



May 3, 2023

PR's Summer Compliance Date Delay for Summer Streamlining Rule
Waiver 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: 787-759-2000 ext. 6292, 5044

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

Carmen M. Vega – SFSP Coordinator, vega_car@de.pr.gov

2. Region:

MARO

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

The PR's SA SFSP is certifying that program and sponsors are in good standing so is requesting this waiver for 2023 SFSP operation.

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]:

Each year, PR's regular schools program conclude on May, earlier than the contiguous states, so the PR's SFSP begin operation during last weeks of May. Annually during February, the PR's SFSP perform regulatory trainings directed to experience sponsors. This year experienced and potential sponsors were trained in SFSP from February 17 to March 17.

On March 7, 2023, FNS released the SFSP 03-2023 memorandum Guidance on Performance Standards, Budgets, and Management Plans in the Summer Food Service Program. This guidance was distributed so close to the beginning of the PR's SFSP, that difficult us to analyze it and establish appropriated procedures to implement this new rule for 2023 SFSP operation. The SA is requesting this waiver to achieve a successful implementation and fulfillment with the new rule on 2024's SFSP.

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

A waiver of the compliance date May 1, 2023, as published in the Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule, extended to January 1, 2024.

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

If this waiver is approved, it will allow the program to redact or create new procedures as needed, implement the new rule for 2024 SFSP *Performance Standards, Budgets, and Management Plans in the Summer Food Service Program* and guide sponsors adequately to comply with this part of regulation before submit program's application for first time participation or renewal.

The PR's SFSP already has procedures, policies, and reports the sponsors must submit with application (listed in the next paragraph) and at the end of program operation (Financial Management documents - SFSP's



Operational and Administrative Cost Tracking Form and Income and Expenditures Reconciliation Form), that help program's coordinator, staff and monitors to validate they are in good standing.

For example, the sponsor application always had included Employer Identification Number (EIN), tax exempt status, staffing patterns, assignment of duties/job descriptions, budget, excess funds balance, independent single audit, community need/recruitment strategy, media release, sample menus, Civil Rights data collection, site information, proposed training and monitoring schedules and monitoring staff.

Anticipated impact

If FNS do not approve the Summer Streamlining Rule waiver, it will affect the possibility to comply by the implementation date. The new performances will allow SA to ensure sponsors comply with *management and organizational structure, administrative requirements and operations, monitoring and training requirements* resulting in compliance with the new federal regulations.

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 barrier has been identified.

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

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



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 on PR' SA administrative cost, SAE and SAF, for state agency oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

January 1, 2024

11. Proposed monitoring and review procedures:

SFSP sponsors and sites will be monitored by the PR-SA staff and standard review procedures will continue to be follow.

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

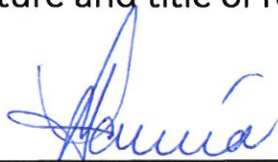
PR-SA will collect and submit data as required.

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]:

Waiver request link:

<https://de.pr.gov/aesan/wp-content/uploads/2023/05/2023-PRs-Summer-Compliance-Date-Delay-Waiver-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: