**CHILD NUTRITION PROGRAM**

**STATE WAIVER REQUEST**

**RSU 24 Non-congregate, Mealtime Flexibility, Parent Guardian Pick-up**

**Submitted 9/16/2022**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), National School Lunch Program (NSLP), Fresh Fruit and Vegetable Program (FFVP), Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation date should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program* *Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

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

Maine Department of Education

Child Nutrition

Jane McLucas, Director Child Nutrition

207-215-5761

[Jane.mclucas@maine.gov](mailto:Jane.mclucas@maine.gov)

1. **Region:** NERO

**3. Eligible service providers participating in waiver and affirmation that they are**

**in good standing:** This would be for RSU 24, an approved NSLP Sponsor 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]:** Regional School Unit 24 would like to request a waiver to serve non-congregate meals.  They started building a new school to house grades 6-12 in 2020; the building was contracted to be completed on July 13th of 2022.  The building project was behind schedule for various reasons including supply chain issues and was then set to be done on August 15th.  In July of this year RSU 24 received a letter from Long Pond water district, the water source for the school, stating they did not have the supply needed to run the sprinkler systems in the new school.  RSU 24 immediately began working with state and local officials to come up with a temporary solution to get students in the building along with a permanent solution.  The building at this time is still not complete and the local code enforcement officer has found 30 violations that would need to be corrected before he would grant a certificate of occupancy for the building.  After delaying the start of school by 2 weeks the decision was made to start school remotely.

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

Regulations that prohibit remote meal options.

Congregate meal service requirement for NSLP/SBP: Under the NSLA, 42 U.S.C 1753(b)(1)(A), the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)

Parent and Guardian Meal Pick Up (NSLP and SBP): 7 CFR 210.10(a), and 7 CFR 220.2 (Breakfast), and 7 CFR 220.8(a)

Meal Service Times (NSLP and SBP): 7 CFR 210.10(1) and 7 CFR 220.8(l)

Offer Versus Serve (NSLP): 42 U.S.C. 1758(a)(3) 7 CFR 210.10(e)

**6. Detailed description of alternative procedures and anticipated impact**

**on Program operations, including technology, State systems, and monitoring:**

The plan to provide meals remotely includes parents signing up online and picking up the meals at one of the elementary schools.  Food service staff would prepare the meals on site and distribute to parents at a designated pick-up time at each other location.  RSU 24 has 4 elementary schools where pickup would be available.

**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]:** Attempted to use current COVID-19 waivers available. Provided alternative guidance, including what is an unallowable cost.

**8. Anticipated challenges State or eligible service providers may face with**

**the waiver implementation:** Operations during COVID-19 often included remote learning. The State Agency has resources available to support the SFA.

**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]:** No increased costs are anticipated.

**10. Anticipated waiver implementation date and time period:** September 19, 2022, will be the start date. At this time the current situation is to be reassessed after October 7th, 2022.  It is unknown if the SFA will be able to get students in the building at that time.  The permanent solution of adding cisterns that hold 35,000 gallons of water to supply the sprinkler system is not set to be completed until February of 2023.  RSU 24 hopes to have students in the building before then but would like to request the waiver until December 31st, 2022 with options to renew if needed.

**11. Proposed monitoring and review procedures:** The State Agency will provide Technical Assistance to the SFA.

**12. Proposed reporting requirements (include type of data and due date(s)**

**to FNS):** Data regarding reimbursable meals provided will be available in CNPweb.

**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:**

**Director Child Nutrition Maine DOE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Title:

Requesting official’s email address for transmission of response: [jane.mclucas@maine.gov](mailto:jane.mclucas@maine.gov) or Janette.kirk@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:**