

# *Child Nutrition Program Waiver Request*

## *Maine Child Nutrition DOE*

*Submitted August 24, 2020*  
*Milk Requirement Waiver*

### **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](mailto:walter.beesley@maine.gov) 207-624-6875

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Child Nutrition DOE  
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### **2. Region: NERO**

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

Any eligible or approved School Food Authority (SFA) operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) during school year 2020-2021. Currently, all SFAs are 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

The State agency is seeking to waive the requirement that schools operating the SBP and NSLP must offer a choice of milk as one of the components at breakfast and lunch meals, and instead allow one type of milk to be included with the meal during School Year 19-20. In consideration of COVID-19, schools will be re-opening in the fall in a variety of instructional methods to support the continued efforts of social distancing and reduction of the spread of disease. Requiring schools to continue to offer milk choice creates an additional barrier to successful program operation when meal service will be significantly different in School Year 2020-2021. Waiving the milk choice requirement will support SFAs in the successful implementation of meal service under new circumstances while ensuring meals still provide the necessary nutrition children need to grow and learn.

Most schools will be offering different hybrid models. Many schools will be taking advantage of the USDA waiver of offer vs. serve requirements to offer unitized meals in the classroom, or for pickup or delivery to remote learners. However, it would further streamline operations if the SFA could include one type of milk in with each unitized meal, instead of having to offer two types of milk separately for the child to choose from. The state agency is requesting authority to waive the milk choice requirement for all SFAs for the 20-21 school year.

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

The State agency is requesting to waive the requirements found at 7 CFR 210.10(d)(1)(i) *Fluid milk requirement—(1) Types of fluid milk.* (i) Schools must offer students a variety (at least two different options) of fluid milk and 7 CFR 220.8(d) *Fluid milk requirement.* Schools must offer students a variety (at least two different options) of fluid milk.

### **6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

We anticipate no impacts on technology, state systems, or monitoring. Schools will be given on how to handle this and tips for continuing milk service.

**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]:** 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]:** This waiver will not increase the overall cost of the program to the federal government

**10. Anticipated waiver implementation date and time period:** The waiver would be effective September 1, 2020 through June 30, 2021.

**11. Proposed monitoring and review procedures:** The State agency will monitor the use of this waiver and continue to monitor with desk audits.

**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(l)(1)(A)(ii) of the NSLA]:** this was shared in a DOE webinar to all districts and interested parties.  
<https://www.maine.gov/doe/schools/nutrition>

**14. Signature and title of requesting official:**  
Director Child Nutrition **Title:** Requesting official's email address for transmission of response:  
[walter.beesley@maine.gov](mailto:walter.beesley@maine.gov)

*Walter Beesley*

8/24/2020

**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:**