



## CHILD NUTRITION PROGRAM STATE WAIVER REQUEST - ILLINOIS

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 (CNP), 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  
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 Region

**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 SFSP & SSO sponsors determined to be in good standing in the State of Illinois operating during an unanticipated school closure due to the COVID-19 outbreak.

Sponsors that would operate under this waiver are operating in communities where schools and/or child care centers are closed in connections with the 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]:**

Under normal circumstances, these meals must be offered in a congregate setting (7 CFR 225.6)(e)(15)) and at non-school sites (7 CFR 225.6(d)(1)(iv)). However, during a public health emergency due to the novel coronavirus, social distancing may be necessary to avoid spread of the virus. To address this important issue, States may request a waiver

enabling sponsors to serve meals in a non-congregate setting and at school sites during school closures related to the coronavirus.

**Challenge**

The congregant feeding requirement for SFSP and SSO to provide meals during unanticipated school closure related to the COVID-19 poses a major challenge. Congregant feeding enables the virus to spread more rapidly. Therefore, we are challenged to provide meals in various number of ways to maintain “social distancing”. Social distancing is an integral strategy to lessen the spread of COVID-19. CDC has recommended maintaining a minimum of 6 feet of distance and limiting contact time to bare minimums.

**Goal**

Provide meals to participants in a manner that minimizes potential exposure to Covid-19.

**Expected Outcome**

Alternative meal distribution methods would be utilized to provide meals to program participants that minimizes the potential exposure to COVID-19. Anticipated methods may include but not limited to Grab-N-Go, home delivery, drop sites at designed locations, etc.

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

NSLA Citations	7 CFR 225 Citations	Requirement
<b>Approval of Sites</b>		
	7 CFR 225.6(e)(15)	Maintain children on site while meals are consumed.

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

The alternative procedure would be that sponsors of SFSP and SSO meals would implement alternative distributive methods to provide reimbursable meals to students/children during unanticipated school closures, distance and/or e-learning school days, and any other situation in which students are not physically present at school in relation to COVID-19.

Anticipated methods may include but not limited to Grab-N-Go, home delivery, drop sites at designed locations, etc. In addition, school may request to provide multiple meal services (breakfast, lunch and snack), and multiple serve days.

There are no impacts on technology, State systems, or monitoring.

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

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

Our agency does not anticipate that the establishment of this statewide wavier will pose any challenges at the state or sponsor level. We anticipate this waiver will reduce challenges faced by regular school sites that experience unanticipated school closure because of COVID-19.

ISBE will provide technical assistance to sponsors on process and procedures for planning/preparing reimbursable meals. In addition, ISBE will provide assistance regarding proper counting and claiming of meals.

**8. 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 requested waiver does not increase the overall cost of the program to the federal government.

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

Implementation date requested: March 9, 2020. We would like to request a time-period of one year; through February 28, 2021.

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

State agency staff who will approve individual school district written requests to implement the waiver will monitor implementation of the waiver.

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

No later than March 31, 2021, ISBE will report to USDA the number of school districts that used this waiver including the number of unanticipated operating days and meals claimed.

**12. 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](http://www.isbe.net/nutrition)

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



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Mark Haller  
Title: 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(I)(1)(A)(ii) of the NSLA**
  
- Regional Office Analysis and Recommendations:**