



## **CHILD NUTRITION PROGRAM STATE WAIVER REQUEST ANNUAL MONITORING REQUIREMENTS IN CACFP FOR STATE AGENCIES**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

### **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 6 CACFP MONITORS Employed by PRSA-DE and 3 Administrative Assistants. Institutions that will be monitored or review, are in good standing and have never been declared deficient.

**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]:**

Many institutions remained closed due to the COVID-19 emergency since March-2020, causing an interruption in the CACFP monitoring cycle. USDA has already approved to PRSA a waiver for any review not completed in FY 2021 it would be prioritized in the next Program year PY2022. In addition, any review not completed in PY 2020 has been prioritized in PY2021. Although we have made our greatest effort preparing guides and procedures to carry out Desk Reviews, we have not been able to complete all the reviews as planned because many institutions remained closed and recently have begun to reopen in August and September 2021, this has caused a backlog of reviews for FY 2022 cycle.

We have a total of 73 monitoring reviews, 52 facilities reviews (22 from SO and 30 from independent centers) and 17 follow up visits.

Also, we have 3 new Institutions that are in the process of completing applications and should receive their reviews during the first 90 days of operation because they are Sponsoring Organizations with more than 5 sites.

Under Program statute, State agencies are required to conduct one scheduled visit of CACFP Institutions at not less than 3-year intervals. Regulation **7 CFR 226.6(m)(4)** requires State Agencies to Annually review at least 33.3% of all institutions according to the schedule and in case of Sponsor Organizations **Part 226.6 9(m)(6)(i)** requires including reviews of 10% of their facilities. In total, we will review 59% of Sponsors during FY 2022; we do not want to continue delaying the reviews to ensure the program integrity. We have continued to offer technical assistance and follow-up to our sponsors, but we feel that the reviews are necessary.

PRSA-DE is requesting a waiver of the requirements for number of facilities that should be review when reviewing Sponsor Organizations, the regulation requires a 10%.

**PRSA-DE proposes a reduction of the required percentage establishing a 3% when reviewing facilities in Sponsor organizations. This 3% would be established taking into consideration the centers that represent the greatest claim for the sponsor. This will shorten the number of days established to complete the Review, giving us the opportunity to complete the 73 scheduled Reviews. The rest of the requirements would remain intact.**

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

Regulations at 7 CFR 226.6(m)(6)(i) Specifically to waive the required 10% reviews of facilities in Sponsor Organizations of CACFP and establishing a 3% for the FY 2022 Review Cycle. To determine the 3% in each review we would choose the centers with the highest participation and that represent the greatest claim. The rest of the requirements would remain intact.

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

During these months marked by the COVID-19 pandemic PRSA has been characterized by continuing with monitoring reviews to sponsors using technology. PRSA has always been in favor of continuing with the monitoring reviews during the COVID-19 pandemic because it gives us a better view of the Child Nutrition Programs operation and good opportunity for technical assistance.

We have developed guides to perform Desk Reviews using Microsoft Teams. For FY-2022 we developed a new monitoring guide that combines Offsite with Onsite reviews because reviews to facilities are being carryout in person, to have better overview of the food service operation.

Lowering the percentage of review facilities will help minimize potential exposure to COVID-19 for State Agency Staff a CACFP participant, maintaining the program oversight and integrity. However, if during the offsite review there are elements that concern us, the number of centers to visit would be increased and we would establish 10% as required by regulation.

We have already updated our technology systems to assure that the offsite part of the reviews could be perform using the different tools provide to our staff. We have also trained both, staff, and sponsors in the use of the new technology to carryout CACFP reviews.

**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:**

We do not anticipate any challenges for the CACFP staff except a very heavy workload.

**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

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

The anticipated waiver implementation is effectively immediately and until Sept. 2022.

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

The State Agency will continue to carry out current program monitoring and review procedures as directed by USDA. We will maintain a monthly tracking of sponsors to prioritize their reviews as they start to operate. Sponsors found to have noncompliance issues will work with the State agency on an individualized corrective action plan and monitors will conduct follow-up reviews scheduled as needed to ensure ongoing compliance.

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

PRSA-DA will report at the end of FY2022:

- Number of Sponsors operating
- Number of desk audits and facilities review for FY2022
- Update of FY 2021 monitoring calendar

**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]:**

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

**14. 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:

[garciasln@de.pr.gov](mailto:garciasln@de.pr.gov)

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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:**