



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

August 31, 2020

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

RE: School Year 2020-21 – FSMC 21-day Cycle Menu Waiver Request for School Food Authorities (SFAs) operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) contracting with a Food Service Management Company (FSMC) during phased-in Return-to-Learn options due to the Novel Coronavirus (COVID-19).

**Extenuating Circumstances:** The Iowa Department of Education continues to monitor the COVID-19 outbreak and work in collaboration with a number of government officials and state agency partners (Iowa Department of Public Health, Iowa Department of Health and Human Services, and Iowa Department of Homeland Security). The Department is requesting the requirement for the FSMC to adhere to the 21-day cycle menu be waived due to the phased-in Return to Learn plans implemented to minimize exposure to COVID-19. We are seeking approval of this waiver with an effective date of August 1 or the first day of the SY 2020 -2021, whichever is earlier.

**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), 515-281-4757

Patti Harding, Administrative Consultant, [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov), 515-281-4754

Shea Cook, Consultant, [shea.cook@iowa.gov](mailto:shea.cook@iowa.gov), 515-326-1682

**2. Region:**

MWRO

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Phone (515) 281-5294 | [www.educateiowa.gov](http://www.educateiowa.gov)

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

This waiver request is applicable statewide for SFAs in good standing who have satisfied all legal and regulatory obligations with the Department and are eligible to operate the NSLP and SBP; and, who contract with a Food Service Management Company (FSMC).

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]:**

The National School Lunch Program regulations found under 7 CFR §210.16 (b)(1) require FSMCs to adhere to the menu contained in the Request For Proposal (RFP) that was bid on, for the first 21 days of meal service.

Challenges Iowa is Seeking to Solve:

- FSMCs bid on the 2020-2021 school year RFPs based on menus developed prior to COVID-19.
- School Food Authorities (SFAs) are not sure what school food service will look like at the beginning of the 2020-2021 school year given COVID-19 and established plans need to be flexible so they can be quickly changed.
- FSMCs need to change the menu to be able to adapt to grab and go style meals, social distancing, eating in the classrooms, supply chain issues, etc.
- The FSMC utilized self-service systems that are no longer feasible under the current social distancing and food safety concerns due to COVID-19.

Goal of Waiver to Improve Services:

- Allow SFAs to work with the FSMCs to provide a menu and meal service that meets the complexities of serving reimbursable meals safely during the COVID-19 outbreak.
- Maintain or minimize the negative impact on program participation caused by COVID-19.

Expected Outcome of Waiver:

- Allow FSMCs to alter the 21-day cycle menu to adapt to grab and go style meals, social distancing, eating in the classrooms, supply chain issues, etc. during the first 21 days of meal service for the 2020-2021 school year. The SFA must approve of all menu changes and the FSMC will be required to provide the SFA with documentation of and justification for the changes. All documentation outlining the changes to the 21-day cycle menu must be kept on file by the SFA for review by the Department of Education/Bureau of Nutrition and Health Services.

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

Iowa is seeking flexibility in the regulatory requirement found at 7 CFR §210.16 (b)(1) that requires FSMCs to adhere to the menu contained in the RFP that was bid on, for the first 21

days of the meal service. Iowa is requesting that the FSMC be able to alter the menu, with the SFA's approval, as would be allowed after the first 21 days of meal service.

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

There are no expected impacts on procedures, 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 provide the requested waiver.

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

There are no anticipated challenges at the State or service provider 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:**

This waiver will be implemented August 1 or the first day of the SY2020-2021, whichever is earlier and remain in effect through June 30, 2021 or the last day of SY2020-2021, whichever is earlier.

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

Current NSLP monitoring of School Food Authorities (SFAs) is included in the administrative review. This practice will continue as it is consistent with 7 CFR 210.18 requirements.

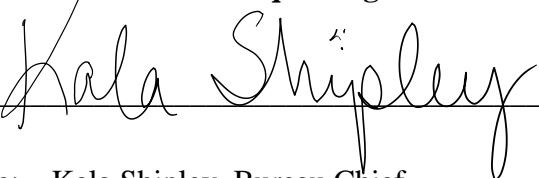
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

No later than September 30, 2021, Iowa Department of Education will report to USDA the number of SFAs 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://educateiowa.gov/pk-12/nutrition-programs/school-meals-0>

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



A handwritten signature in cursive script, reading "Kala Shipley", is written over a horizontal line.

Title: Kala Shipley, Bureau Chief  
Bureau of Nutrition and Health Services  
Iowa Department of Education

Requesting official's email address for transmission of response: [kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov)

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**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:**

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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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