



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

March 28, 2022

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

RE: Extension of Community Eligibility Provision (CEP) deadlines for SY 2022-2023

Extenuating Circumstances: School Food Authorities (SFAs) continue to experience challenges due to labor shortages and supply chain issues that have impacted many areas of program operation. The extension of CEP deadlines will ensure eligible SFAs have sufficient time to collect the necessary data to elect CEP for SY 2022-23. SFAs continue to respond to and recover from the COVID-19 pandemic, and in order to facilitate the adoption of CEP for SY 2022-2023 additional time is necessary to gather accurate identified student data.

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

Iowa Department of Education, 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)

**2. Region:** Midwest Regional Office

**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]:**

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This request is to extend the CEP deadlines. The pandemic has created unprecedented administrative and operational burdens on SFAs. SFAs are experiencing extreme staff shortages causing many to be responsible for multiple tasks. Food service managers, directors and office staff are directly involved in food production due to staff shortages. Due to the supply chain issues, it is taking more time to purchase food resulting in less time for completion of other program tasks. The extension of the CEP deadlines will provide the SFAs with more time to carefully review their data and determine CEP eligibility and CEP impacts to their program operations.

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

The deadlines affected by this waiver include the CEP election, notification and reporting deadlines.

- ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), (f)(4)(viii), and (f)(4)(ix)
- LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)
- State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)
- State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)
- June 30 election date under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a and FNS regulations at 7 CFR 245.9(f)(4)(i)

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

The extension of the deadlines will greatly benefit the SFAs. Iowa uses a web-based system, IowaCNP, and the extension of the deadlines will not impact State agency operations. Iowa requests the deadlines be extended as shown in the table below and will adjust accordingly to meet the needs of the SFAs and the State agency.

CEP Requirement	Annual Deadline	Waiver Deadline
Data Used to calculate ISP	April 1	Anytime between July 1, 2021, and June 30, 2022
LEA Notification	April 15	June 30, 2022

State Agency Notification	April 15	June 30, 2022
State Agency Publication	May 1	June 30, 2022
Elect CEP for SY 2022-2023	June 30	September 30, 2022

**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:**

There are no anticipated challenges with this waiver implementation.

**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 immediately upon approval for program year 2021-2022 and remain in effect until September 30, 2022.

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

The State agency will review the submission of CEP data to ensure eligible SFAs have reported.

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

No later than December 1, 2022 the Department will report to FNS 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:**



Title: Bureau Chief, Nutrition and Health Services

Requesting official's email address for transmission of response:

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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
3. Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)