

*Child Nutrition Program Waiver Request
Maine Child Nutrition Department of Education
Non-Congregate Waivers for Unanticipated School Closures in NSLP/SBP/CACFP At-Risk
Submitted August 31, 2023*

1. **State agency submitting waiver request and responsible State agency staff contact information:**
Maine Department of Education Child Nutrition, Jane McLucas, Director of Child Nutrition,
jane.mclucas@maine.gov, 207-624-6880, 136 State House Station, Augusta, Maine 04333
2. **Region:** Northeast
3. **Eligible service providers participating in waiver and affirmation that they are in good standing:**
Maine is requesting a state-wide waiver for all National School Lunch Program (NSLP), Summer Food Service Program (SFSP), School Breakfast Program (SBP), Seamless Summer Option (SSO), and CACFP At-risk Sponsors 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]:** Remote virtual learning has become more common in Maine after being readily introduced to adapt to the COVID-19 pandemic. Requests for non-congregate meal service have been regularly made as schools close due to adverse weather conditions. Maine has also observed that congregate meal service operations have been limited due to unscheduled major building repairs. In some cases, remote learning occurs and in others it does not. When remote learning does not occur, SFSP and SSO would be implemented. If remote learning does occur, NSLP and SBP CACFP would be implemented.

Under the NSLP, meals must be offered on a school day. This waiver would allow SFAs to receive reimbursement rather than requiring the district to pay the cost out of another budget.

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

SFSP and SSO Unanticipated School Closures (Schools buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed, and virtual classes are not offered. These waivers would be effective through April 30, 2024.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

National School Lunch Program and School Breakfast Program (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support school food authorities (SFAs) in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered. These waivers would be effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

Child and Adult Care Food Program: The waivers in this section apply to the at-risk afterschool component of CACFP only. These waivers are intended to provide needed flexibility to support at-risk afterschool centers in continuing to offer nutritious meals during unanticipated school closures. These waivers are effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B), 1766a(a)(2)(C) and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

There are no impacts on State systems. Maine Child Nutrition would continue to use existing channels to develop and deliver training and monitor compliance with program requirements.

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]: There are no regulatory barriers at the state level.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: Maine does not anticipate any additional challenges due to this waiver. Sponsors have implemented non-congregate feeding models in the past due to COVID-19 needs.

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]:

This waiver would be used on days that NSLP would typically be operating for congregate service. It is anticipated that participation in non-congregate meals during unanticipated school closures would be less than participation in congregate NSLP programs.


10. Anticipated waiver implementation date and time period: October 1, 2023 through June 30, 2024 for SBP/NSLP; October 1, 2023 through April 30, 2024 for SFSP and SSO.

11. Proposed monitoring and review procedures: Maine will continue to review per federal regulations.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): Maine will report the number of Sponsors affected by this waiver to the USDA by December 31, 2024

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]: <https://www.maine.gov/does/schools/nutrition/laws>

14. Signature and title of requesting official: Jane McLucas, Child Nutrition Director for Maine
Department of Education

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Title: Director of Child Nutrition

Requesting official's email address for transmission of response: jane.mclucas@maine.gov

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:

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:**