



CHILD NUTRITION PROGRAM

Waiver for Program Requirements in the National School Lunch Program, School Breakfast Program, Special Milk Program, Fresh Fruit and Vegetable Program, Summer Food Service Program, and the Child and Adult Care Food 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
Mark Haller, Director
Nutrition Department
mhaller@isbe.net
(217) 728-2491

2. Region:

Midwest Region

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

Any Illinois State Board of Education (ISBE) approved School Food Authority (SFA) or sponsoring organization approved to operate in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), National School Lunch Program Seamless Summer Option (SSO) and the At-risk afterschool component of the Child and Adult Care Food Program (CACFP), 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]:

To provide non-congregate meal services when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, major snow emergencies or, when approved by the State agency, for a similar unanticipated cause. These prospective waivers would be used for unanticipated school closures with or without virtual learning. Allowing prospective statewide waivers will enable ISBE, SFAs, and sponsors to quickly respond to school closures and may help to prevent a disruption in children's access to meals.

Goal and Expected outcome of the Waiver

To enable ISBE, SFAs, and sponsors to quickly respond to school closures to help prevent a disruption in children's access to meals.

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

SFSP and SSO Unanticipated School Closures (Schools buildings are closed **with no virtual learning**). The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered. These waivers would be effective October 1, 2023, through April 30, 2024.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

National School Lunch Program and School Breakfast Program (School buildings are closed **with virtual learning**). The waivers in this section are intended to provide needed flexibility to support SFAs in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered. These waivers would be effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

Child and Adult Care Food Program: The waivers in this section apply to the at-risk afterschool component of CACFP only. These waivers are intended to provide needed flexibility to support at-risk afterschool centers in continuing to offer nutritious meals during unanticipated school closures. These waivers are effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B), 1766a(a)(2)(C) and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

If approved, there are no significant impacts on technology, state systems, or monitoring.

Interested Sponsors must notify ISBE of the intent to utilize the waiver each time the SFA/sponsor elects to change to non-congregate meals due to an unanticipated school closure. If approved, ISBE will provide technical assistance to SFAs on the process of providing meal services to students in the event of a major disruption. Additionally, ISBE will provide technical assistance to support SFAs as they are planning and preparing for meal service, and provide guidance on collecting accurate mealcounts, and how to submit claims under either the NSLP, SBP, SSO, SFSP or CACFP.

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 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 waiver will pose any challenges at the state or 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 to the Federal Government.

10. Anticipated waiver implementation date and time period:

SFSP and SSO - would be effective October 1, 2023, through April 30, 2024.

NSLP and SBP would be effective on approval until June 30, 2024.

CACFP would be effective on approval until June 30, 2024.

11. Proposed monitoring and review procedures:

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program.

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

ISBE will report to USDA the number of sponsors that used this waiver upon request.

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/Pages/Waivers-Public-Notices.aspx>

14. Signature and title of requesting official:



Mark R. Haller

Director, Nutrition

Requesting official's email address for transmission of response: 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 Recommendation**