



May 23, 2023

Puerto Rico State Agency for SFSP and SSO 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: 787-723-9090 ext. 2350, 2355

SA Contacts:

Lourdes N. García - SA Acting Director, garciasln@de.pr.gov

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

Miliana Rivera – NSLP Coordinator, riveracmi@de.pr.gov

2. Region:

Mid Atlantic

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

Statewide waivers requested for Programs' sponsors in good standing will be authorized to provide meals during an outbreak or extraordinary cases of school closure due to a hurricane or other emergency occurs. This waiver will be implementing by programs operators when an emergency limited a congregate meals service.

The waiver would apply to SFSP and SSO sponsors throughout the Commonwealth of Puerto Rico.

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 SA is requesting Unanticipated School Closures, Non-Congregate and Parent / Guardian Meal Pickup waivers for schools or participants affected due to an eventuality of hurricane or other emergency occurs.

This waiver approval will help during an emergency and will be implemented if it is needed and during extraordinary cases.

As sponsors respond to and recover from the emergencies, it is important to help them to fully reduce administrative burden. Our state agency desires to provide administrative and operational flexibility, where possible, while maintaining program integrity in providing nutritious meals during emergency situations. A relief of these regulatory requirements will help to meet our customers' needs.

Challenge without waiver

- Sponsors will continue facing uncertainly in how to streamline operations while responding to school closures with no virtual learning related challenges, to serve meals. Without these waivers, sponsors will spend an extraordinary amount of time completing activities related to regulatory burden rather than focusing on properly servicing students and children.
- Decreased program participation.
- Food insecurity will continue to be an issue for students and children.

Goal of Waiver to Improve Services

- Decrease some administrative pressures for the sponsor during this difficult time.
- Continued flexibility of the service options; non-congregate meals service, parent/guardian pick-up, meal service time, offer vs serve and meals at school sites provide sponsors the flexibility needed to continue to provide meals in response to emergency situations.
- Maintain sponsor and site program participation and minimize hunger in the local communities.



Expected Outcome of Waiver

- Sponsors will have an opportunity to transition back to normal operations over a longer period, which helps to assure success.
- Sponsors will implement flexibilities, as needed, to minimize the negative impact on program participation because of emergencies.
- Simplify program administration for the sponsors, so they can focus on the highest priority needs of their program/sites.

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

- Unanticipated School Closures with no virtual learning

SFSP and SSO:

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up during Unanticipated School Closures (SFSP/SSO) [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2) and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C.1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

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

If approved, there will be no significant impacts on technology or state systems. This waiver will allow SFSP and SSO sponsors in good standing to serve meals during extraordinary cases due an emergency in a non-congregate setting. Approval of these waivers will ensure that children have the nutrition needed without interruption during an unanticipated school closure due to an emergency.

During the waiver activation, the program's integrity will be maintaining thru trainings, visits, reviews, eligible participants logs and guardian consent. The PRSA will maintain a track of sponsors that were approved to utilize the waiver during an emergency or extraordinary case related to it.



Anticipated impact

The waivers would decrease the administrative burden, allowing sponsor to not submitting a new program application or site documentation if they have participated in SFSP or SSO at any time during the current year or in either of the prior last 2 calendar years. In addition, the sponsor that request the waiver will be exempt from the application submission deadline, pre - approval visits, among other exceptions. It will allow the sponsors to meet the needs of the participants and their families when schools are closed due to an emergency. The PR's SA will continue to ensure program integrity through the application approval process, logs, documentations and technical assistance visits.

If the waivers are not approved, the following impact will likely occur:

- a) The students and children will not have access to daily meals;
- b) The SA and the programs' sponsors cannot be empathic with their needy communities, serving meals to students/eligible participants and walking children, if it needed during an emergency;
- c) The sponsors will not receive funds by reimbursement, affecting their financial area, leading them to no comply with the program meal patterns, forcing them to close operations affect nutritional, physical and well-being families' health.

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]:

The state agency has not had to address any barriers as these flexibilities were in place. If the waiver is not approved, there will be an increase in administrative burdens (as explained above), an increase in barriers to participation delaying meal service, and it will create a negative effect on program operations.

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

10. Anticipated waiver implementation date and time period:

The waiver will take place immediately through November 30, 2023, when hurricane season ends. These waivers will only be authorized by the SA to sponsors basis in case-by-case emergency situations and only to those entities requiring the waiver.

11. Proposed monitoring and review procedures:

Sponsors and sites will continue to be monitored by the PR's SA and standard review procedures will continue to be follow. A corrective action plan and follow-up will address any noncompliance issue.

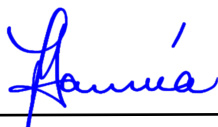
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

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]:

<https://de.pr.gov/aesan/wp-content/uploads/2023/06/2023-PR-SA-For-SFSP-SSO-Waiver-Request.pdf>

14. Signature and title of requesting official:



Lourdes N. García Santiago
Title: PRSA 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:

