



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, ME 04333-0023

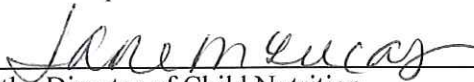
JANET T. MILLS  
GOVERNOR

A. PENDER MAKIN  
COMMISSIONER

*Child Nutrition Program Waiver Request  
Maine Child Nutrition Department of Education  
Waiver request to delay implementation for the  
Streamlining Program Requirements and  
Improving Integrity in the SFSP Final Rule  
Submitted March 8, 2023*

- 1. State agency submitting waiver request and responsible State agency staff contact information:** Maine Department of Education Child Nutrition, Jane McLucas, Director of Child Nutrition, [jane.mclucas@maine.gov](mailto:jane.mclucas@maine.gov), 207-624-6880, 136 State House Station, Augusta, Maine 04333
- 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 for all Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Sponsors 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]: Maine Department of Education is requesting to delay implementation of the *Streamlining Program Requirements and Improving Integrity in the SFSP* Final Rule until January 1, 2024. Maine needs to prioritize our limited resources to meet the requirements of the newly passed Omnibus Legislation which includes systems changes to meet the new provisions for non-congregate in rural areas, which must be met in summer 2023, while implementing the new requirements in the *Streamlining Program Requirements and Improving Integrity in the SFSP* Final Rule, simultaneously. By delaying the implementation date, more time can be spent strategically planning for training and permanent systems changes required to meet the Final Rule.
- 5. Specific Program requirements to be waived (include statutory and regulatory citations).** [Section 12(l)(2)(A)(i) of the NSLA]: Waiver of the compliance date May 1, 2023, as published in the *Streamlining Program Requirements and Improving Integrity in the SFSP* Final Rule, extended to January 1, 2024.
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:** Maine Department of Education will ensure that all sponsors are meeting requirements with regard to financial viability, financial management, administrative capability, and program accountability, in addition to continuing to meet all program integrity measures as outlined in regulations while utilizing this waiver.
- 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 no regulatory barriers at the state level.

8. **Anticipated challenges State or eligible service providers may face with the waiver implementation:** Maine does not anticipate any additional challenges due to this waiver.
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 allow Maine Child Nutrition and our Sponsors to continue to operate the 2023 SFSP under existing regulations, while focusing on the Omnibus bill, and will require limited changes to our systems, policies, or procedures and will therefore result in no additional cost to the Federal government.
10. **Anticipated waiver implementation date and time period:** Delay the implementation date of May 1, 2023 to January 1, 2024
11. **Proposed monitoring and review procedures:** Maine will continue to monitor and review per federal guidance and regulations. Attempts will be made to implement any provisions that do not pose a significant operational challenge in 2023.
12. **Proposed reporting requirements (include type of data and due date(s) to FNS):** Maine will report the specific provisions of the rule that were delayed as part of this waiver by the FNS requested deadline. Additional reporting requirements outlined by FNS will also be met.
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:** Jane McLucas, Child Nutrition Director for Maine Department of Education



Title: Director of Child Nutrition

Requesting official's email address for transmission of response: jane.mclucas@maine.gov

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**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:**