November 14, 2018

Waiver Request to continue SP 10-2017, SFSP 06-2017

1. **State agency submitting waiver request and responsible State agency staff contact information:** Maine Department of Education Child Nutrition, Adriane Ackroyd, [adriane.ackroyd@maine.gov](mailto:adriane.ackroyd@maine.gov), 207-624-6726
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. As of summer 2018, Maine has 115 non-School Food Authority (non-SFA) sponsors.
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]:** Offer versus Serve (OVS) allows all Summer Food Service Program (SFSP) sponsors to better manage food cost and reduce food waste by increasing acceptability of summer meals by participants. Maine Department of Education has done heavy training for SFSP sponsors on the proper way to implement OVS. Maine has 115 non-SFA sponsors who can or do benefit from OVS, including 30 public or private non-profit camps and an Upward Bound program with 6 sites.
5. **Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** Section 13(F)(6) of the NSLA, 42 USC 1761(F)(6), and 7 CF 225.16(F)(1)(II). Memo Code SFSP 01-2019.
6. **Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Rescinding this allowance would create much confusion for sponsors who are used to operating OVS at their sites. Training non-SFA sponsors who implement OVS to switch their models could lead to confusion and a decrease in meal pattern compliance.

Maine DOE has historically included OVS in their meal pattern training for the mandatory SFSP annual training. This can be strengthened to ensure all sponsors can comply with the OVS requirements. If needed, Maine will also create an OVS webinar for the SFSP that non-SFA sponsors can access.

1. **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]:** Maine has allowed OVS for all SFSP sponsors since the waiver was adopted. Training on OVS has been included in the mandatory annual training sponsors receive. OVS compliance has also been monitored during summer administrative reviews.
2. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** Meal pattern violations could be observed during administrative reviews. This could occur whether or not OVS is implemented. As sponsors are used to being able to use OVS, it is anticipated that rescinding the OVS waiver could lead to more errors and need for training/corrective action.
3. **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]:** By continuing OVS, sponsors may be able to reduce food waste and decrease overall cost to their program. OVS could also increase participation and, therefore, overall meal counts, which allows for more reimbursement to be brought into the state of Maine and more eligible children being reached. Since OVS has been allowed for all sponsors in Maine, continuing the allowance may also uphold program integrity.
4. **Anticipated waiver implementation date and time period:** Summer 2019 (June through August) with the option of extending to future summers if allowable.
5. **Proposed monitoring and review procedures:** We could make it an additional requirement that non-SFA sponsors review additional training on OVS for the SFSP. We would also ensure that non-SFA sponsors who indicate they are implementing OVS on their annual SFSP application are included in upcoming summer review cycles.
6. **Proposed reporting requirements (include type of data and due date(s) to FNS):** We can submit our Administrative Review findings if necessary and documentation of OVS training.
7. **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/programs/sfsp>
8. **Signature and title of requesting official:** Adriane Ackroyd, Summer Food Service Program Coordinator for Maine

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Requesting official’s email address for transmission of response: adriane.ackroyd@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:**