

**CHILD NUTRITION PROGRAM**

**IL CNP Waiver 21-016 FFVP Distribution Time Waiver**

**Waiver Request to Allow Fresh Fruit and Vegetable Program (FFVP) Snacks to be Distributed with National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) Meals for Off-Site Consumption**

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

Illinois State Board of Education  
 Nutrition Department  
 100 North First Street, W-270  
 Springfield, IL 62777

Mark Haller, Director  
 Child Nutrition Programs  
[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 this waiver on behalf of all NSLP Sponsors determined to be in good standing in the State of Illinois who are operating FFVP during the ongoing 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(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

The request for this waiver is to allow for the distribution of FFVP snacks along with other Child Nutrition Program meals, such as lunches and breakfasts, when meals are distributed for off-site consumption due to remote learning. Current FFVP guidance requires that FFVP snacks are served between breakfast and lunch or after the lunch period. Additionally, FFVP snacks cannot be served as an afterschool snack. The waiver would allow eligible FFVP school sites to distribute FFVP snacks along with other meals to students who not in daily attendance but instead are remote learning.

**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
Section 19 of the NSLA [42 U.S.C. 1769a]		Section 19 of the NSLA requires schools participating in the FFVP to make fresh fruits and vegetables available to students. Snacks must be offered separately from meals.

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

There are no expected 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(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 challenges anticipated at the State and 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(l)(1)(A)(iii) of the NSLA]:**

The waiver will not increase the overall cost of the Program cost to the Federal Government.

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

Implementation date requested: July 1, 2020.

Time period requested: June 30, 2021.

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

Current State agency monitoring of FFVP sponsors will continue as part of the administrative review (7 CFR 210.18 requirements). If feasible, desk audits and virtual reviews of the currently awarded FFVP grantees may be performed to assess compliance of the FFVP grant on an annual basis.

**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.

**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:**