



CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

- 1. State agency submitting waiver request and responsible State agency staff contact information:**
Illinois State Board of Education, Nutrition Department
Mark Haller, Director Nutrition
mhaller@isbe.net
(217) 782-2491
- 2. Region:**
Midwest Region
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**
Any Illinois State Board of Education (ISBE) approved FDCH sponsor who meets all the following requirements:
 - In good standing; and
 - Approved by ISBE to operate a Child Nutrition Program
- 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]:

Illinois State Board of Education Nutrition Department is requesting a state – wide waiver to allow Illinois Day Care Home Sponsors the opportunity to conduct one off-site monitoring review during the program year on behalf of our 9 Day Care Home Sponsoring Organizations who monitor approximately 4,500 providers.

In addition, the Illinois State Board of Education is requesting one additional off-site review for providers who live 50 or more miles from the Day Care Home Sponsoring Organization office and in good standing. These Sponsoring Organizations are facing staffing shortages and increased operating costs. Travel time and distance for required monitoring is creating a hardship when multiple attempts or return visits are required. Some Sponsors are traveling over two hours one way for a review. The end of the Keep Kids Fed Act and providers ending their CACFP agreements for additional reasons is adding to budget constraints. This is forcing Day Care Home Sponsoring Organizations to rethink their ability to sustain CACFP day care home operations.

The goal of this requested waiver is to allow Day Care Home Sponsoring Organizations to alleviate staff time spent on travel and reduce the burden and financial strain on home sponsor organizations. The ability to conduct one off-site monitoring review for all providers would significantly reduce travel time and costs to the organization. Allowing an additional off-site monitoring review that requires travel over 50 miles to a home provider would reduce the costs associated with staff working additional hours and traveling for an on-site review.

ISBE expects that this waiver will allow organizations to reduce costs while still meeting monitoring requirements. It would also reduce the potential of home sponsors ending their agreements with the State agency. This would eliminate the need for other sponsors to take on additional providers when they already have limited resources within their own organizations. Day Care Home Sponsors were able to successfully utilize waivers for off-site monitoring during the pandemic. Continued flexibility would positively impact Day Care Home Sponsoring Organizations.

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

The Department is requesting a waiver to the following regulations and requirements to be performed offsite for one monitoring review per provider:

7 CFR 226.16(d)(4)(iii) Frequency and type of required reviews, specifically all three reviews must be conducted on-site.

USDA Guidance memo and attachment: CACFP07-2023.

6. Detailed description of alternative procedures and anticipated impact on

Program operations, including technology, State systems, and monitoring:

Interested sponsors must notify the Department of their intent to participate in the waiver by completing a request form. Once approval is granted by the State Agency, the sponsor management plan will be updated to reflect their use of the waiver. Sponsor Organizations will submit a list of providers over 50 miles from the organization's office to the State Agency for review and approval. If more than one off site monitoring review is granted, ISBE will ensure at least one review will be on-site during a meal service time to comply with regulations. Sponsors will report on waiver usage at the end of the waiver period.

There will be no impact on program operations for the State Agency or Sponsor levels. There are some providers who may not have computers or the ability to utilize virtual platforms. In these cases, the sponsor would still need to complete an on-site visit.

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 related to this specific issue.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

ISBE does not anticipate any challenges with waiver implementation. Rather, it is anticipated that this waiver will allow sponsors to carry out their monitoring duties while saving the organization funding on mileage, gas, vehicle usage and staff time. This will allow organizations to implement cost saving measures and remain financially viable, while continuing to serve the home providers.

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 increase the cost of the Program to the State or Federal Government.

10. Anticipated waiver implementation date and time period:

Effective immediately upon approval by the USDA through September 30th, 2024

11. Proposed monitoring and review procedures:

The State agency will continue to carry out normal monitoring via administrative reviews. Sponsoring organizations found to have noncompliance issues as related to this waiver will

receive technical assistance from the State agency. If implemented, the State agency will collect feedback on how the use of the waiver benefitted the home sponsor organization.

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

ISBE will report all FNS data required by USDA within the timelines required.

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.isbe.net/Documents/052124-cacfp-waiver.pdf>

Signature and title of requesting official:



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: