

***Child Nutrition Program Waiver Request
Maine Department of Education
Waiver to Delay the Implementation of the Program Integrity Final Rule
May 8, 2024***

- 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,
207-624-6880, 136 State House Station, Augusta ME 04333
- 2. Region:** Northeast
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:** Maine State Agency
- 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]:**

The State Agency is requesting approval for a delay implementation of the following Child Nutrition Program Integrity Final Rule provision by one year to allow additional time to plan and prepare for the significant changes: state agency review requirements and annual review of sponsoring organization's bank account activity. These provisions currently have a compliance date of 8/23/24. This additional time will allow the State Agency to develop a comprehensive review and fiscal procedure to ensure compliance with the final rule, and train new staff for the additional reviews that will be required.
- 5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**

The State Agency is seeking a waiver for the following regulations:

 - 7 CFR226.6(m)(6) to increase the frequency of reviews for some institutions operating the CACFP
 - 7 CFR 226.7(b)(1)(i) to annually review at least one month's bank account activity for all sponsoring organizations
- 6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

Delaying the implementation of the specified integrity rule provisions by one year will allow the State Agency to develop processes and procedures for bank activity review and train new staff to assist with the new two-year review cycle. We will need to request an enhancement to CNPWeb once we have developed the tools that are needed.
- 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:** There are no anticipated challenges with the 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]:**
The waiver will not result in an increase in the overall cost of the program.

10. Anticipated waiver implementation date and time period:
8/24/24-8/24/25

11. Proposed monitoring and review procedures:

The State Agency is requesting an implementation delay to organize and prepare for permanent monitoring and fiscal review requirements. During this time we will be creating new tools and instructions for the State Agency and the field to use to meet the requirement of the new rule.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

The State Agency will provide updates to the NERO office of progress in the development of the tools and instructions created.

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/dae/schools/nutrition/laws>

14. Signature and title of requesting official:

Ida M. Lucas, Director of Child Nutrition
Title:

Requesting official's email address for transmission of response:

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:**