***Child Nutrition Program Waiver Request***

***Maine Child Nutrition DOE***

***Meal accountability all free program***

***Submitted***

***9/27/2021***

**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

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 current and eligible sponsors with agreements in place and 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]:** The challenge is collecting Meal Benefit applications from families when meals are offered at no cost and have been the last two years. Parents do not see the point of sharing personal information when it appears to them that there is no purpose other than the government collecting data. Maine DOE requires local district to collect an economic status form from parents to determine state subsidy and other DOE programs. Maine has 2 state laws that impact this: 1. all students will be provided a meal when requested no matter the balance of their account and 2. All children will be offered a meal at no charge beginning SY2023. Another burden and challenge is the POS accountability when meals are offered at no cost. It would be much more efficient to do meal counts and then determine the breakdown by category by a calculation like the special provisions 2 or CEP for public schools.

The P-EBT program will still need applications for schools <40%. We do not have a solution for this challenge yet.

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

CEP 40% mark to be eligible for CEP

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**  Maine has looked at the Special Provision 2 and CEP options as a model for SY 2023. The school year is the year for graduation. It became evident it was much more efficient to utilize CEP statewide. Maine schools are trying to collect and process Meal Benefit Applications for SY22. But is very difficult to get parent cooperation. For SY 2023 Maine districts would review the Direct Certification list generated by Maine in April 2022. Schools would follow all the guidance on determining the ISP for the school. Districts would submit a document indicating how they determined their ISP for state agency approval. The exception is a school would not be required to be greater than 40% Direct Certification of enrollment. Claiming would be monthly applying the USDA CEP multiplier. Schools would calculate their ISP with current guidance (date of April 1st) and the term would be the same as in the guidance requiring 4 years. CACFP at risk and Tier 1 payments would be based on school population data.

**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]:**

Maine has prepared a media campaign to educate the community about the importance of the Meal Benefit Application. It was released this year with some success already. It has appeared in the local news morning and evening broadcast. Meal counts are reported to State Agency for the 10/31 numbers. Schools would not be charging the students anything for reimbursable meals SY23. This percent would be applied to the number served SY23.

Verification would not be completed.

Reviews would be conducted using the current review cycle and not first year of operation.

Educate DOE and local administrators of new methods under Federal and State regulations by webinar and other media methods.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:** Communication and education about the process for SY23. Educate DOE and other partners about the elimination of the Meal Benefit Application and the availability of the DOE income status form which is offered currently. There are other possible challenges for the FNS programs that depend on this information to create solutions.

NSLP

Determining severe need and at-risk reimbursement

FFVP criteria

Equipment assistance grant

The law to provide meals at no charge is only for public schools

PLE tool

Maine breakfast grant

P-EBT

SFSP

Closed enrolled Site eligibility by school

Could affect qualifying open sites

Summer camps no applications at sending schools

State 50% outreach law

CACFP

At risk sites

Tier 1 payments

**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]:**.

There will be no increases in cost because using the USDA multiplayer to determine the number of free and paid to claim. Maine has a reimbursement plan for paid meals SY23 in place as law. It will decrease costs in local labor of processing applications, trying to collect money, POS software licenses and maintenance fees and labor at POS. This will streamline the program and provide more students excess to our program to support one of USDA goals. At the state agency it will reduce labor time in the review process of application certification, costs to run the verification program and cost of the online application software statewide.

**10. Anticipated waiver implementation date and time period:** This will take effect School year 2023 and following years. The ISP will be recalculated as CEP guidance requires. Schools could elect to use this method or collect and process “Meal Benefit Applications”

**11. Proposed monitoring and review procedures:** District will contact CN/DOE with their ISP. During the Admin review, because there are no applications, that time will be used to verify the ISP and that it is being used properly. It will become part of our review policy once approved.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS):** Reporting would follow current CEP guidance.

**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/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](mailto: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:**