

**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 24,546 cases of Coronavirus and 330 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 modify 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. SFAs are already stressed from the current situation and we do not want to create a situation where they would leave the program to avoid the additional challenges of an AR this year.

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

For NSLP

7CFR 210.18 (c)

7CFR 210.19 (a)(5)

7CFR 245.11 [(a)-(b)]

For FFVP

7CFR 210.18(a)

For SFSP

7CFR

225.7(d)

7CFR 225.7 (d)(3)

7CFR 225.7 (d)(6)

For Procurement:

SP04-2016

Sponsoring Organization Monitoring Requirements

For NSLP:

7CFR 210.8(a)(1)

7CFR 220.11(d)(1)

7CFR210.9(c)(7)

For CACFP
7CFR 226.16(d)(4)(iii)
7CFR 226.16(d)(4)(iii)(A)
7CFR 226.16(d)(4)(iii)(B)
7CFR 226.16(d)(4)(iii)(D)

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

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

NSLP/SBP/SSO/FFVP/Procurement: The four ARs that were left unfinished from 2019/20 due to the State shutdown and the nine ARs scheduled for the current year 2020/21 will be rescheduled in subsequent years. Of the nine SFAs that were to be reviewed this year, five are operating NSLP, one is operating SSO, and the other three have not served any meals yet. LAPRs are conducted at the same time as ARs so they will also be rescheduled over subsequent years. The nine ARs that were planned for SY 20-21 would be postponed to SY 21-22. HCNP would complete the ARs in SY 21-22. The ARs that were planned for SY 21-22 would be postponed to SY 22-23. HCNP had planned on evenly splitting the AR for Hawaii's largest SFA over the last two years of the 5-year cycle (SY 22-23 and SY 23-24 but will now adjust our schedule to completing the AR in either one year or start the AR in one year and then complete the rest of the AR in the second year).

Due to the significant number of COVID-19 cases that remain in Hawaii, the NSLP team is not comfortable conducting on-site random visits to schools at this time. In addition, the DOE has restricted onsite visitations to schools due to COVID-19. HCNP staff members have been picking up meals at various grab and go sites for their children, thereby conducting oversight in the process. In addition, family members of HCNP staff on other islands are picking up meals from various sites and sending photos to us so we can determine if meals are reimbursable. We have also asked School Food Service Branch(SFSB) to provide videos of meal service so we can ensure meals meet the requirements. SFSB is also requiring parents/guardians picking up meals for students have either a student ID or their child's IS number. Our accountants will also be reviewing invoices randomly to see if purchases match or exceed meals served. The NSLP/SSO waiver form also requires SFAs to provide a detailed description of how meals will be provided only to eligible children and duplicate meals will not be served.

Monitoring process through the year will consist of:

- WebEx Town Hall Meeting
- Monthly calls to provide technical assistance
- Weekly and Monthly calls with SFSB to provide technical assistance
- Continue to post training videos
- Provide technical assistance on grant writing

FFVP:

SY 2019-20: Minimum of 2 FFVP reviews was required. Laupahoehoe CPCS was completed. Na Wai Ola PCS has a desk review pending completion and the onsite review of its FFVP

SP 15-2018, CACFP 12-2018, SFSP 05-2018

operation was postponed with the pandemic. Of the SFAs designated for possible ARs for SY20-21, the ones with FFVP are on the neighbor islands. All travel is prohibited by HODOE.

Monitoring process through the year will consist of:

- Monitor the FFVP operations at Oahu charter schools to ensure they are adhering to the procedures approved in their FFVP SY20-21 service waiver form for SFAs.
- Monitoring will be done through phone, emails, and also through safe distance observations of pick up distributions of FFVP at the charter schools.
- Continue to provide technical assistance to FFVP-approved schools that have yet to start FFVP service; review and approve FFVP service waiver forms for those charter schools that want to start their service.
- Work with SFSB for their FFVP schools to serve/distribute FFVP snacks at their sites.
- Review the monthly FFVP claims to monitor the costs being claimed.
- Conduct FFVP webinar to ensure the FFVP SFAs are following requirements and accounting for reporting information required with FFVP waivers.

SFSP: HCNP proposes the following modifications to our reviews.

Monitoring process through the year will consist of:

- Monthly WebEx calls with all participating sponsors on the 2nd Wednesday of the month to go over any information from the monthly WRO SFSP calls.
- Calls to sponsors monthly to provide technical assistance on an individual level.
- Unannounced site visits either in person, virtual, or from a distance. This is dependent on what island the sponsor is on and for Oahu sponsors whether they are comfortable with the SFSP Specialist being on site physically.

In person and virtual reviews will begin in June for SFSP sponsors who have participated during the school year and July for SFSP sponsors who started the program during the normal summer months. There were a total of nine required AR on the schedule. Due to the COVID 19 pandemic three sponsors did not operate in 2020 due to safety concerns for their staff and children. The City and County of Honolulu's Department of Parks and Rec (largest sponsor in Hawaii) operated as a closed site with less than half of the normal participants.

HCNP does not anticipate any new SFSP sponsors, but is leaving the option open for the island of Oahu only. This will enable the SFSP Program Specialist to complete the pre-operational site visit as well as do unannounced monitoring visits from afar (ie. watching from inside his vehicle) during meal service. Due to the Hawaii DOE travel restrictions the SFSP Program Specialist will not be able to properly onboard and monitor new sponsors on neighboring islands. Should the travel restrictions be lifted, HCNP will allow new sponsors on neighboring islands.

- The following List of SFSP Sponsors for AR:
 - Christian Liberty (Hawaii Island)
 - City and County of Honolulu (Oahu)
 - EAH Housing (Oahu)

Maui Family YMCA (Maui)
Windward Nazarene School (Oahu)
YMCA of Honolulu (Oahu)
Hawaii Literacy (Oahu)
Lanakila Pacific (Oahu)
Parents and Children Together (Oahu)

CACFP:

Due to the pandemic-related reasons explained above, HCNP did not complete the 20 CACFP ARs that were due for review in FY20 (PY 19-20). HCNP is proposing a “gap year” for CACFP ARs that are due for review in FY21 (PY 20-21). This will allow HCNP to conduct in FY21 the 20 CACFP ARs that were not completed in FY20.

HCNP is proposing to extend the sponsor monitoring flexibilities from Nationwide Waiver 7 through September 30, 2021 (FY21) to include:

- Waive the requirement at 7 CFR 226.16(d)(4)(iii) that sponsoring organizations review each CACFP facility three times each year. For a sponsor’s current review year, CACFP sponsors may conduct two reviews of their CACFP facilities.
- Waive the requirement at 7 CFR 226.16(d)(4)(iii)(A) that at least two of the three reviews must be unannounced. For a sponsor’s current review year, only one CACFP facility review is required to be unannounced.
- Waive the requirement at 7 CFR 226.16(d)(4)(iii)(B) that at least one unannounced review must include observation of a meal service.
- Waive the requirement at 7 CFR 226.16(d)(4)(iii)(D) that not more than six months may elapse between reviews.

As NSLP has a five year AR schedule, we are anticipating this will not have a negative impact on the State Agency. The modified SFSP and CACFP reviews 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 October 1, 2020 to remain in effect through FY 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.

Please see additional proposed monitoring and review procedures described in Section 6 for each program.


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/2021/01/Monitoring-Waiver-for-all-programs-Hawaii-1_19_21.pdf

14. Signature and title of requesting official :

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

Y 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: