



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF EDUCATION
STATE AGENCY, FOOD AND NUTRITION SERVICES
Acting Director | Lourdes N. García Santiago, MBA, LND | garciasln@de.pr.gov

August 23, 2023

Puerto Rico State Agency Department of Education NSLP, SBP and CACFP
Waivers Request for SY 2023 2024

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. 4625762

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

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

Yanira A. Diaz Zayas- CACFP Coordinator, diazzy@de.pr.gov

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

Statewide waivers request for sponsors of NSLP, SBP and CACFP in good standing, to be implemented for continuing to offer nutritious meals by local operators during unexpected school closures.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Programs, 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 Puerto Rico State Agency seeks to resolve the challenges that the SFAs, and sponsors could confront in the case of an emergency, such as natural disasters, or similar circumstances, that can produce a school closure.

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 on the Child Nutrition Programs during a time of emergency, while maintaining program's integrity.

Without these waivers, SFAs, and sponsors 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 programs, and minimize negative impact.

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

National School Lunch Program and School Breakfast Program:

- PRSA is requesting Non-Congregate Meal Services [42 U. S. C. 1753(B)(1)(A) and 42 U. S. C. 1773(B)(1)(A)] (through June 30, 2024)
- PRSA is requesting Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)] (through June 30, 2024)
- PRSA is requesting Meals Service Times [7 CFR 210.10(l) (through June 30, 2024)
- PRSA is requesting Offer Versus Serve [42 U. S. C. 1758 (a)(3) and CFR 210.10(e)] (through June 30, 2024)

Child and Adult Care Food Program:

- PRSA is requesting Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- PRSA is requesting Meal Service Times [7 CFR 226.17a(m)]
- PRSA is requesting Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B) and 7 CFR 226.17a(b)(1)(ii) and (iii)]



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, SBP and CACFP 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 Institutions 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 meals daily in the case of an emergency;
- b) The NSLP, SBP's SFA's and CACFP 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 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 to Program costs for PRSA oversight with implementation of this waiver.



10. Anticipated waiver implementation date and time period:

Upon approval date through June 30, 2024

11. Proposed monitoring and review procedures:

NSLP, SBP and CACFP sponsors will be monitored by the PR-SA and standard review procedures will continue to be follow. This practice will be consistent with 7 CFR 210, 220, and 226 review requirements.

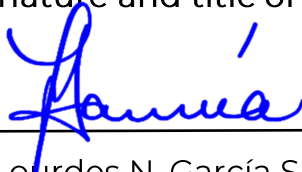
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

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]:

<https://de.pr.gov/aesan/wp-content/uploads/2023/09/2023-PR-SA-Waiver-For-NSLP-SBP-CACFP.pdf>

14. Signature and title of requesting official:



Lourdes N. García Santiago, MBA, LND, CMGI
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:

