



GOVERNMENT OF PUERTO RICO

DEPARTMENT OF EDUCATION
State Agency, Food and Nutrition Services

May 15, 2020

Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Summer Food Service Program

Extension Waiver Request SFSP Sponsors until September 30, 2020

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

Puerto Rico State Agency, Food and Nutrition Services of the Department of Education (AESAN)

P.O. Box 190759

San Juan, Puerto Rico 00919-0759

Tel: 787-723-9090 ext. 2350, 2355

SA Contact:

Lourdes N. Garcia- SA Acting Director, garciasln@de.pr.gov

Carmen M. Vega-SFSP Coordinator, vega_car@de.pr.gov

2. Region:

Mid Atlantic

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Waive extension is requested until **September 30, 2020** for PR's SA to the SFSP monitoring requirements to sponsors participating during the unanticipated school closure due to COVID-19 The standing evaluation criteria will be consistent for future SFSP waiver solicitations.

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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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

In accordance with the Families First Coronavirus Response Act of 2020, PR's SA is requesting to continue allowing SA monitors, visiting sites at distance to help minimize potential exposure to the novel coronavirus (COVID-19). State agencies are required to monitor SFSP operators that serve meals during unanticipated school closures consistent with the requirements found at 7 CFR 225.7(d). To maintain program integrity, monitoring activities of program operations will be continue offsite through a desk audit, requesting sponsors photos, videos, etc. This waiver applies to monitoring of schools and institutions operating Summer Food Service Program (SFSP) during an unanticipated school closure. The PR's SA is confronting the following challenges to comply with the sites visits during the COVID-19 Emergency:

1. SA has many vacant monitors position. It does not count with the necessary monitoring staff for the sites visits.
2. PR is confronting internet problems, island wide because overloaded communication lines.
3. Government lockdown and restrictions.
4. SA directors and monitors are working more than 12 hours daily at distance since March 16, 2020. The SFSP monitors and staff are extremely exhaust because the daily work and of the pandemic situation.

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

Under program regulations at 7 CFR 225.7(d)(2)(ii), state agencies that operate SFSP are required to: 1) conduct a review of every new sponsor at least once during the first year of operation; 2) annually review a number of sponsors whose program reimbursements, in the aggregate, accounted for at least one-half of the total program meal reimbursements in the state in the prior year; 3) annually review every sponsor which experienced significant operational problems in the prior year; and 4) review each sponsor at least once every three years. However, SA recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing while providing meals.

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

Alternative procedure

SA monitors will continue monitoring activities to SFSP sites serving during COVID-19 emergency.

To maintain SFSP integrity, the SA will be evaluating waivers request according to follow:

- a. Administrative Review Findings
- b. Number of sites serving meals during summer
- c. Sites operated successfully during previous fiscal years
- d. Available resources and staffing

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

The PR' SA will continue providing guidance and technical assistance to SFSP to comply with SFSP requirements and to not hinder sites serving meals during summer. The PR's SA will ensure program compliance thorough, the application approval process, technical assistance, training, monitoring site visits and administrative reviews. Also, the pertinent changes will be made to the PR' SA application site, as a result of this waiver.

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

There are no anticipated challenges with waiver extension implementation for eligible sponsors. The PR' SA internal process and procedures are already in place to ensure program integrity for eligible SFSP sponsors.

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]:

There is no anticipated impact on PR' SA administrative cost, SAE and SAF, for state agency oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

For Summer Food Service Program until **September 30, 2020**.

11. Proposed monitoring and review procedures:

SFSP's sites will be monitored by the PR' SA and standard review procedures will continue to be follow, including meal service operation per CFR requirements within SFSP open sites.

1. The PR' SA will maintain a centralized log of all approved waivers to ensure compliance, as applicable.
2. During Administrative Review, the PR' SA will evaluate available documentation to verify the meals were served, accordingly to waiver.
3. If noncompliance is identified, the PR' SA will implement corrective action plan and conduct follow-up reviews, as needed.

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

The SA will report data requested by FNS in the SFSP Waiver Report Sheet. The PR' SA will require eligible SFSP SOs under this waiver, to submit yearly detailed report of approved sites under waiver with description of how the waiver impacted meal service operations, children's access to nutritious meals, findings related to the waiver and numbers of meals served and sites. Then, the PR' SA will provide FNS the centralized waiver report by December 31, 2020 with the following data:

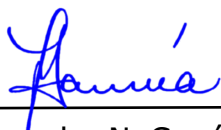
1. Waiver No.
2. SFSP SOs Name
3. Evaluation criteria for waiver approval
4. Number of Meals Served
5. Number of Sites Waiving Meal Service Time Restrictions

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]:

On April 14, 2020, the SA sent a memorandum about COVID – 19 emergency response's waivers availability and application to 2020 SA SFSP monitors.

The goal of these waivers is to reinstate the rescinded flexibilities and policies to allow for efficient and cost-effective program management and reduce the administrative burden for sponsoring organizations and the PR's SA Staff. Information regarding the approval or denial of these waiver extension requests will be posted here and will be provided to all sponsors via email once USDA makes the determination. For more information, please contact Carmen M. Vega Nevárez, SFSP Coordinator at vega_car@de.pr.gov .

14. Signature and title of requesting official:



Lourdes N. García Santiago
Title: PR' SA Acting Director
Email: garciasln@de.pr.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(I)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**