

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 (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.

IL CNP Waiver 21-012

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 LEA approved to operate in the Summer Food Service Program (SFSP), Summer Seamless Option or National School Lunch Program in good standing and operating under the previous waivers related to 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

According to FNS Memo: SP 04-2021, CACFP 03-2021, SFSP 03-2021, FNS recognizes that, during COVID-19, requiring local educational agencies (LEAs) to complete verification according to standard Program deadlines is burdensome for school officials, and could cause confusion for families with children attending schools

operating SFSP/SSO. HEA collection for many LEAs was not conducted as a result of the waivers provided by FNS to allow the continuation of SFSP/SSO during SY 2020-2021. Additionally, LEAs collecting HEAs experienced lowered response rates prior to the transition to SFSP/SSO and discontinued collection of application upon the transition to SFSP/SSO.

To provide written notifications and receive household documentation will require LEA staff working remotely to return to school buildings increasing potential health risks and concerns. Households who are currently receiving meal benefits under SFSP/SSO will likely not comply with verification first requests due to confusion. To distribute second written requests according to the required due process for non-compliance timeline will require additional time working at the school building and daily checks for documents received by mail. LEAs may not require households to submit documentation electronically as this places undo burden on the household.

With no true recourse for enforcing compliance LEAs will be required to remove meal benefits under the School Nutrition Program which will negatively impact eligibility for P-EBT benefits to households. Removal of benefits will negatively impact carryover benefits for the start of SY 2021-22.

For SY 2020-21 ISBE has received and shared with LEAs an increased number of students directly certified for SNAP, TANF and Medicaid benefits which further supports the eligibility for P-EBT benefits.

Providing access to the verification summary report for LEAs not operating SNP creates a burden on the technology staff to alter collection methods and system processes to allow submission of the annual verification summary report. The change in the collection procedures will require a future change to return to the methods used in prior years.

ISBE has no recourse to enforce compliance of LEAs who do not have administrative capability to conduct the verification process or collect verification data for submission of a report. With no assurance of receiving statewide data ISBE requests a waiver for the process of verification and reporting data.

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

7 CFR 210.15 (a) Reporting summary. Participating school food authorities are required to submit forms and reports to the State agency or the distributing agency, as appropriate, to demonstrate compliance with Program requirements.

7 CFR 210.15 (b) Recordkeeping summary. In order to participate in the Program, a school food authority or a school, as applicable, must maintain records to demonstrate compliance with Program requirements.

7 CFR 245.6a (c) Verification requirement—(1) General. The local educational agency must verify eligibility of children in a sample of household applications approved for free and reduced price meal benefits for that school year.

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

If approved, there are no significant impacts on technology, State systems, or monitoring. If not approved, significant technology programming changes will need to be developed, tested, and implemented for a short term fix to collect the data.

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 LEA 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]:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government. Most Illinois LEAs have opted to participate in SFSP or SSO and verification impacts only School Nutrition Programs.

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, 2021.

11. Proposed monitoring and review procedures:

State Agency staff will approve the individual written requests from each operator to implement the waiver.

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

No later than September 30, 2021, ISBE will report to USDA the number of sponsors that used this waiver.

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]: <https://www.isbe.net/nutrition> (Under Public Notices)

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:**