

**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
ADMINISTRATIVE REVIEW  
FLEXIBILITY 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/SSO Administrative, and FSMC Review Flexibility for Sixth year and Schedule Continuity

**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 the State Agency regarding NSLP and Seamless Summer Option (SSO) sponsors/SFAs, in good standing.

**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]:**

In light of the past pandemic, the Hawaii State Agency (SA) requests flexibility in the ARs to add a sixth year to the original waiver request granted in 2019. Hawaii was unable to conduct ARs for the school year 2020/2021. The sixth-year waiver request would solely add one additional year to complete the five-year cycle to make up for the “gap year”. The five-year cycle started in SY 2019/20 and will end in SY 2023/24. The “gap year” magnified the already existing workload to catch up with ARs. Due to several reasons listed below, the SA has been unable to close the following ARs:

Outstanding reviews from the prior year AR cycle still to be completed

SY 2018/19: St Joseph Lab; DOE School Food Service Branch: Twenty-one schools reviewed- exit conference for the SFA not completed

Current AR cycle that is still to be completed

SY 2019/20: Bobby Benson Center; HI National Guard Youth Challenge Academy; Ke Kula Ni'ihau O Kekaha Learning Center PCS; Laupahoehoe Community PCS; Na Wai Ola PCS; Volcano School of Arts and Sciences PCS; Voyager PCS

SY 2021/2022: Hawaii Academy of Arts and Science PCS; Kamalani Academy PCS; Ke Kula O Nawahiokalaniopuu Iki Laboratory PCS; Windward Nazarene

SY 2022/2023: Connections PCS; Hookakoo Schools; Ka Umeke Kaeo PCS; Ka Waihona o ka Naauao PCS; Ke Ana Laahana; Kua O Ka La; Malama Honua PCS; Waialae Elementary PCS

Staff shortages continue to plague our office even before the pandemic. Similarly, our SFAs have seen significant staff turnover. This resulted in the SA having to make difficult decisions on the utilization of staff time. The SA determined that prioritizing technical assistance for our SFAs was critical due to the high staff turnover at our SFAs. Ensuring meal programs continued to operate was a priority for our children and their families. Although the pandemic is officially over, Hawaii SFAs continue to deal with food and supply shortages so more guidance is often needed for continued program service and compliance. The dock worker walkout several weeks ago caused serious concerns for our summer feeding programs about meeting menu compliance. We were beset with calls on what flexibilities were available to our sponsors. The dockers' work

stoppage caused a ripple effect that found residents stockpiling staples and goods in anticipation of supply shortages similar to the pandemic.

In addition, the SA has been overwhelmed with many challenges in closing ARs for reasons like awaiting documentation related to PS1, PS2, or just general information from our SFAs, the SFA is unresponsive to our request, the SFA is not responding to the SA corrective action request, and we just do not have enough staff resources to conduct a thorough review of the materials for the AR. In addition to the AR challenges, we encounter non-compliance issues from a large SFA which is time-consuming to address.

To streamline the workload for the SA, Hawaii requests the ARs, FSMC, and LAPRs be on the same cycle. Restructuring all the reviews on the same schedule will simplify the process. The staff will be more efficient since the reviews involve similar content, documentation review, and comparable corrective action.

The synchronization of the reviews allows both the SA and the SFAs clarity on when reviews will occur; as well as, saving travel expenses for the SA. In addition, conducting the reviews at the same time limits the added stress the reviews cause the SFAs when the State Agency is onsite.

The department accountants participate in the resource management section of the ARs, FSMC contract reviews, and the LAPR. Like the NSLP team, the accountants encounter similar challenges in completing those reviews. The additional workload placed on the accountants from EOC, SCA, and fiscal grant monitoring leaves little extra time outside of normal accounting work to conduct those reviews. The reorganization of the schedule will also benefit the accountants in the department. All staff will be together to discuss any questions that arise at the same time and location rather than the disjointed communications that currently occur.

The SA is hopeful that an additional year added to the waiver schedule will allow the agency to tackle the backlog of reviews.

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

HCNP is requesting a waiver of the established requirements for Administrative and FSMC Reviews of SFAs operating school meal programs found at 7 CFR 210.18(c); and 7 CFR 210.19(a)(5).

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

This waiver would allow all the ARs and FSMC reviews to be on the same schedule for consistency and allow more time for the SA to thoroughly assess AR compliance. The gap year provided more time for the SA to work with SFAs struggling to meet compliance. This additional year will allow the SA to focus on completing current year

ARs which will be beneficial for the outcome. The SA wants the SFAs to be successful. The SA believes there will be no negative impact on the SFA programs.

**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 waiver will pose any challenges at the state or participant level. Alternatively, we anticipate this waiver will reduce challenges by SFAs and the SA to meet general areas of review.

**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]:**

Establishing this statewide waiver should not increase the program's overall cost to the federal government.

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

The anticipated waiver implementation start date is July 1, 2018, to remain in effect through June 30, 2025.

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

HCNP will continue to conduct Administrative, Procurement, and FSMC Reviews and provide technical assistance to all SFAs.

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

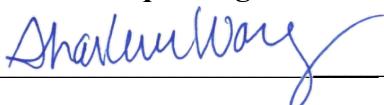
HCNP will report the following data points.

- A description of the impact the waiver had on administrative, procurement, and FSMC reviews
- The number of sponsors affected by this waiver
- 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(l)(1)(A)(ii) of the NSLA]:**

Link to public notice: <https://hcnp.hawaii.gov/wp-content/uploads/2023/06/Administrative-Review-Waiver-for-6th-year-ver-D.pdf>

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

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



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

Title: NSLP/SBP/SSO Administrative, Procurement, and FSMC Review Flexibility for Sixth Year and Schedule Continuity

Requesting the official's email address for the transmission of the 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(l)(1)(A)(ii) of the NSLA**

• **Regional Office Analysis and Recommendations:**

- Recommend Approval
- Recommend Denial

**Explanation:**