



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 sponsor who meets all the following requirements:

- In good standing; and
- Approved by ISBE to operate a Child Nutrition Program

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 is requesting to provide sponsors serving summer meals operating meal service at sites without a quality air-controlled alternative to be allowed to provide non-congregate meal service when the area experiences poor air quality. This would be on days when the National Weather Service (NWS) has issued an Unhealthy, Very Unhealthy, or Hazardous on the Air Quality Index in which an approved outdoor feeding site is located.

Goal and Expected outcome of the Waiver

- To provide Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) sponsors with the flexibility to be able to provide meals to kids when they are in an area that experience excessive poor air quality.

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

Congregate feeding at approved outdoor feeding sites without an air-controlled alternative when they are in an area that experiences excessive poor air quality.

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/every time the sponsor elects to change to non-congregate meals due to an air quality alert. Sponsors notify ISBE of the identity of the outdoor congregate meal sites lacking temperature or air quality controlled alternative sites during the application process. To claim meals under this waiver:

- a. Sponsors must print or obtain an electronic copy of the NWS air quality alert notice on the public web found at <http://www.weather.gov/> or the Air Quality Index (AQI) found at the Federal Government website www.airnow.gov on the day of the Unhealthy, Very Unhealthy, or Hazardous for air quality, and email a copy along with the request to utilize the waiver to ISBE the day the waiver is being utilized.
- b. Meals taken off site may only be claimed on days for which documentation is maintained.
- c. Approved outdoor sites must comply with the congregate meal requirements on all other days of operation.

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:

The anticipated implementation for this waiver is upon approval from USDA and is to remain in effect through September 30, 2023.

11. Proposed monitoring and review procedures:

Monitoring of sponsors performance under the requested waivers will follow administrative review regulations for each program. This practice will be consistent with 7 CFR 225 review requirements for the SFSP, and the review requirements for NSLP SSO given in USDA FNS Policy Memorandum SP 09-2017, “2017 Edition of Questions and Answers for the National School Lunch Program’s Seamless Summer Option” dated December 1, 2016.

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

No later than October 30, 2023, ISBE will report to USDA the number of sponsors in the SFSP and NSLP SSO 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/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**