

*Child Nutrition Program Waiver Request
Maine Department of Education
Meal service during Ramadan
October 1, 2024*

1. State agency submitting waiver request and responsible State agency staff contact information:

Jane McLucas
Director of Child Nutrition
207-624-6880
Maine Department of Education
136 State House Station
Augusta, ME 04333

2. Region: Northeast

3. Eligible service providers participating in waiver and affirmation that they are in good standing: Maine DOE is requesting waivers on behalf of all National School Lunch Program (NSLP) school food authorities (SFA's), and all Child and Adult Care Food Program participants determined to be in good standing in the State of Maine operating in the School Year 2024-2025

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 National School Lunch Act and National School Lunch Program regulations require schools to operate a congregate lunch service between the hours of 10:00 am and 2:00 pm, and breakfast to be served at the beginning of the school day.

The Child and Adult Care Food Program regulations require that programs must follow meal time parameters for breakfast, lunch, snack, and supper.

In the State Maine, there is a moderate population of students that observe Ramadan. During Ramadan, students fast or refrain from eating during typical daylight hours, including the time that school breakfast, lunch, snack, or supper is served.

SFAs that serve meals to students that observe Ramadan experience a significant drop in meal service participation and would benefit from having alternative meal service options.

This waiver would allow SFAs to offer meal service options where meals can be taken off site and consumed after the typical daylight hours. This waiver would provide students that observe Ramadan access to healthy and wholesome meals throughout the school year.

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

- Non-Congregate Meal Service (NSLP, SBP and CACFP)
Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(a)(A), and program regulations at 7 CFR 226.19(b)(6)(iii) NSLP, SBP and CACFP meals must be served in a congregate setting and must be consumed by participants on site.
- Meal Service Times (NSLP, SBP, and CACFP)
Under program regulations at 7 CFR 210.10(1) ,7 CFR 220.8(1), 7 CFR 226.20(k) and 7 CFR 226.17a(m) meals served in the NSLP, SBP and CACFP must follow meal service times. This may include the suspension of meal times as needed in the Child and Adult Care Food Program
- Over Versus Serve (NSLP)
Under the NSLA, 42 U.S.C. 1758(a)(3), and program regulations at 7 CFR 210.10(e), program operators of senior high schools (as defined by the State education agency) must participate in offer versus serve at lunch.

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

There are no expected impacts on technology, State systems, or monitoring.

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 to provide the requested waiver.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

There are no potential challenges.

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 waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

This waiver will only be used to provide non-congregate meals during the observance of Ramadan. Ramadan is based on the Islamic Calendar, which follows a lunar cycle, so the exact dates of Ramadan observance can vary, based on location and moon sightings. To ensure the waiver encompasses Ramadan observance in the State of Maine, Maine DOE requests the waiver for the time period of February 24, 2025 – April 4, 2025.

11. Proposed monitoring and review procedures:

Current NSLP and School Breakfast Program monitoring of SFA consistent with 7 CFR 210.18 requirements. Current CACFP monitoring consistent with 7 CFR 226.6(b)(1) and 226.6(m)(6) requirements

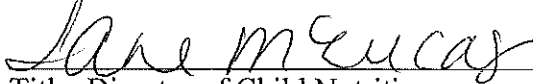
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

No later than September 30, 2025, Maine DOE will report to USDA the number of sponsors that used this 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]:

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

14. Signature and title of requesting official:



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:**