


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.ackrovd@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 42 non-School Food Authority (non-SFA) sponsors operating 115 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]:** 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 has 42 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. In total, this would impact 115 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:** Maine Department of Education has done heavy training for SFSP sponsors on the proper way to implement OVS. Training will be strengthened to ensure all sponsors comply with the OVS requirements. Maine will also create OVS in the SFSP resources, like an OVS webinar, that are tailored for non-SFA sponsors.
- 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 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.
- 8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** This waiver has been in place in Maine. Maine does not anticipate any additional challenges as a result of extension.

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 continuing OVS, sponsors may be able to reduce food waste and decrease overall cost to their program. Since OVS has been allowed for all sponsors in Maine, continuing the allowance may also uphold program integrity. It is not anticipated that this waiver would lead to increased costs as it is a continuation.
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 will 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.
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** Maine will collect the number of non-SFA sponsors and sites that make use of OVS, including the meals served. If there are meal pattern findings related to OVS at these sites, information will be reported. 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
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- 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: 2/8/19, updated 2/27/19

- 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 the use of OVS to non-school food authority sponsors. NERO supports this request. The MEDOE has made use of this flexibility in past summers and denial 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.

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