program and monitoring in various capacities are completed during the first year of operation to not compromise the integrity of the programs.

Previously reviewed schools:

- Salt Lake Center for Science Education
- Odyssey House
- Pacific Heritage

Salt Lake City School District received an Administrative Review in SY 18. Salt Lake Center for Science Education and Odyssey House were reviewed sites. There was minimal corrective action regarding the SFA and site reviews. Corrective action items were addressed quickly and closed. The state office has no major concerns through the approval process with the two sites becoming their own sponsors in SY19.

Pacific Heritage was a site under Endeavor and reviewed in SY18. They will become their own sponsor in SY19.

6 Cent Certification

Documentation from the menu reviews conducted as part of the Administrative Review will be kept on file with the new SFAs records. These records will be from the review conducted in 2017-2018 (three SFAs) or 2018-2019 (eight SFAs).

7. Description of any steps the State has taken to address regulatory barriers at the State level:

The Utah Child Nutrition Programs has foreseen the increase of SFAs in the state, mostly charter schools. We have generally approved 3-5 new SFAs over the past few years. Typically, new SFAs are anticipated and accounted for in planning. This year is an exception because the SFAs are becoming their own independent sponsors due to ESSA reporting requirements.

8. Anticipated challenges with waiver implementation:

No anticipated challenges.

9. Anticipated impact on Federal administrative costs and assurance that any increases in Federal administrative costs will be paid from non-Federal funds:

No additional costs; our office will see a cost reduction. Specialists can only work 80 hours in a two week time period.

10. Anticipated implementation date and time period:

August 2018 is proposed for 6-cent certification waiver implementation. New SFAs have already been approved and must be 6-cent certified within 60 days. September 2018 is proposed for Administrative Reviews (review schedule will need to be finalized by August 30, 2018).

11. Proposed monitoring and review procedures:

New SFAs will have a first claim visit, ongoing technical assistance, and some will still receive an administrative review. Training is planned throughout the year. Additional online trainings are also available to program sponsors on a variety of program topics.

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

Administrative Results will be submitted through the 640 report. 6 cent reimbursement will be reported and changes could be included in the comments of the QTR-SFA-CERT report.

We appreciate your consideration of our request as we work to approve 14 new SFAs and move into the new school year. We believe these waivers will allow our staff to better serve the sponsors and, ultimately, the children receiving meals throughout Utah.