



May 22, 2023

Puerto Rico State Agency NSLP, SBP Waiver's Request

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: 787-753-4055

SA Contact: Lourdes N. García – SA Acting Director, garciasln@de.pr.gov

Miliana Rivera - Acting Coordinator, riveracmi@de.pr.gov

2. Region: Mid Atlantic Regional Office
3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The Puerto Rico State Agency requests these waivers for all School Food Authorities (SFAs) in good standing, to be implemented by local operators during unexpected school closures while having virtual learning.

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 State Agency of Puerto Rico seeks to resolve the challenges that the SFA could confront in the case of an emergency, such as natural disasters, unscheduled mayor building repairs, court orders relating to school safety

or other issues, labor management disputes, or when approved by State Agency, for similar unanticipated cause.

In addition, students can still benefit from nutritious meals while learning from home, avoiding food insecurity. The SA intends to reduce and alleviate the burden for the SFA during a time of emergency, while maintain program integrity.

Without these waivers, SFA will spend an extraordinary amount of time completing activities related to regulatory burden rather than focusing on prioritizing the service for students during an emergency. This will also maintain a high participation in the program and minimize negative impact.

5. Specific Program requirements to be waived:

- PRSA is requesting Non-Congregate Meal Services [42 U. S. C. 1753(B)(1)(A) and 42 U. S. C. 1773(B)(1)(A)]
- PRSA is requesting Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- PRSA is requesting Meals Service Times [7 CFR 210.10(l)]
- PRSA is requesting Offer Versus Serve [42 U. S. C. 1758 (a)(3) and CFR 210.10(e)]

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

If approved, this waiver will allow NSLP and SBP's SFA in good standing, to serve meals to participant children, during a situation of virtual learning. Approval of these waivers will ensure that children have the daily nutrition needed without any interruption.

Through follow-up visits, and technical assistance the State agency will maintain a track of SFAs that will be approved for the use of these waivers. If the waiver is not approved, the following impact will likely occur:

- a) The participants will not be receiving any free meals daily;



b) The NSLP and SBP's SFA will not receive funds by reimbursement, affecting their financial area, leading them to not comply with the program meal patterns.

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 state level barriers had been identified at State Level.

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

There are no anticipated challenges with waiver implementation for eligible SFAs.

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]:

There is no anticipated impact to Program costs for PRSA oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

From July 1, 2023 to June 30, 2024.

11. Proposed monitoring and review procedures:

PRSA will continue with monitoring standard procedures, as per usual. The PRSA will also keep a tracking system to identify SFAs using this waiver.

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

PRSA will collect and submit data as required.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:



Spanish version: <https://de.pr.gov/aesan/wp-content/uploads/2023/05/2023-2024-PRs-SA-NSLP-SBP-Waivers-Request.pdf>

English version: <https://de.pr.gov/aesan/wp-content/uploads/2023/05/2023-2024-PRs-SA-NSLP-SBP-Waivers-Request.pdf>

14. Signature and title of requesting official:



Lourdes N. García Santiago, MBA, LND
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(l)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations:

