



Food and
Nutrition
Service

February 16, 2021

Braddock
Metro
Center

Ms. Sharlene Wong
650 Iwilei Road, Suite 270,
Honolulu, HI 96817

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Alexandria
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Dear Ms. Wong:

This letter is in response to the January 29, 2021, waiver request from the Hawaii Child Nutrition Programs (HCNP) in which HCNP requested to waive the following statutory and regulatory requirements:

National School Lunch Program (NSLP):

- 7 CFR 210.18(a) Programs covered, including the Fresh Fruit and Vegetable Program (FFVP);
- 42 USC 1769c(b)(1)(C)(i) & 7 CFR 210.18(c) Timing of administrative reviews (AR) and cycle;
- 7 CFR 210.19(a)(5) Food Service Management Company (FSMC) review cycle requirements;
- 42 USC 1769c(b)(6)(A) & 7 CFR 245.11 (a)-(b) Notification of second review of applications;
- 7 CFR 210.8(a)(1) & 220.11(d)(1) SFA reviews by February 1;
- 7 CFR 210.9(c)(7) Afterschool care reviews;

Summer Food Service Program (SFSP):

- 7 CFR 225.7(d)(3) Conduct follow up reviews of sponsors and sites as necessary;
- 7 CFR 225.7(d)(6) Inspect FSMC facilities;

Child and Adult Care Food Program (CACFP):

- 42 USC 1766(d)(2)(C)(i) & 7 CFR 226.6(m)(6) Frequency and number of required institution reviews;
- 42 USC 1766(d)(2)(B)(i)(I) & 7 CFR 226.16(d)(4)(iii) Frequency and type of required facility reviews. Review each facility three times each year, unless averaging;
- 42 USC 1766(d)(2)(B)(ii) & 7 CFR 226.16(d)(4)(iii)(A) At least two of the three reviews must be unannounced;
- 7 CFR 226.16(d)(4)(iii)(B) At least one unannounced review must include observation of a meal service; and
- 7 CFR 226.16(d)(4)(iii)(D) Not more than six months may elapse between reviews.

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 SFSP and the NSLP 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, HCNP proposed an alternative oversight plan that includes pausing formal monitoring for NSLP, School Breakfast Program (SBP), FFVP, and Procurement AR's; working to close AR's from prior years; and providing technical assistance and additional training to all sponsors who are operating programs during the school year (SY) 20-21. Similarly for CACFP, HCNP proposed pausing formal monitoring for CACFP ARs that are due for review in fiscal year (FY) 21 (program year 20-21), which will allow HCNP to conduct in FY 21 the 20 CACFP ARs that were not completed in FY 20. For SFSP, HCNP proposed an alternative oversight plan that includes in-person and virtual reviews beginning in June for SFSP sponsors who have participated during the school year and beginning in July for SFSP sponsors who started the program during the normal summer months.

To ensure program integrity and provide training and technical assistance in order to ensure that Program requirements are met, HCNP will, throughout the year, for the NSLP, SBP, SSO, and procurement:

- host WebEx Town Hall Meetings;
- hold monthly calls to provide technical assistance;
- hold weekly and monthly calls with its staff in order to provide technical assistance;
- continue to post training videos; and,
- provide technical assistance on grant writing.

For the FFVP:

- monitor pick up distributions of FFVP at charter schools, through phone, emails, and safe distance observations;
- 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 FFVP schools to serve/distribute FFVP snacks at their sites;
- review the monthly FFVP claims to monitor the costs being claimed; and,
- conduct FFVP webinar to ensure the FFVP SFAs are following requirements; and
- accounting for reporting information required with FFVP waivers.

For the SFSP:

- conduct monthly WebEx calls with all participating sponsors;
- hold calls to sponsors monthly to provide technical assistance on an individual level; and
- conduct unannounced site visits either in person, virtual, or from a distance.

For the CACFP:

- conduct a CACFP Monthly Town Hall virtual call and/or a virtual Question and Answer session; and,

- allow sponsors, for the sponsor's current review year, to conduct: two reviews of their CACFP facilities and one unannounced facility review, and, waive the requirement that: at least one unannounced review must include observation of a meal service and not more than six months may elapse between reviews.

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 HCNP's waiver request effective through June 30, 2021, for School Meal Program requirements and September 30, 2021, for SFSP and CACFP requirements. 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 HCNP's ability to successfully carry out the purpose of the Programs.

HCNP's oversight plan, as discussed above, provides assurance that HCNP 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, HCNP 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, HCNP provide the FNS Western Regional Office (WRO) a quarterly written report. The report must provide information on how HCNP 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 HCNP determine this waiver is no longer necessary prior to the expiration of the dates listed above, 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