



**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST**

**Fresh Fruit and Vegetable Alternate Site 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(1) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(1), 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 to Allow Alternate Sites

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

Name of State agency: Hawaii Child Nutrition Programs (HCNP)  
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 distance learning model. Some schools may not be easily accessible or closed to students for meal pick up, therefore HCNP wants to provide flexibility for alternate site pick up options.

**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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

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. Last Spring, FFVP programs could continue to operate FFVP at the participating school. In anticipation of the changing landscape and the increasing number of coronavirus cases in Hawaii, we would like to give the SFAs the option to operate the FFVP program at alternate sites. This will allow children to continue to benefit from the FFVP program. This will also allow the SFAs to determine what school facilities are better equipped to remain open to service a greater number of students. The SFAs will also be able to offer multiple days of FFVP along with their meal distribution making it more convenient, ultimately limiting everyone's exposure to COVID 19. Schools are scheduled to re-open for students on August 17, 2020.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(1)(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)". And USDA FNS Memorandum SP 19-2020 under questions 2 and 6.

Although there is no specific federal FFVP regulations for the following waiver, HCNP seeks approval to allow an FFVP school to provide FFVP snacks per child for pick up or delivery at an alternate site that is reasonable for families.

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

Participants and School Food Authorities (SFA) in FFVP who desire to participate in this waiver would submit a request to HCNP to provide single/multiple FFVP snacks for pick up or delivery at an alternate site and would need their procedures and schedules approved by HCNP. HCNP will advise sponsors on valid alternate site pick-up procedures, such as scanning each student's school ID to confirm eligibility for FFVP and matching the provision and count back to the appropriate school. 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(1)(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 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(1)(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. Also, the monthly FFVP cost claims would not be processed by HCNP fiscal if the SFA did not have adequate funds for reimbursement. Anticipated waiver implementation date and time period: August 18, 2020. Effective immediately to remain in effect through June 30, 2021.

**10. 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.

**11. 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

**12. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(1)(1)(A)(ii) of the NSLA]:**

Link to public notice: <https://hcnp.hawaii.gov/wp-content/uploads/2020/08/FFVP-Hawaii-Physical-Presence-Waiver.pdf>



United States Department of Agriculture

**13. Signature and title of requesting official:**

Signature:

*Sharlene Wong*

Name: Sharlene Wong, SNS

Title: 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: 08/18/2020

☒ Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(l)(A)(ii) of the NSLA

**Regional Office Analysis and Recommendations:**

- ✓ Recommend Approval
- Recommend Denial

**Explanation:**

**WRO finds Hawaii Child Nutrition Programs provides a reasonable justification for operating the FFVP at alternate sites during SY 20-21. As schools in Hawaii reopen on August 17<sup>th</sup> with distance learning models, students will follow meal pick-up schedules at various sites across the state to prevent further spread of COVID-19. Flexibility in FFVP sites allow SFAs and schools to streamline meal delivery services and maximize FFVP benefits for eligible students. Further, the flexibility allows the SFA or school to operate at sites with the space needed to serve multiple meals. The State Agency will advise each location on counting and claiming practices to ensure only eligible students receive the FFVP snack. Throughout SY 20-21, the State will also monitor the meal service and provide a written report addressing the impact of the waiver.**

*Amanda Briggs*

Amanda Briggs 8/18/2020



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United States Department of Agriculture

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United States Department of Agriculture

**13. Signature and title of requesting official:**

Signature:

*Sharlene Wong*

Name: Sharlene Wong, SNS

Title: Program Administrator

Hawaii Child Nutrition Programs

(808)587-3600

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

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**Regional Office Analysis and Recommendations:**

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- Recommend Denial

**Explanation:**

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