

Child Nutrition Program Waiver Request

Maine Child Nutrition DOE

Submitted September 16, 2020

Waiver of postponement of SY21 Admin reviews

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

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2. Region: NERO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The waiver request is to allow Maine to postpone NSLP Administrative Reviews one year.

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(I)(2)(A)(III) and 12(I)(2)(A)(IV) of the NSLA]:

The State agency is requesting a state-wide waiver of the Administrative Review (AR) requirement for School Nutrition Programs and requesting to postpone 2021 reviews (which will include the unfinished 2020 reviews) to SY2022. This would extend the current 5-year review cycle by one year. The State agency will use the waiver to take a one-year pause in conducting the administrative reviews for School Year 2021 to accommodate the unique challenges of COVID-19. The timeframe to conduct Administrative reviews between February and end of May would be difficult for review staff and local SFAs in this stressful time. It also would not truly reflect a normal operation of the program. Maine expects a large decline in Meal benefit applications from parents. Instead of conducting the prescribed administrative reviews, the State agency will use the pause to dedicate our school nutrition staff members to conduct extensive technical assistance with School Food Authority (SFA) participating in School Breakfast Program (SBP) and/or National School Lunch Program (NSLP) during the 2021 School Year. Technical assistance will discuss each SFA's unique meal service challenges under COVID-19, and will focus on certain areas of highest concern, including food safety and counting and claiming.

A full administrative review conducted in School Year 2021 may produce findings that are not indicative of the SFA's normal operations and may miss other findings that would have been visible had normal operations been occurring. Under the regular 5-year cycle, these schools would miss the opportunity for a review of their usual Program operations and would not receive another administrative review for 5 years. During normal operations, the Administrative Review process requires almost 100% of the child nutrition review team's time during the school year. Staff time is almost exclusively dedicated to working with all SFAs who are under review each year. As SFAs rush to implement new meal service models to accommodate COVID-19, the State agency is fielding many requests for technical assistance with these different models. As a result of all of the issues SFAs are experiencing, the State agency does not feel that the normal Administrative Review process is a productive use of State agency or SFA time during COVID-19.

The State agency feels that our school nutrition team's time would be much better spent conducting technical assistance with every SFA. The staff member would ensure that food safety, COVID health and safety measures, meal counting and claiming, and the benefit issuance process were addressed during the conversation. The call would also offer an opportunity for the SFA to ask for assistance troubleshooting any areas of difficulty and discuss contingency plans for future operations.

The expected outcome is that the State agency will be able to better support the field during this unique time, be able to more quickly identify and correct serious health, safety and integrity issues resulting from these substantial operational challenges, and return to conducting full Administrative Reviews once the Programs they were designed to evaluate have returned to normal operations.

5. Specific Program requirements to be waived (include statutory and regulatory citations).

[Section 12(l)(2)(A)(i) of the NSLA]: We are seeking a waiver of the requirement at 7 CFR 210.18 (c) that State Agencies must conduct Administrative Reviews of all SFAs participating in the NSLP (including the Afterschool Snack Service and the Seamless Summer Option (SSO)) and SBP at least once during a 5-year review cycle. Maine has permission to operate under the 5 year cycle.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring. As described in question 4, the State Agency proposes to conduct technical assistance with every SFA instead of conducting the planned administrative reviews. Maine will return to a 5-year review cycle school year 2022.

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]: Educate DOE and local administrators of current methods under Federal and State regulations and what the waiver would allow. There are currently no state level regulatory barriers that would impact this issue.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: None at this time.

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 cost increase to USDA.

10. Anticipated waiver implementation date and time period: Implementation of the waiver would be effective October 1, 2020 through June 30, 2021.

11. Proposed monitoring and review procedures: DOE staff will monitor implementation of this waiver. We are in constant contact with our sponsors through e-mail, webinars and telephone calls. All SFAs will receive Technical Assistance during the school year instead of a AR. The State agency still plans to conduct procurement reviews during SY21. School Year 2022 Maine will resume the 5-year review cycle.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): this will follow the same reporting requirements prior to COVID-19.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]: This will be shared on the Child Nutrition web page.

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

14. Signature and title of requesting official:

Director Child Nutrition **Title:** Requesting official's email address for transmission of response:

walter.beesley@maine.gov

Walter Beesley

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(I)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: