



# IOWA

## Department of Education

McKenzie Snow, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

September 12, 2023

Samia Hamden  
Food & Nutrition Service  
Midwest Regional Office  
United States Department of Agriculture  
77 W. Jackson Blvd., 20th Floor  
Chicago, Illinois 60604

RE: School Year 2023-24 – Extension of the Election date for the Community Eligibility Provision (CEP)

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

Iowa Department of Education (Department), Bureau of Nutrition and Health Services  
Kala Shipley, Bureau Chief, [kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov), 515-281-4757  
Patti Harding, Administrative Consultant, [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov), 515-281-4754

**2. Region:** Midwest

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

This waiver request is applicable state-wide for all approved SFAs 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]:**

Challenge: SFAs continue to experience challenges in transitioning to pre-pandemic program operations. SFAs have shared free/reduced price meal applications are not being completed and this is contributing to high unpaid student meal debt. No cost school meals were provided during the pandemic and the transition back to paid meals has been challenging. State legislation for no cost school meals for all was proposed but did not move forward.

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Nationwide messaging around no cost meals in some areas creates additional lack of understanding around paid meals.

All of these factors have heightened interest in the CEP option. Due to the complex nature of establishing site eligibility and the financial impact, SFAs require considerable assistance in determining if they are eligible and if it is a financially viable option. SFAs are short staffed, and have shared the food service director is working in the kitchen and principal and other administrative staff are serving meals. These staff shortages and multiple demands on their time have impacted their ability to take the time necessary to understand the finer details of the CEP option and may have played a part in some missing the June 30 election date.

Goal: The goal of this waiver is to extend the date of election for the CEP option for the 2023-24 program year to October 20, 2023. Based on self-reported data as of April 1 for non-CEP schools, Iowa had 243 schools with an Identified Student Percentage (ISP) between 40-75%. Of those schools, 156 were at or above 40%-49.86%, 67 schools were at or above 50-59.43% and 20 schools were at or above 60-75%. Extending the date of the election will allow SFAs additional time to consider the CEP option and determine if it is a financially viable option.

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

This requirement is codified in FNS regulations at [7 CFR 245.9\(f\)\(4\)\(i\)](#) below.

**4) Community eligibility provision procedures —**

- (i) **Election documentation and deadline.** A local educational agency, group of schools, or school that intends to elect the community eligibility provision for the following year for one or more schools must submit to the State agency documentation demonstrating the LEA, group of schools, or school meets the identified student percentage, as specified under [paragraph \(f\)\(3\)\(i\)](#) of this section. Such documentation must be submitted no later than June 30 and must include, at a minimum, the counts of identified students and enrolled students as of April 1 of the school year prior to CEP implementation.

The SFAs provided documentation demonstrating the schools met the identified student percentage and is compliant with 7 CFR 245.9(f)(4)(i). The SFAs submitted documentation that included the count of identified students and enrolled students as of April 1 by June 30, as required in regulation. However, some SFAs have an interest in CEP but did not submit written notification of intent to the SA by June 30.

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

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

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

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

The Department does not anticipate that the establishment of this waiver will pose any challenges at the SA. The SA supports the SFAs implementation of the CEP option and has the capacity to validate CEP data. The waiver will allow the two SFAs to offer nutritious meals at no charge to all enrolled students in the CEP schools.

**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 establishment of this waiver will not increase the overall cost of the Program. The SFAs that submit interest by October 31, 2023 will claim meals based on established CEP free/paid claiming percentages. There are no additional Department costs for State agency oversight with implementation of this waiver.

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

The SA will work with the SFAs on the best implementation date and request flexibility. Depending on local capacity, we anticipate implementation dates to be retroactive to the first day of school or locally determined implementation date. The SA will work with the SFAs to implement the CEP option as quickly as possible.

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

State agency staff will work with the SFAs and monitor implementation of the waiver.

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

No later than September 30, 2024 the Department will report:

- *A description of how the waiver impacted NSLP and SBP meal service operations at participating schools;*
- *A description of whether the waiver resulted in improved services to children; and*
- *A description of how the waiver reduced the quantity of paperwork necessary to administer the program.*

**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://educateiowa.gov/pk-12/nutrition-programs/school-meals> -

Waiver will be posted by end of day September 14, 2023.

**Signature and title of requesting official :**



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Title: Bureau of Nutrition and Health Services, Chief  
Requesting official's email address for transmission of response:

**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**