



Food and
Nutrition
Service

Braddock
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Alexandria
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March 9, 2021

Ms. Dina Lorenzo, State Administrator
Guam Department of Education
State Agency for Child Nutrition
Food Distribution Programs
501 Mariner Ave.
Tiyan, Guam 96913

Dear Ms. Lorenzo:

This letter is in response to the February 22, 2021 waiver request from the Guam Department of Education (GDOE). GDOE requested to waive the following statutory and regulatory requirement:

Child and Adult Care Food Program (CACFP)

- 42 USC 1766(d)(2)(C)(i) & 7 CFR 226.6(m)(6)(i) Frequency and number of required institution reviews. Review independent centers and sponsoring organizations of 1 to 100 facilities at least once every three years and include reviews of 10% of their facilities.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, GDOE has requested a waiver of the required frequency and number of reviews specifically for CACFP operators who are scheduled for review in fiscal year (FY) 2021 but are closed due to the COVID-19 public health emergency. GDOE has stated that they will move reviews to FY 2022 for those that they are unable to complete in FY 2021 due to closures. GDOE plans to continue to conduct reviews per regulation for all other CACFP facilities. GDOE has not asked for relief from any National School Lunch Program (NSLP) regulations at this time and to ensure program integrity in the NSLP plans to monitor per regulations.

To ensure program integrity in the CACFP, GDOE will continue to monitor per regulations for those facilities that are not closed. According to GDOE they contact sponsors weekly regarding operational status and provide technical assistance as needed or requested. GDOE also plans to provide annual training prior to FY 2022 and technical assistance during the CACFP renewal period between March 2021 and June 2021.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall costs of the Program(s) to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen program integrity and conduct efficient monitoring. Through implementation of this waiver, the State agency will continue to fulfill its oversight responsibilities and provide technical assistance which is critical to ensure that current program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves GDOE's waiver request effective through September 30, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate GDOE's ability to successfully carry out the purpose of the Programs.

GDOE's oversight plan, as discussed above, provides assurance that GDOE will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, GDOE must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that for the duration of this waiver, GDOE provide the FNS Western Regional Office (WRO) a quarterly written report. The report must provide information on how GDOE is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;

- A description of how the waiver impacted the quantity of paperwork necessary to administer the Program(s); and
- A summary of any technical assistance measures that were provided.

Should GDOE determine this waiver is no longer necessary prior to September 30, 2021, please notify the FNS WRO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS WRO.

Sincerely,



Jessica Saracino
Acting Director
Program Monitoring and Operational Support Division
Child Nutrition Programs