

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.

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 sponsoring organization approved to operate in the Summer Food Service Program (SFSP) and the National School Lunch Program Seamless Summer Option (SSO) in good standing.

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]:

ISBE needs to prioritize our staff and technology resources to meet the requirements of the newly passed omnibus legislation which includes systems changes to meet the new provisions for non-congregate in rural areas, which must be met this summer, while implementing the new requirements in the *Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule*, simultaneously.

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

The request is to waiver of the compliance date of May 1, 2023, as published in the *Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule* to be extended to January 1, 2024.

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

ISBE will ensure that all sponsors continue to meet the requirements with regard to financial viability, financial management, administrative capability, and program accountability. In addition, ISBE will ensure all sponsors meet all program integrity measures as outlined in regulations while utilizing this waiver.

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 waiver of the date from May 1, 2023, to January 1, 2024, will pose any challenges at the State or sponsoring organizations.

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 waiver will not increase the overall cost of the Program to the Federal Government. The waiver provides additional time to fully implement system changes for the requirements published in *Streamlining Program Requirements and Improving Integrity in the SFSP Final Rule*.

10. Anticipated waiver implementation date and time period:

May 1, 2023, to January 1, 2024.

11. Proposed monitoring and review procedures:

There will be no changes to the monitor or review procedures.

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

ISBE will report to USDA which specific provisions of the rule were delayed as part of this waiver upon request.

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/Pages/Waivers-Public-Notices.aspx>

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(l)(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: