



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

July 16, 2020

Samia Hamden  
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 - Potable Water Waiver Request for School Food Authorities (SFAs) operating the National School Lunch Program (NSLP) 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, Iowa Department of Homeland Security). The Department is requesting the requirement to have potable water available to students during the NSLP and SBP 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 July 1 for year-round SFAs and August 1, 2020 or the first day of the SY 2020 -2021, whichever is earlier, for all remaining SFAs.

**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

**2. Region:**

Midwest

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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 have no unresolved administrative review findings or pending adverse actions, and who are eligible to operate the NSLP and SBP.

**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

In school year 20-21 due to COVID-19, SFAs will have drastically modified school schedules where all or some students may be learning online, some students may be in school partial day and some students may be in school a full day. The modifications in school schedules and social distancing of students is an attempt to minimize the exposure and spread of COVID-19. Shared areas such as water fountains, the use of a water pitcher and cups, or a faucet that allows students to fill their own bottles/cups with drinking water will need to be addressed to ensure student safety.

Goal

The goal of this waiver is to minimize potential exposure to COVID-19 for students by not having them utilize a common use water supply.

Expected Outcome

This waiver will reduce the student's exposure to common use areas that may expose the students to COVID-19.

**5. Specific Program requirements to be waived (include regulatory citations). [Section 4(B) [42 U.S.C. 1753] of the NSLA]:**

The Department is requesting a waiver to regulatory requirements at 7 CFR 210.10(a)(1)(i) of the National School Lunch Program requiring schools to make water available and accessible to children during meal service and 7 CFR 220.8(a)(1) of the School Breakfast Program requiring schools to make water available and accessible during the meal service if breakfast is served in the cafeteria.

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

Alternative Procedures

If approved, SFAs would make water available and accessible to all students in a safe manner consistent with CDC, state and local health department guidelines, but these locations may not be "...in the place(s) where lunches are served during the meal service."

The Department will provide technical assistance and guidance to all SFA.

Anticipated impact

This waiver will decrease administrative/**operational** burden, allow for efficient and effective oversight of program operations, and allow SFAs to meet the needs of participating children during the COVID-19 pandemic and resurgence of the virus. The Department will continue to ensure program integrity through the application process, technical assistance visits, administrative reviews, and training. Approval of this waiver will be cost neutral for the Department.

If this waiver is **not** implemented, the impact on program operations may decrease the meal service options available to the SFA and increase the number of staff needed to provide oversight of water stations to ensure water is dispensed safely to minimize exposure to COVID-19. If meals are served in each classroom, multiple staff members would be needed to serve water or provide oversight of water stations.

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 statewide waiver will pose any challenges at the state or SFA level as internal processes and procedures are already in place to ensure program integrity. We anticipate this waiver will reduce challenges faced by SFAs during phased-in learning approaches implemented to reduce the impact of COVID-19 in a school building or community.

**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 to the Federal Government. There are no additional Department costs for State agency oversight with implementation of this waiver.

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

This waiver will be implemented July 1 for year-round SFAs and August 1 or the first day of the SY 2020 -2021, whichever is earlier and remain in effect through June 30, 2021 or the last day of SY 2020-2021, whichever is earlier.

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

State agency staff will work with 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, following each school year, the Department will report to FNS the number of SFA that used this waiver.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(i)(1)(A)(ii) of the NSLA]:** The following public notice is located at:

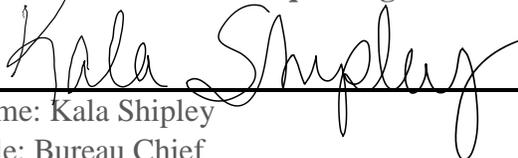
<https://educateiowa.gov/pk-12/nutrition-programs/school-meals-0>

The Iowa Department of Education Bureau of Nutrition and Health Services is seeking a waiver from the United States Department of Agriculture, Food and Nutrition Service for school year 2020-21 to waive the requirement for Potable Water to be provided where meals are served and during the meal service for SFAs operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) during phased-in learning options implemented due to the COVID-19 pandemic and potential resurgence.

For more information, please contact Patti Harding at [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov).

14. We are requesting your consideration of the above waiver request.

**Signature and title of requesting official:**



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Name: Kala Shipley

Title: Bureau Chief

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:**