

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.

IL CNP Waiver 21-007 Summer Food Service Program Remote Learning

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 remote e-learning due to COVID-19 related issues.

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]:

7CFR225.6(e)(1)(iii) During the period from October through April, if it serves an area affected by an unanticipated school closure due to a natural disaster, major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, a similar cause. ISBE would like to expand the months of approval to August through June during the regularly scheduled school year.

Further, ISBE would like to request an exception to regulation 7CFR225.6(d)(1)(iv) which states, “When evaluating a proposed food service site, the State agency shall ensure that if it is a site proposed to operate during an unanticipated school closure, it is a *non-school site*.” ISBE is requesting all school site be allowed to operate in addition to school already participating in the SNP/CACFP program.

Based on the regulation 7CFR225.6(e), ISBE would be invoking the need to provide summer meals for COVID health/safety guidelines. ISBE is requesting these exceptions, *non-school site*, and the expanded time-period because ISBE believes this is the best option to ensure that all children receive meals during a COVID school closure or COVID social distancing measure. Students are anticipating receiving meals at schools they have attended in person prior to a COVID incident. Safety measure now allow remote learning to provide distancing; however, the student’s nutritional needs still must be met. School must have several serving options available to them to ensure all school children have access to quality nutritious meals. ISBE feels that using community-based sites will not be as effective or efficient because they would not have the capacity or the number of sites statewide full coverage of meals.

Schools in Illinois have quickly responded to the needs of their students and are preparing to provide meals through the available flexibilities for operation during regular school day, split season days, COVID unanticipated school closures and COVID social distancing measures. Many schools will struggle to find ways to feed the high need students in addition to students who are living in at risk areas.

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. Allowing the waivers, provides schools options during this school year to ensure children are fed as well as alleviate a significant financial and administrative burden on schools as well as families.

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]:

7CFR225.6(e)(1)(iii) During the period from October through April, if it serves an area affected by an unanticipated school closure due to a natural disaster, major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, a similar cause.

7 CFR 225.6(d)(1)(iv) (iv) If it is a site proposed to operate during an unanticipated school closure, it is a non-school site.”

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 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 manner during the COVID period. Alternatively, we anticipate this statewide waiver will support schools that are currently trying to find methods and resources to help them continue to serve their communities during these COVID measures

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 interrupted to COVID measures. 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 children participating school 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 or August 2020 and is to remain in effect through June 30, 2021 or closure of the school year.

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 the program and avoid duplication of services.

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

No later than July 31, 2022, 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]:

<https://www.isbe.net/Documents/CNP-State-Waiver-Request.pdf>

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:**