



**CHILD NUTRITION PROGRAM
STATE WAIVER REQUEST
FRESH FRUIT AND VEGETABLE PROGRAM (FFVP) SERVING PERIOD
WAIVER REQUEST
FOR HAWAII CHILD NUTRITION PROGRAMS**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

Subject of waiver request: Fresh Fruit and Vegetable Program (FFVP) Flexibility

1. State agency submitting waiver request and responsible State agency staff contact information:

Name of State agency: Hawaii Child Nutrition Programs
State agency staff contact: Sharlene Wong
Mailing address: 650 Iwilei Road, Suite 270, Honolulu, HI 96817
Telephone number: (808) 587-3600
Email address: Sharlene.Wong@k12.hi.us

2. Region: Western Region

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

The State Agency Hawaii Child Nutrition Programs (HCNP) requests the following waiver to allow Fresh Fruit and Vegetable Program (FFVP) participants, in good standing, to be able to provide fresh fruit and vegetable snacks to the students at

higher needs school areas of 50% or more Free/Reduced enrolled during the prolonged school closures due to the COVID-19 pandemic.

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 number of confirmed cases of COVID-19 has continued to grow throughout the country and Hawaii has 371 confirmed cases with 4 deaths as of April 5, 2020, the Hawaii Department of Education has already taking steps including closing all schools, and the state has closed non-essential businesses and issued a stay-at-home or work-from-home decree which seriously impacts the capability for families to provide nutritious foods for their children especially in high needs school areas.

The FFVP was intended to provide healthy fresh fruit and vegetable snacks to the students attending high need schools of 50% or more Free/Reduced enrolled.

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

HCNP seeks a waiver of the statement found on page 7 in the Fresh Fruit and Vegetable Program: A Handbook for Schools under School Selection which states that the FFVP schools “Provide fresh fruits and vegetables only during the school day (not before or after school or during summer school)”

Although there is no specific federal FFVP regulations for the following for waivers, HCNP seeks approval to allow an FFVP school to:

- Provide multiple FFVP snacks per child for pick up or delivery, with flexibility to provide a schedule that is feasible for the school and reasonable for families.
- Allow the snacks to be picked up without the physical presence of all the children provided there is a HCNP-approved process that the SFA follows to ensure accountability and integrity of the Program.

These allowances will reduce person to person contact and lessen the exposure to COVID19 for parents and their children while providing the nutritious snacks that would normally be available to the students and is desperately needed during the school closures.

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

Participants and School Food Authorities (SFA) who are willing to participate in FFVP during an unanticipated closure may submit a request to HCNP to provide multiple FFVP snacks for pick up or delivery following a schedule that is approved by HCNP.



There will be no negative impact to SA program operations.

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]:

There are currently no state level regulatory barriers related to this specific issue.

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

HCNP does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or participant level since a school would only seek to provide FFVP snacks if it has adequate staffing and sufficient remaining FFVP funds to cover costs.

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 will be no impact on federal administrative costs. The FFVP has an established amount of funds that is limited per school; an inordinate amount of unused allocations will be anticipated due to the school closures.

10. Anticipated waiver implementation date and time period:

Effective immediately to remain in effect through June 30, 2020.

11. Proposed monitoring and review procedures:

HCNP will approve written requests to implement the waiver from individual school districts or sites. HCNP will track and provide oversight to all FFVP participants who are approved to operate during the school closures and are approved to provide FFVP. HCNP will ensure all sponsors approved for the waiver provide evidence for the duration of the waiver. HCNP will work with the participants to keep documentation of all school closures.

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

HCNP will report the following data points once the health emergency has passed and schools are re-opened.

- A description of the impact the waiver had on FFVP service operations, children's access to nutritious fruit/vegetable snacks, and participation in the FFVP.
- The number of participants and sites that used the waiver
- The amount of FFVP funds used and the number of FFVP snacks provided at school sites during unanticipated school closures



- The number of FFVP snacks provided at non-school sites during unanticipated school closures
- A summary of findings associated with the waiver

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]:

Link to public notice: <https://hcnp.hawaii.gov/overview/ffvp>

Click on the Waiver Tab and then Click on the FFVP Serving Period Waiver Request

14. Signature and title of requesting official :

- Signature: Sharlene Wong
- Title: Program Administrator

 Title: Sharlene Wong, SNS
Program Administrator
Hawaii Child Nutrition Programs
(808)587-3600

Requesting official's email address for transmission of response:
 Sharlene.Wong@k12.hi.us

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:

- Date Received: _____

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:**

- Recommend Approval
- Recommend Denial

Explanation: