



# IOWA

## Department of Education

McKenzie Snow, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

July 10, 2023

Maged Hanafi  
Food & Nutrition Service  
Midwest Regional Office  
United States Department of Agriculture  
77 W. Jackson Blvd., 20<sup>th</sup> Floor  
Chicago, Illinois 60604

RE: Non-congregate Service for Excessive Heat in Outdoor SFSP/SSO Sites

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

Iowa Department of Education (Department), Bureau of Nutrition & Health Services

Kala Shipley, Bureau Chief, [kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov), 515-681-2307

Stephanie Dross, Education Program Consultant, [stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov), 515-281-4760

**2. Region:** Midwest

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

The Iowa Department of Education is requesting this waiver as the USDA Child Nutrition Program State Agency (SA) and on behalf of all organizations participating in the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) during the 2022-23 program year, who are deemed by the Iowa SA to be 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(I)(2)(A)(iiii) and 12(I)(2)(A)(iv) of the NSLA]:**

The Department is requesting a state-wide waiver to provide sponsors serving summer meals operating meal service at sites without a temperature-controlled alternative to be allowed to provide non-congregate meal service when the area experiences excessive heat. This scenario creates an unsafe environment for children to congregate for meals. This would be on days when the National Weather Service (NWS) has issued a heat advisory, an excessive heat warning or an excessive heat watch for the area in which an approved outdoor feeding site is located. The expected outcome of this waiver would be to provide summer meal sponsors with

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the flexibility to be able to provide meals to kids when they are in an area that experiences excessive heat.

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

The Department is requesting a waiver to the following regulations and requirements. Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C 1761(a)(1)(D) and Program regulations at 7 CFR 225.6(i)(15), meals must be served in a congregate setting and must be consumed by participants on-site.

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

Interested sponsors must notify the Department of their intent to participate in the waiver and identify those outdoor congregate meal sites lacking a temperature controlled alternative site.

The Department will provide technical assistance to sponsors regarding the specific use of the waiver and sponsors must document the National Weather Service (NWS) Excessive Heat Advisory, Excessive Heat Warning or Excessive Heat Watch by printing or obtaining an electronic copy of the NWS notice on the public website found at <http://www.weather.gov/> and maintain the records on file for review. Meals taken off site may only be claimed on days for which documentation is maintained. 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:**

There are no anticipated challenges with waiver implementation. Rather, it is anticipated that this waiver will allow sponsors to maintain service to children who would otherwise lose access to meals when excessive heat makes the operation of a congregate meal site impractical.

**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 requested waiver does not impact the overall cost of the program to the State or Federal government.

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

This waiver will be implemented immediately upon approval from USDA and will be effective through August 30, 2023.

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

The State agency will continue to carry out normal monitoring via administrative reviews.

Sponsoring organizations found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan. If implemented, monitors will collect feedback on how the use of the waiver benefitted the program.

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

The Department will report to FNS all requested data for the waiver in the timelines required by USDA.

**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]:**

Public notice posted at: <https://educateiowa.gov/pk-12/nutrition-programs/summer-food-service-program>

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

A handwritten signature in black ink that reads "Kala Shipley". The signature is written in a cursive style with a large, looped "S" at the end.

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Title: Kala Shipley, Bureau Chief

Requesting official's email address for transmission of response:

[kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov)  
[stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov)

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, DC 20250-9410; or
2. Fax:  
(833) 256-1665 or (202) 690-7442; or
3. Email:  
[program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

**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:**