



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

November 27, 2024

Jane McLucas

Director of Child Nutrition

Maine Department of Education

136 State House Station

Augusta, Maine 04333

Dear Jane McLucas:

This letter is in response to the Maine Department of Education's (Maine DOE's) October 1, 2024, request to waive National School Lunch Program (NSLP), School Breakfast Program (SBP), and Child and Adult Care Food Program (CACFP) requirements to allow school food authorities (SFAs) and institutions to offer non-congregate meals to participants fasting during Ramadan. Pursuant to Section 12(l) of the NSLA (42 U.S.C. 1760(l)), FNS approves Maine DOE's waiver request to allow SFAs and institutions to offer, to fasting participants in attendance during Ramadan, non-congregate meals for participants to consume at a time that honors their religious principles.

In its request, Maine DOE indicated that approval of this waiver would benefit schools and sites that serve meals to participants who observe Ramadan; those schools and sites typically experience a significant drop in participation during Ramadan that could be mitigated by offering alternative meal service options. The waiver would also provide participants who observe Ramadan access to healthy and wholesome meals. FNS has determined that this waiver facilitates the purpose of the NSLP, SBP, and CACFP as participants are in attendance at a participating school or site and eligible to receive meals, but are unable to consume them during the day because they are fasting in observance of Ramadan. Furthermore, the waiver ensures all children have access to the nutrition they need.

Specifically, Maine DOE requested a statewide waiver of the NSLP, SBP, and CACFP requirements explained below.

National School Lunch and School Breakfast Programs

Non-Congregate Meal Service (NSLP and SBP)

Under the NSLA, 42 U.S.C. 1753(b)(1)(A), and the Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A), NSLP and SBP meals must be served in a congregate setting and must be consumed by participants on site.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the NSLP and SBP in a congregate setting, to students who attend school and are fasting during Ramadan. Any other requirements referenced in these provisions remain in effect.

Meal Service Times (NSLP and SBP)

Under program regulations at 7 CFR 210.10(l) and 220.8(l), meals served in the NSLP and SBP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives, for non-congregate school lunches and breakfasts served to students who attend school and are fasting during Ramadan, the aforementioned requirements that set meal time parameters.

Offer Versus Serve (NSLP)

Under the NSLA, 42 U.S.C. 1758(a)(3), and program regulations at 7 CFR 210.10(e), Program operators of senior high schools (as defined by Maine DOE) must participate in offer versus serve at lunch.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirements to serve non-congregate school lunches to senior high school students using offer versus serve during Ramadan.

Child and Adult Care Food Program

The waivers in this section apply to adult day care centers, outside-school-hours care centers (OSHCC), and the at-risk afterschool component of CACFP only. This statewide waiver does not apply to CACFP family day care homes or child care centers. However, per 7 CFR 226.3(e)(3), eligible service providers wishing to request waivers of the provisions in this section during Ramadan for use in either family day care homes or child care centers may submit a waiver for Maine DOE concurrence, including rationale, and FNS will consider them on a case-by-case basis.

Non-Congregate Meal Service (CACFP)

Under the NSLA, 42 U.S.C. 1766(f)(1)(A), CACFP meals must be served in a congregate setting and must be consumed by participants on site.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the requirements to serve meals through adult day care centers, OSHCC, and the CACFP at-risk afterschool component in a congregate setting, to participants who are in attendance at an adult day care center, OSHCC, or a CACFP at-risk afterschool center and fasting during Ramadan. Any other requirements referenced in these provisions remain in effect.

Meal Service Times (CACFP)

Under Program regulations at 7 CFR 226.20(k), meals served in the CACFP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives, for non-congregate meals served to participants who are in attendance at adult day care centers,

OSHCC, or an at-risk afterschool center and fasting during Ramadan, the aforementioned requirements that set meal time parameters for CACFP adult day care centers, OSHCC, and at-risk afterschool centers. Any other requirements referenced in these provisions remain in effect.

Per Maine DOE's request, this waiver is effective February 24, 2025, through April 4, 2025. To maintain Program integrity and accountability of local operators, Maine DOE must work with SFAs and institutions operating under this waiver to ensure meals are distributed only to participants in attendance at the school or site on the day non-congregate meals are offered, and that duplicate meals are not distributed to any participant. In addition, participation in the child nutrition programs is at an eligible participant's discretion; therefore, if a participant chooses to consume a meal or snack during the day, schools or institutions may not deny a meal or snack because the participant is thought to be fasting during Ramadan.

The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or Program operator that was granted a waiver. Therefore, by September 30, 2025, Maine DOE must provide to the FNS Northeast Regional Office a report quantifying the impact of the waiver as described below.

The report must include the following:

- A description of how the waiver impacted NSLP, SBP, and CACFP meal service operations;
- A description of whether the waiver resulted in improved services to participants;
- A total number of SFAs and institutions affected by this waiver;
- A description of the outreach conducted to families and participants in impacted schools and sites, and whether the outreach/information was available in multiple languages; and
- A description of how the waiver reduced the quantity of paperwork necessary to administer the Programs.

If you have questions, please contact the FNS Northeast Regional Office.

Sincerely,

Andrea Farmer
Director
School Meals Policy Division

J. Kevin Maskornick
Director
Community Meals Policy Division

