



March 13, 2020

PR's State Agency Waiver Request

Non - Congregate Setting in SFSP and SUMMER SEAMLESS OPTION COVID-19

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. 6264, 6265

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:

Statewide waiver request for all participating SFSP and SSO sponsor organizations in good standing, to provide meals during unanticipated school closure due to COVID-19.

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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Effective March 12, 2020 PR's Governor Wanda Vázquez declare an Emergency State #OE-2020-020 due to seventeen (17) suspected cases of the novel coronavirus. The school closure is been considering by the DOE Secretary. Also, today the President of the United State declared a National Emergency.

The SA is requesting a statewide waiver to provide flexibility to the regulatory requirement, 7CFR 225.6 (e)(15), that stipulates that sponsors of the SFSP and SSO must maintain children on site while meal is consumed. This waiver would be used in conjunction with the waiver of SFSP requirement 7CFR 225.6(d)(1)(iv) which allow PR to approve the operation of SFSP and SSO meal service at sites during unanticipated school closure. Together, these waivers would allow the PR's SA of DOE to approve sponsors in good standing to provide meals during an unanticipated school closure in non-congregate setting.

This waiver approval will help sponsors to avoid hunger to most vulnerable population in Puerto Rico during the emergency of COVID-19 and to claim meal served.

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

The PR's SA of DOE request a waiver of regulatory, 7CFR 225.6 (e)(15), that require sponsors of the SFSP and SSO to maintain children on site while meal is consumed. If this waiver is approved, it will be applied in conjunction with waiver for regulation 225.6(d)(1)(iv), which was approved by USDA on January 28, 2020 allowing SFSP sponsors to serve as a meal site during an unanticipated school closure.

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

If approved, this will allow SFSP sponsors to serve meals to children 18 years and under during an unanticipated school closure as a result of coronavirus in a non-congregate setting through SFSP and SSO of sponsors in good standing. Approval of this waiver will ensure that children have the necessary nutrition needed, assist with conserving other community resources for population not served through the child nutrition programs and promote social distancing.

The SA will track the number of schools, sites and sponsors that were approved to utilize the waiver as number of meals served during the unanticipated school closure.

Anticipated impact

If FNS do not approve this waiver, it will delate the procedure to serve free meals to the most susceptible population; the children, during an unanticipated school closure. This waiver approval will help sponsors to avoid hunger to most vulnerable population in Puerto Rico during the emergency of COVID-19. In addition, the children age 18 and under at approved sites, may not receive two free meals during this emergency including walking children.

If the waiver is not approved, the following impact will likely occur:

- a) The students and children are not receiving any meal daily,
- b) The SFAs and SFSP sponsors cannot be empathic with their needy communities, serving meals to students and walking children,
- c) The SFAs and SFSP sponsors will not receive funds by reimbursement, affecting their financial area, leading them to not comply with the programs meal patterns, forcing them to close operations and
- d) 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(I)(2)(A)(ii) of the NSLA]:

No state level barrier have 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(I)(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:

This waiver will take place immediately until Governor's Emergency State declaration #OE-2020-020 is lifted.

11. Proposed monitoring and review procedures:

SFSP SOs and sites will continue to be monitored by the PR' SA and standard review procedures will continue to be followed.

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(I)(1)(A)(ii) of the NSLA]:

The public notification will be posted at the DOE Web site. At soon FNS approve this waiver; the State Agency agrees to send the link where the sponsors can find the public notification.

14. Signature and title of requesting official:



Lourdes N. García Santiago
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(I)(1)(A)(ii) of the NSLA**

Regional Office Analysis and Recommendations: