



***Child Nutrition Program Waiver Request***

***For National School Lunch Program and School Breakfast Programs***

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.

**1. State Agency submitting waiver request:**

PR State Agency, Department of Education

**Responsible State Agency staff name:** Lourdes Noemi Garcia

**Contact Information. Tel:** 787-773-6294 **E-mail:** garciasln@de.pr.gov

**Region:** MARO

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

*A. SFAs that renewed the Provision 2 Base Year during the School Year 2019-2020*

*(1) IPVI*

*B. SFA in process renewing the Base Year for Provision 3*

*(1) Habacuc*

**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]:**

**- IPVI**

- **Challenges to solve:** IPVI renewed a Base year for provision 2 during the School Year 2019-2020. The COVID -19 Pandemic provoked a government shutdown, from March 15 – May 2020, furthermore this SFA did not claim the meals for that period.
- **The goal of the waiver:** to improve services

- **The expected outcomes if the waiver is granted** Approve the percentages for the SFA in the provision 2 that realized base year during the 2019 - 20 school year.

Provision 3 : CCD Habacuc

- **Challenges to solve** The SFAs are in the process of establishing a new base year, but are confronting problems with the applications. Most of the parents do not have internet in their homes and are unable to send the requested documents electronically. Due to the Pandemic, they cannot deliver the applications in-person to the schools. Furthermore, there is not an established electronic system to submit the applications.
- **The goal of the waiver:** to improve services
- **The expected outcomes if the waiver is granted** Approve the percentages for the SFA in the provision 2 that realized base year during the 2019 - 20 school year.

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

**Please refer to: USDA/ Provision 2 Guidance, pages 23-26**

**A. How do we obtain an extension of the current Provision 2 cycle?**

You must apply to your State agency in writing for an extension of your Provision 2 cycle.

**B. How many extensions can we get?**

You may apply for an extension every four years. You may continue to be granted an indefinite number of extensions, as long as you can demonstrate that the income level of your school's population has remained the same, declined, or had only a negligible improvement, when comparing the originally approved base year data and comparable current data for the year in which you are requesting the extension.

**C. What information must we submit to the State agency to be considered for an extension?**

You must establish to the State agency, through available and approved socioeconomic data, that the income level of the school's population, adjusted

for inflation, remained stable, declined, or had only negligible improvement since free and reduced price applications and counts by meal type were taken in the most recent base year.

#### **D. Negligible Improvement**

**What is considered “negligible improvement”?** Negligible improvement is defined as an improvement in the base year income level of the school’s population that is five percent or less, as adjusted for inflation.”

**How is “negligible improvement” applied to an extension request?** If the income level of your school’s population improves by more than 5 percent, after adjusting for inflation, between the base year and the comparison year, that is an indication of significant change either in the school's population or in the income level of the population. Such changes preclude the continued use of the original claiming percentages, an extension cannot be approved, and new claiming percentages must be developed in order to continue operating under the Provision.

#### **E. What is considered “available and approved socioeconomic data”?**

Socioeconomic data is the approved source you identified to the State agency on the Free and Reduced Price Policy Statement during the most recent base year. The socioeconomic data used must be equivalent to the most recent base year and the last year, or the year you are requesting the extension, of your current Provision 2 cycle.

At a minimum, any socioeconomic data that is used to request an extension (including the pre-approved sources listed below) must meet the following criteria:

- Be reflective of the school’s population;
- Be equivalent data for both the base year and the last year of the cycle; and
- Effectively measure whether the income level of the school’s population (adjusted for inflation) has remained stable, declined or had only negligible improvement.

Provided that the above criteria are met, pre-approved sources of socioeconomic data include: information collected by the city or county zoning and economic planning office; unemployment data; local Food Stamp Program certification data including direct certification; Food Distribution Program on Indian Reservations data; statistical sampling of the school’s population using the application or equivalent income measurement process; and Temporary Assistance for Needy Families (TANF) data,

provided that the eligibility standards were the same or more restrictive in the base year as the current year with allowance for inflation.

The USDA Food and Nutrition Service must approve any other data. The type of data used for comparison must be the same for the base year and for the last year of the current cycle.

**If a school identifies a socioeconomic data source that exceeds the five (5) percent threshold, may the school select another pre-approved socioeconomic data source that does not exceed the five (5) percent threshold?**

“Yes, as long as the school can provide data from the same data source for the base year to compare against.”

**May the school select a data source other than one that is pre-approved?**

Yes, this is allowed if the State agency and USDA Food and Nutrition Service approve.

**Can citywide or countywide data, such as county unemployment data, be used toward granting an extension?**

Data sources such as county or city data may be used in consideration for an extension if the data are reflective of the school’s population, equivalent for both the base year and the last year of the cycle, and effectively measure whether the income level of the school’s population (adjusted for inflation) has remained stable, declined or had only negligible improvement. To be considered reflective of the school’s population, the data must directly correspond to the area covered under the school’s attendance area. For example, city data that cannot be disaggregated to the school’s attendance area is not considered reflective of a school’s population.

**What data sources should be used for schools that have no defined attendance area, such as a private school or magnet school?**

The school must develop a method of establishing the socioeconomic status of their enrolled population. In such cases a statistical sample, utilizing applications, of the eligibility status of the school’s population could be conducted utilizing the application process and the current income eligibility guidelines or direct certification process and comparing the results to the base year data.

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

Attachment A

SP 15-2018, CACFP 12-2018, SFSP 05-2018 Page 2

**Alternative procedure description:**

**Monitoring:** We have to monitoring under ISPVI. The State Agency will continue to provide guidance and technical assistance.

**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 State Agency does not anticipate any regulatory barriers at the State Level.

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

No challenges have been identified. We understand that the Waiver will help to operate the benefit issuance, counting and claiming process.

**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]:**

Answer: No overall increase in cost is identified, because the SFAs were included in the Administrative Review Visit and Onsite Visit for this school year.

**10. Anticipated waiver implementation date and time period:**

September7, 2020

**11. Proposed monitoring and review procedures:**

The SFAs were included in the Administrative Review Visit and Onsite Visit for this school year. The personnel from the Central Office will review the claiming process for this SFAs.

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

The State Agency will report the results from the onsite visits (by desk review)

**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]:**

**The PRDE will post the waiver on their page.**

**14. Signature and title of requesting official:**

**Name: Lourdes N. Garcia**

**Signature:** 

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Title: Acting Director

Requesting official's email address for transmission of response:

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**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:**