

**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
NATIONAL SCHOOL LUNCH PROGRAM/SCHOOL BREAKFAST  
PROGRAM/PROCUREMENT/SUMMER FOOD SERVICE PROGRAM/  
SEAMLESS SUMMER OPTION/CHILD ADULT CARE FOOD  
PROGRAM/FRESH FRUIT VEGETABLE PROGRAM  
MONITORING 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:** NSLP/SBP/Procurement Review/SFSP/SSO/FFVP/CACFP – PROGRAM MONITORING WAIVER

**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:**

Hawaii Child Nutrition Programs (HCNP) requests this waiver for NSLP/SBP/SFSP/SSO/FFVP/CACFP operators, in good standing, who are scheduled for an Administrative Review (AR) in School Year (SY) 2020/2021.

**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 is rising across the country. We are anticipating a rise in cases as the State recently reopened to tourists. Since March 13, 2020, Hawaii, with a population of 1.3M had 16,613 cases of Coronavirus and 222 deaths. The State has experienced two lockdowns during this time and schools are doing distance learning. The island of Lana'i was recently lock downed for 2 weeks because of the sudden sharp rise in cases due to a loosening of regulations. With over 263 public schools, 35 Charter/RCCI, and hundreds of CACFP providers it is challenging to keep track of who is open and who is closed.

HCNP is in the second year of a five-year NSLP AR schedule. It is necessary to postpone the ARs scheduled for this year because school closures are occurring across the island chain. Those closures are based on the number of COVID 19 cases reported at the schools as some school staff are still working on campus like the cafeteria staff. More importantly, the Hawaii DOE mandated in late Spring that no employees of the DOE will be allowed to travel interisland or to the mainland for the SY 2020/21.

HCNP would like to take a gap year for NSLP/FFVP/Procurement ARs. During this gap year the team will work on completing the three ARs that are still open from 2017/18, the two ARs from 2018/19, and the four ARs from 2019/20. The four ARs that were left unfinished from 2019/20 due to the State shutdown and the eight ARs scheduled for the current year 2020/21 will be rescheduled in subsequent years.

HCNP is also requesting a waiver to postpone SFSP/SSO/CACFP monitoring reviews. These sponsors are focusing on servicing the community; as well as, dealing with the many supply challenges prevalent in Hawaii. This waiver will allow our sponsors to focus on the needs of their communities rather than performance on an AR during this unprecedented time. It seems inhumane to expect our sponsors to perform as if the current situation is normal when it is clearly a very difficult period to be in food service.

It is also unrealistic to expect a provider to be able to provide all the documentation necessary for an AR when their facility could be closed at anytime due to a positive case of corona virus.

Additionally, the department is overwhelmed approving waivers, providing technical assistance, working on PEBT, helping schools apply for pandemic grant funding, and answering questions from the public on meal service and its safety. HCNP believes that our time would be better spent this year providing technical assistance to our sponsors during this very extraordinary situation. This will result in safer more nutritious meals; as well as; having a wider reach to provide more meals and FFVP benefits to our children.

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

HCNP is requesting monitoring waivers of the requirements found at

**State Agency Monitoring Requirements**

Per 7CFR 210.18(f)(i3)(l)(m)(n)(p); 7CFR 210.19(a)(5); 7CFR245.11(a)-(b) for NSLP

Per 7CFR 210.18(a)(215)(3) and Table B for FFVP

Per 7CFR 225.7(d)(d2iiA)(d2iiB)(d2iIC)(d2iiD)(d2iiE)(d2iii3)(d2iii6) for SFSP

Per 7CFR 226.6(m2)(m3i)-(m3xii); 7CFR 226.6(m4)(m6i to m6iii) for CACFP

Per SP04-2016, CACFP 04-2016, SFSP 04-2016 for Procurement

**Sponsoring Organization Monitoring Requirements**

Per 7CFR 210.8(a1) and 7CFR 220.11(d1); 7CFR210.9(c7) for NSLP

Per 7CFR225.15(d2); 7CFR 225.15(d3) for SFSP

Per 7CFR 226.16(d1); 7CFR 226.16(d4iA -d4iF); 7CFR226.16(d4ii);  
7CFR226.16(d4iiiA – d4iiiD); 7CFR 226.16(d4iv) for CACFP

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

HCNP requests exemption from the above listed requirements in section 5 for NSLP/FFVP/PROCUREMENT/SFSP/SSO/CACFP.

**NSLP/FFVP/Procurement:** The four ARs that were left unfinished from 2019/20 due to the State shutdown and the eight ARs scheduled for the current year 2020/21 will be rescheduled in subsequent years.

**SFSP/SSO:** The postponed ARs will be rescheduled in subsequent years

**CACFP:** The ARs for the SY 2020/21 will be postponed until the next time they are on the review schedule.

As we have a five year AR schedule, we are anticipating this will not have a negative impact on the State Agency.

**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 regulatory barriers at the State level 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.

**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]:**

The establishment of this waiver should not increase the overall cost of the program to the federal government this SY 20/21. Instead the reduction in travel costs this year will carryover to the next year to cover the additional travel expenses for postponed ARs in the following year.

**10. Anticipated waiver implementation date and time period:**

The anticipated waiver implementation start date is December 5, 2020 to remain in effect through August 31, 2021.

**11. Proposed monitoring and review procedures:**

HCNP, while working to close prior year ARs, will also provide technical assistance and additional training to all sponsors who are operating programs during the SY 20/21.

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

HCNP will report to FNS a summary of the use of this waiver by the State Agency and whether the waiver resulted in improved services to children by December 30, 2021. We are also participating in the Mathematica survey which will provide data to FNS.

**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]:**

Link to public notice: [https://hcnp.hawaii.gov/wp-content/uploads/2020/12/Monitoring-Waiver-for-all-programs-Hawaii-12\\_2\\_20.pdf](https://hcnp.hawaii.gov/wp-content/uploads/2020/12/Monitoring-Waiver-for-all-programs-Hawaii-12_2_20.pdf)

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

- Signature: 
- Title: Sharlene Wong, Summer Food Service Program, Program Administrator, Hawaii Child Nutrition Programs.

Title: Summer Food Service Program Hawaii

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

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**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(l)(1)(A)(ii) of the NSLA**

• **Regional Office Analysis and Recommendations:**

- Recommend Approval
- Recommend Denial

**Explanation:**