

February 8, 2019

Updated February 27, 2019

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, 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 123 sponsors and 450 sites.
- 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]:** Maine is requesting a waiver for program regulation 7 CFR 225.16(c)(1), which places a meal time restriction on the SFSP. There are many sponsors in Maine who have historically had shorter durations between meal services and rescinding this waiver could have a significant impact on program operations and participation. This waiver request is also for 7 CFR 225.16(c)(2). Limiting the meal service duration would restrict the number of children participating in the program. Sponsors have historically extended meal service times to capture as many participants as possible. This flexibility has been incredibly useful for them.

Rescinding this allowance would create much confusion for sponsors who do not currently have time restrictions between meals. Many of our summer sponsors have planned activities or educational opportunities between meals. The flexibility in the timing of meals is important so the program can operate smoothly and reach as many eligible participants as possible. Staff cost is often a concern and placing this restriction could lead to a higher cost to operate the program due to additional hours of staff time to be paid. Finally, it could also lead to confusion with program participants who are used to meals being a certain time.
- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:** 7 CFR 225.16(c)(1) and 7 CFR 225.16(c)(2)
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** This is an extension of a waiver granted in the past. The current SFSP application and site information sheets allow for flexibility in meal time. The old system had edit checks

for time, but the new one does not. Not having this flexibility will require IT work, which would be a cost to Maine.

In addition, our current review tools do not flag length of time between meals as a finding. We would have to create new review tools which would increase costs.

- 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]:** Maine has removed the time restriction requirement as a result of the past waiver given. It would be burdensome for the SA and sponsors to implement a meal time restriction after being trained for many years that they did not have to consider that barrier.
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** Since Maine has had this waiver in place due to past approved flexibility; it would be more of a challenge to remove it. It would require a lot of additional training and could lead to more findings during SFSP administrative reviews. This is a continuing waiver; Maine does not foresee any additional challenges as a result of implementation.
- 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]:** By not having a time restriction, sponsors may be able to reduce food waste and decrease overall cost to their program due to increased participation and less staff hours needed. Since time restrictions have not been in place in Maine, continuing the flexibility may also uphold program integrity. This is a continuing waiver; Maine does not project cost increases.
- 10. Anticipated waiver implementation date and time period:** Fiscal Year 2019 with the option of extending to future years if allowable.
- 11. Proposed monitoring and review procedures:** Maine would continue monitoring per regulatory requirements.
- 12. Proposed reporting requirements (include type of data and due date(s) to FNS):** Maine would continue to report as required by federal regulations. In addition, Maine will report on the number of sites and sponsors who utilize this waiver. This data can be submitted by October 31st.
- 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/programs/sfsp>
- 14. Signature and title of requesting official:** Adriane Ackroyd, Summer Food Service Program Coordinator for Maine



Title: Summer Food Service Program Coordinator
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: 2/8/2019, updated 2/27/2019

- 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:**

NERO has reviewed the Maine Department of Education's waiver request of restrictions on meal service times and the duration of meal service. NERO supports granting this request; the Maine DOE has made use of this flexibility in past summers, and denial of this request would impose a serious burden on the State Agency and local sponsors. We believe this request adequately addresses the waiver requirements laid forth in Section 12(l) of the National School Lunch Act. NERO considers the State Agency to be in good standing.

**State Director:
Walter Beesley
Walter.Beesley@maine.gov
136 State House Station
Augusta, ME 04333-0136**