

Child Nutrition Program Waiver Request

Maine Child Nutrition DOE

*Non-Congregate Feeding in SFSP
Submitted May 8, 2020*

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

Maine Child Nutrition Department of Education, Walter Beesley walter.beesley@maine.gov 207-624-6875

Walter Beesley
Child Nutrition DOE
136 State House Station
Augusta, ME 04333-0136

2. Region: NERO

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

This would be for eligible summer sponsors. SP 04-2020

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]: This request is for the ability to continue to provide meals in a non-congregate setting (consumed off site in a non-group setting) during the time when the 2020 traditional Summer Food Service Program (SFSP) would occur (July, August, September). The State Agency has heard from SFAs and Sponsors that activities SFSP typically services are being cancelled due to the COVID-19 pandemic. In some cases, summer school is being cancelled or switching to remote models. Activities such as Summer camps are also being cancelled in some areas. In addition, in Maine, Governor Mills' plan to safely reopen the state prohibits gatherings of more than 50 people, which will make it difficult to adhere to congregate feeding requirements that SFSP requires. Furthermore, the Maine Governor's executive order also continues the physical distancing requirements.

There is an emotional impact to children; to understand that on June 30th they can take their breakfast and lunch home and eat in the safety of their house, but, the next day, July 1st they must eat under the oak tree with their friends but stay 6 feet away from them. To tell a child, first you must eat it here today and then to tell them to eat and to not play with your friends is an unreasonable expectation. Children want to play so why put them in this position? In order to follow the guidelines set forth by Maine's Governor and Maine CDC, Maine would have to continue the program as it is operating now. We need to think first of our children and their safety.

As with Nationwide Waiver #2 (Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs) this waiver intends to support access to nutritious meals while minimizing potential exposure COVID-19. There continues to be a public health emergency and waiving the congregate meal requirements ensures appropriate safety measures in order to provide meals during the summer months.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]: Regulation 7 CFR 225.6(e)(15)

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring: Meals would be provided to students once approved by the State Agency. Unless other approved waivers allow flexibility, all regulations and requirements still would be met except meals would be allowed to be consumed off site. We anticipate no impacts on technology, state systems, or monitoring as this is a continuation of what has already been implemented.

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]: We have educated MDOE and local administrators of current methods under Federal and State regulations. There are currently no state level regulatory barriers that would impact this issue. In contrast, passing this waiver would help sponsors adhere to guidelines set forth in the plan to safely reopen Maine's economy.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: Sponsors who are currently operating under the Unanticipated School Closure SFSP are now accustomed to this type of service. We anticipate the bigger challenge being a transition back to congregate feeding.

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]: This is simply to allow same meal consumed off site. Additional costs will be the staff costs to review waivers and any follow-up USDA wishes to do.

10. Anticipated waiver implementation date and time period: July 1, 2020 – September 30, 2020

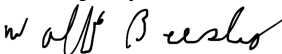
11. Proposed monitoring and review procedures: DOE staff will continue to monitor implementation of this waiver. This is a continuation of a waiver currently in place.

12. Proposed reporting requirements (include type of data and due date(s) to FNS): Maine DOE will provide a report that includes a summary of the use of this waiver by the State Agency and Local Program operators and a description of whether and how this waiver resulted in improved services to program participants. If also requested, Maine DOE will report to FNS the number of sponsors that used this waiver, the number of non-congregate meals claimed by each sponsor, and the number of non-congregate operating days for each sponsor. This information will be provided to FNS no later than one year after the date it is received.

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]: this will be shared in a DOE webinar to all districts and interested parties.
<https://www.maine.gov/doe/covid-19>

14. Signature and title of requesting official:

Title: Director Child Nutrition

DocuSigned by:

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Requesting official's email address for transmission of response:
walter.beesley@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: