

## **CHILD NUTRITION PROGRAM**

### **IL CNP Waiver 21-002**

#### **Waiver Request to Operate a Modified Provision 2, referred to as Provision Pandemic at Selected Sites Participating in the National School Lunch Program**

**1. State agency submitting waiver request and responsible State agency staff contact information:**

Illinois State Board of Education  
100 N First Street  
Springfield, IL 62777-0001

Mark Haller, Director  
Nutrition Department  
[mhaller@isbe.net](mailto:mhaller@isbe.net)  
217-782-2491

**2. Region:**

Midwest

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

The Illinois State Board of Education (ISBE) is requesting the waiver on behalf of all NSLP sponsors determined to be in good standing in the State of Illinois operating during the ongoing COVID-19 outbreak, not currently operating under Community Eligibility Provision.

**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]:**

This request is to waive certain requirements of provision 2 to achieve a meal counting and claiming option for schools that are operating remote, in person and hybrid school during this national pandemic. This request is for the entire SY20-21.

Federal Regulations at 7CFR245.9(b) detail the requirements of Provision 2 participation. Illinois seeks to utilize many of these requirements to offer to LEAs the ability to use the site level claiming percentages of Free, Reduced-Price and Paid meals (breakfast, lunch and snack) from July 1, 2019 – February 29, 2020 to apply to claims submitted from July 1, 2020- June 30, 2021. With this allowance the LEA will forgo the payments generally received for reduced and paid meals and provide meals at no charge to all students. If there is a cost differential in the program's operating expenses, such fund would be paid from non-Federal sources of fund to cover those expense.

This is being requested to offer assistance to LEAs that are struggling with ensuring meal counts by category during this pandemic. LEAs would simply need to track the total

number of lunches, breakfast and snacks to claim and then the percentage would be applied to that total meal.

Applicable modification to regulations below:

(b) Provision Pandemic A local educational agency may certify children for free and reduced price meals for up to 2 consecutive school years in the schools which serve meals at no charge to all enrolled children during year 2 based on the base year (Year 1) claiming percentages; provided that public notification and eligibility determinations are in accordance with §§245.5 and 245.3, respectively, during the base year as defined in paragraph (b)(6) of this section. The Provision Pandemic base year is SY19-20 (Meal Counts from July 1, 2019 through February 29, 2020) and is included in the up to 2-year cycle. The following requirements apply:

(1) Meals at no charge. Participating schools must serve reimbursable meals, as determined by a point of service observation, or as otherwise approved under part 210 of this chapter, to all participating children at no charge during year 2.

(2) Cost differential. The local educational agency of a school participating in Provision Pandemic must pay, with funds from non-Federal sources, the difference between the cost of serving lunches and/or breakfasts at no charge to all participating children and Federal reimbursement.

(3) Meal counts. During the base year, meals are served to participating students based on the eligibility category of the household. Schools took daily meal counts of reimbursable student meals by type (free, reduced price, and paid) at the point of service, or as otherwise approved under part 210 of this chapter. During the non-base years, participating Provision Pandemic schools must take total daily meal counts (not by type) of reimbursable student meals at the point of service, or as otherwise approved under part 210 of this chapter. For the purpose of calculating reimbursement claims in the non-base years, local educational agencies must establish school specific annual claiming percentages, as follows:

(i) Annual percentages. In any given Provision Pandemic school, the actual number of all reimbursable meals served by type (free, reduced price, and paid) during the base year (July 1, 2019 – February 29, 2020) must be converted to an annual percentage for each meal type. For example, the free lunch percentage is derived by dividing the annual total number of reimbursable free lunches served by the annual total number of reimbursable lunches served for all meal types (free, reduced price and paid). The percentages for the reduced price and paid lunches are calculated using the same method as the above example for free lunches. These three percentages, calculated at the end of the base year, are multiplied by the total monthly lunch count of all reimbursable lunches served in each month of the second and possible third and fourth consecutive school years, and applicable extensions, in order to calculate reimbursement claims for free, reduced price and paid lunches each month. The free, reduced price and paid percentages for breakfasts and, as applicable, snacks, are calculated using the same method for each type of meal service.

(4) Verification. Except as otherwise specified in §245.6a(a)(5), local educational agencies are exempt from verification during non-base years.

(6) Base year. For purposes of this paragraph (b), the term base year means SY19-20 (July 1, 2019 – February 29, 2020) the last school year for which eligibility determinations were

made and meal counts by type were taken. Schools shall offer reimbursable meals to all students claimed in their eligibility category and with prices established by the LEA.

(ii) Provision Pandemic implementation. At State agency discretion, schools may elect Provision Pandemic during SY20-21, no later than September 30, 2020. Established claiming percentages will be determined by the State Agency (ISBE) and posted on the agency website no later than September 1, 2020 for consideration by the LEA. In non-base years, meals must be served at no charge to all participating students. The annual claiming percentages from the base year must be applied to the total number of reimbursable meals claimed on a monthly basis during all non-base years.

There could be an increased burden of documentation for purposes of meal counting and claiming. This will simplify the non-congregate meal counting procedures as schools would only need to take a total meal count. In addition, there would be no cost to families.

LEAs may simplify their operations and receive similar funding based on participation levels from the prior school year.

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

NSLA Citations	7 CFR Citations	Requirement
42 USC 1758(a)	245.9 (b)	Provision 2 requirements modified to meet Provision Pandemic requirements

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

If approved, sponsors in Illinois would be notified of this option. Site level claiming percentages would be calculated and posted for LEA evaluation of this option for their schools. This would be an option at the district level only. Schools will have until September 30, 2020 to select this option for SY20-21. Monitoring procedures would follow the USDA requirements for Provision 2 schools, with specific modifications as noted above.

**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 no regulatory barriers at the State level to provide the requested waiver.

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

There are no anticipated challenges at the State and sponsor level. This would provide much needed reduction of paperwork burden to non-CEP participating sponsors.

**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]:**

It is not anticipated that this will increase the overall cost of the Program to the Federal Government, as during this pandemic and times of hybrid, remote, and in person schooling options for families, experts estimate lower program participation across the nation.

**10. Anticipated waiver implementation date and time period:**

Implementation date requested: July 1, 2020.

Time period requested: June 30, 2021 with possible extension through June 30, 2022 if pandemic is still in place.

**11. Proposed monitoring and review procedures:**

Current NSLP monitoring of sponsors is included in the administrative review. This practice will continue as it is consistent with 7 CFR 210.18 requirements.

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

No later than December 31, 2021, ISBE will report to USDA the number of sponsors and sites that used this waiver. If extended, an additional report would be provided for SY21-22 by December 31, 2022.

**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/CNP-State-Waiver-Request.pdf>

**14. Signature and title of requesting official:**



Title: Mark Haller, Director  
Nutrition Department  
Illinois State Board of Education

Requesting official's email address for transmission of response: [mhaller@isbe.net](mailto:mhaller@isbe.net)

**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:**