



## **WAIVER REQUEST TO DISTRIBUTE FFVP FOOD TO A PARENTS OR GUARDIANS OF PARTICIPANTS IN CHILD NUTRITION PROGRAMS IN PUERTO RICO**

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

Lourdes N. García Santiago  
Acting Director  
State Agency, Food and Nutrition Services  
PR Department of Education  
Email: [garciasln@de.pr.gov](mailto:garciasln@de.pr.gov)  
Phone: (787) 759-2000 ext. 6294

### **2. Region: MARO**

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

The Puerto Rico State Agency requests this waiver for School Food Authorities (SFAs) Sponsors in good Standing

### **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]:**

Section 19(b) of the National School Lunch Act (NSLA) (42 USC 1769a) require program operators to provide FFVP foods directly to students, not to parents and guardians.

In this public health emergency, requiring children to go along with a parent or guardian to pick up their food at the place intended for this may not be practical or be consonant with the goal of providing meals and at the same time taking safety measures. Currently the operators of programs in PR are covered by the nationwide waiver that allows parents and / or guardians to pick up meals for their children, without the student needing to be present and they intend to serve the FFVP food additionally and alongside the lunch service as allowed. We understand that the flexibility we request will facilitate the acquisition of food by parents or guardians by being able to collect both food servings at the same time. In addition to minimizing program operators work involved planning additional delivery.

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

PRSA is requesting a waiver of the requirement found at section 19(b) of the National School Lunch Act (NSLA) (42 USC 1769a) require program operators to provide FFVP foods directly to students, not to parents and guardians.

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

Sponsors and SFAs who will be serving meals under NSLP may submit a waiver request to PRSA to disregard the requirements that Fresh Fruit and Vegetable Program (FFVP) foods may only be provided to students during non-congregate meal services due to the novel coronavirus (COVID-19). Sponsors who want to take advantage of this waiver must certify that they will returned to normal operational practices once the COVID-19 emergency ends. There should be no impact on program operations.

**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]:**

No regulatory barriers at State Level

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

There are no anticipated challenges

**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]:**

PRSA does not anticipate an increase to Program Cost

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

The anticipated waiver implementation is effectively immediately and until June 2021.

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

PRSA will maintain a tracking System to identify sponsors and SFAs using this waiver.

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

PRSA will track and report:

- A description of how the waiver impacted FFVP food service operations, children's access to FFVP foods, and participation in FFVP;
- The number of FFVP schools that used the waiver;

- The FFVP funds provided during the SY 2020-2021 COVID-19-related operations, demonstrating that the waiver has not resulted in an increase to the overall cost of the program; and
- A summary of findings associated with the waiver

**12. 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]:**

**Public Notice and information of this waiver request is posted on DE website at:**

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



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Title: Lourdes N. García Santiago, SA Acting Director

Requesting official's email address for transmission of response:  
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**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:**