



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF EDUCATION
STATE AGENCY, FOOD AND NUTRITION SERVICES

AFTERSCHOOL SNACKS MONITORING REQUIREMENTS IN NSLP FOR SFA

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
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 Department of Education-SFA (AEA-DE).

P.O. Box 190759 San Juan, Puerto Rico 00919-0759 * Tel: 787-773-4055

This institution is an equal opportunity provider.

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]:

The Department of Education School Food Authority began operating under SSO since October 1, 2021. Currently, they have a high volume of applications to offer the afterschool snack service for different programs: Extended Educational Reinforcement Program for students with academic lag, federal homeless affairs programs and 21 First Century. At the time of this waiver request the AEA-DE has a total of 512 sites offering the afterschool snack service, it is expected that this number will increase with the passing of the months. Although the AEA-DE is an experienced School Food Authority offering the afterschool snack program, these are not offered throughout the year. Therefore, 2 reviews are required during the school year and the first review should be during the first 4 weeks of operation as established by **7 CFR 210.9 (c)(7)**. Given the high volume of sites offering afterschool snacks service and the lack of personnel in some areas, the AEA-DE will not be able to complete the reviews as required by regulation. AEA-DE will not be able to complete the first review visit but the second one. If the waiver is approved this will allow the staff to maintain oversight of all School Programs and priority staff where more challenges are present. This approach will enable complete the visit of afterschool sites without delay for a prompt identification of concern in those schools where claim represent the highest dollar figures ensuring the safeguard of Federal funds.

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

Afterschool care requirements. Those school food authorities with eligible schools (as defined in [§ 210.9 \(c\)\(7\)](#)) that elect to serve meal supplements during afterschool care programs, shall agree to:

Review each afterschool care program two times a year; the first review shall be made during the first four weeks that the school is in operation each school year, except that an afterschool care program operating year round shall be reviewed during the first four weeks of its initial year of operation, once more during its first year of operation, and twice each school year thereafter.

Specifically, the AEA-DE is requesting to waive the monitoring requirements for afterschool snack service during the first four weeks of operations and allow them to carry out only 1 review during any time of the school year and before the end of the afterschool snack service.

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

The AEA-DE will complete a schedule plan, identifying the schools with the highest enrollment, prioritizing the reviews for schools that represent the highest

reimbursement. This will help the AEA-DE be in compliance, ensuring the integrity of the program. AEA-DE will closely monitor the outcome of each review and will provide technical assistance on the irregularities that be identified to 100% of the schools operating afterschool snack service.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(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:

The SFA AEA-DE will carry out virtual reviews in the two regions (Bayamón and Caguas) because they don't have enough supervisors in this region. We do not anticipate any challenges for the SFA staff except a 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(l)(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 May 2022.

11. Proposed monitoring and review procedures:

The AEA-DE is requesting to waive 210.9 (c)(7) partially, for the first 4 weeks review visit. This flexibility will ensure having an alternative procedure to oversee program integrity. Half of the review of the total school will be conducted by March 30, 2022 granting the opportunity to keep a close monitoring of the outcome of the reviews. This will allow the planning of training after the conclusion of the review cycle.

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 in Afterschool Snacks
- Number of desk audits and facilities review for FY2022

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:



12/13/2021

Title: Lourdes N. García Santiago, SA Acting Director
Requesting official's email address for transmission of response:
garciasln@de.pr.gov

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:**