

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 (CNPs), 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 School Food Authority (SFA) approved to operate in the Summer Food Service Program (SFSP) in good standing and operating during these mandated school closures due to the unanticipated COVID-19 closure.

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]:

ISBE seeks to temporarily suspend area eligibility requirements (50 % free and reduced eligibility) SFAs operating the Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) through June 30, 2020. Illinois has a number of SFA's which meet area eligibility criteria and schools are

effectively reaching those areas. However, there are many SFA's in rural or collar areas near suburban communities in Illinois that service a significant population of high-need children and families, but which may not qualify using current area eligibility criteria. ISBE would evaluate the need to open any new site in any area below 50 % free/reduced. As part of the evaluation process, ISBE would ensure the SFA would need to specifically target student in the free and reduced category

On March 17, 2020 Illinois' Governor mandated all schools to close through April 7, 2020 in response to the COVID-19 outbreak. On March 21, 2020 the Governor extended these closures to childcare centers and family daycare homes with a few exceptions to emergency workers. These closures have left children and students across Illinois who depend on the meals and snacks provided by their schools and care programs with limited or no available alternative sources. While many schools in Illinois have quickly responded to the needs of their students and are currently providing meals through the available flexibilities for operation during unanticipated school closures and the removal of the congregate feeding requirement, many are struggling to find ways to feed the high need students in their non-area eligible schools. ISBE is requesting this waiver to align with USDA guidance of targeting children eligible of free and reduced-price meals (SP 08-2020, SFSP 04-2020) and to ensure these children and students are fed. Suspending eligibility requirements during this unanticipated closure would alleviate a significant financial and administrative burden on schools.

If this waiver is granted, it would allow all schools to ensure that they can serve the highest need students in their towns and communities who might have limited access to healthful meals during this closure. This would also support families who may be struggling to provide meals to their children when many have lost employment or are underemployed due to required closures of restaurants, bars, gyms, and other community spaces.

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

7 CFR 225.6(c)(2)(G): "For open sites and restricted open sites, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist."

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 to SFAs on the process of targeting free and reduced eligible students and meal service information. Additionally, ISBE will provide technical assistance to support SFAs as they are planning and preparing for meal service, and provide guidance on collecting accurate meal counts, and how to submit claim under either the SSO or SFSP. There are no significant impacts on technology, 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 statewide waiver will pose any challenges at the State or SFA level since school food service operating under the waiver would essentially operate the same as SFAs over 50 % eligibility are operating. Alternatively, we anticipate this statewide waiver will support non-eligible schools that are currently trying to find methods and resources to help them continue to serve their communities during these unanticipated closures. Low-income children attending non-eligible schools or living in non-eligible areas will benefit from increased access to meal service and schools can use already encumbered resources.

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]:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government since these programs would be operating in situations where normal USDA Child Nutrition Programs are closed due to COVID-19. Additionally, as families across the State of Illinois are practicing shelter at home and social distancing, participation through these meal sites will be limited to the highest need families (targeted outreach) and overall participation will be lower than through the National School Lunch Program.

There are no additional staff costs to implement this waiver.

10. Anticipated waiver implementation date and time period:

The anticipated statewide implementation start date is upon approval from USDA and is to remain in effect through June 30, 2020 or closure of the unanticipated school closure related to COVID-19

11. Proposed monitoring and review procedures:

State Agency staff will approve the individual written requests from each SFA to implement the waiver. In addition, ISBE will monitor the approval of other programs in the area for duplication of services.

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:**