

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(I) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(I), 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 (ISBE)
Nutrition Department
100 N. First Street
Springfield, IL 62777

Mark Haller, Director
mhaller@isbe.net
271-782-2491

2. Region:

Midwest Region

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Any Illinois approved Child Nutrition Program Sponsor approved to operate in the Summer Food Service Program (SFSP) in good standing and operating during the COVID-19 outbreak.

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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

Illinois State Board of Education (ISBE) is requesting the ability to reimburse all Unanticipated School Closure Summer Food Service Program (SFSP) meals at the self-preparation or rural per meal rates for all Child Nutrition Program (CNP) Sponsors approved in SFSP to continue to serve meals during the COVID-19 outbreak.

The maximum rate of reimbursement is being requested to support increased costs for shelf stable menu planning, additional meal packing supplies, transportation, and emergency procurement for meals for Sponsors that are experiencing higher costs due to non-congregate feeding and social distancing concerns.

- Higher food costs for items such as shelf stable products or food items short in demand.
- Access to food vendors (such as local grocery stores) is hindered, requiring Sponsors to temporarily use whatever is available from vendors, potentially at higher costs.
- Increased labor needs through changes needed to accommodate nontraditional service models and challenging food inventory supplies.
- Additional non-food costs of serving all “grab & go” style meals for non-congregate feeding.
- Additional transportation costs associated with mobile routes to deliver food to students.

Goal of Waiver to Improve Services

- Allow Sponsors to continue to serve meals that meet the needs of the community and maximize program participation through expanding their distribution options to address social distancing concerns with the most reimbursement possible to cover costs.
- To minimize the impact of the potential reduction in entitlement dollars due to the shift in Unanticipated School Closure SFSP versus School Breakfast Program (SBP) and National School Lunch Program (NSLP) meals.
- Simplify the tracking and time required to determine the appropriate rate of rural/urban and self-prep/vended status for every site. In addition, eliminate any confusion caused when a Sponsor has to enter into an emergency contract to provide meals.

Expected Outcomes of Waiver

- Continue to allow and encourage Sponsors to serve high quality meals to children during the closure.
- Sponsors would continue to claim reimbursement only for the type of meals specified in the agreement.

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

- 7 CFR 225.6 (c)(2)(i)(F) – Site Information
- 7 CFR 225.9 (d)(7) – Reimbursement

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, ISBE will provide technical assistance and guidance to SFSP Sponsors on allowable program costs and to publish the uniform rate. Technology systems would be adjusted to automatically calculate the higher rate of reimbursement. There are no significant impacts on Program operations for State systems or monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(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 that the establishment of this waiver will pose any challenges at the State or Sponsor level.

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(I)(1)(A)(iii) of the NSLA]:

ISBE does not believe the establishment of this waiver will increase the overall cost of the Program to the Federal Government. It is expected that overall meals served to children in Illinois will be far below the meals that would normally be served in the School Breakfast Program (SBP) and the National School Lunch Program (NSLP). ISBE believes that the overall reimbursement for meals claimed during the closure at the higher SFSP meal rates will be less than in the same month(s) in prior years under normal operating conditions.

There are no additional State administrative costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

Implementation date requested: March 17, 2020.

Time period requested: Through June 30, 2020 or closure of the unanticipated school closure related to COVID-19

11. Proposed monitoring and review procedures:

All application and claim information will be maintained in ISBE electronic application and claim system. Sponsors and sites approved to operate in the Unanticipated Closure SFSP will be identified and meal claims tracked to the approvals. All claims will be paid at the same rate. ISBE will also provide technical assistance throughout the duration of the waivers.

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

No later than July 31, 2020, ISBE will report to USDA the number of sponsors that used this waiver including the number of unanticipated operating days and meals claimed.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

www.isbe.net/nutrition

14. Signature and title of requesting official: Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA



Mark Haller
Director
Nutrition Department

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:

Regional Office Analysis and Recommendations: