



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

July 16, 2020

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 Meals Waiver Request for School Food Authorities and Sponsors Operating the Summer Food Service Program during School Closures and the regular Summer Season during a COVID-19 outbreak.

**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  
Stephanie Dross, 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:**

This waiver request is applicable statewide for all approved and new Summer Food Service Program (SFSP) sponsoring organizations 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]:**

In school year 20-21, Iowa schools may have a school closure during a COVID-19 outbreak and need to mobilize the Summer Food Service Program to ensure ongoing access to nutritious meals for Iowa children. The Iowa Department of Education is requesting approval to apply waiver flexibilities for the service of non-congregate meals for School Food Authorities (SFAs) and sponsors that intend to serve meals during a COVID-19 outbreak, during an unanticipated school closure, the subsequent regular summer season, or during online learning and have satisfied application

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requirements set by the State agency. This request will support SFAs and sponsors operating the SFSP to provide access to nutritious meals while minimizing potential exposure and is being submitted in advance of any anticipated operations so as to be ready to work with eligible service providers when COVID-19 conditions arise. For example, schools may have a weather-related closure when social distancing is still recommended.

*USDA Communication: COVID-19 Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Meal Delivery Using Existing Authority Question & Answer issued March 17, 2020.*

*Meals Offered during Distance Learning*

*9. What options do schools have if the school facilities are closed but they continue to offer online learning?*

*If school buildings are closed unexpectedly during the school year due to reasons provided in 42 U.S.C. 1761(c)(1), USDA considers this an unanticipated school closure. Even if virtual learning is provided, if the building is closed and students cannot attend their physical school location for classes, SFAs and community organizations (COs) may operate SFSP and SSO programs as permitted under program requirements. SFSP and SSO open sites must meet area eligibility criteria, i.e., be located in an area where at least 50 percent of the children are low income. For sites that are not area eligible, the SFA or CO may operate a closed-enrolled site, basing the site eligibility on the percentage of enrolled children being eligible for free and reduced price meals.*

#### Challenge

SFSP regulations require consumption of meals in a congregate manner at meal sites, thus increasing the potential exposure among program participants. Social-distancing measures may be integral to slow the spread of COVID-19. The State agency and local sponsoring organizations are challenged to provide meals in a manner to maintain “social distancing.”

#### Goal

The goal of this waiver is to allow sponsors to continue to provide meals to children during school closures, the subsequent regular summer season in a non-congregate manner that minimizes potential exposure to COVID-19. The State agency is requesting an extension of COVID-19 Child Nutrition Response #22 Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – Extension.

#### Expected Outcome

Alternative meal distribution models would be utilized to provide meals to program participants that minimize the exposure to COVID-19.

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

The Department is requesting a waiver of regulations at 7 CFR 225.6(e)(15) that require congregate feeding. The individual regulations to be waived are outlined below:

*7 CFR 225.6(e) State-Sponsor Agreement. A sponsor approved for participation in the Program must enter into a permanent written agreement with the State agency. All sponsors must agree in writing to:*

*(15) Maintain children on-site while meals are consumed*

*COVID-19: Child Nutrition Response #22*

*(1) Under this waiver, Program operators may provide non-congregate meals during COVID-19 related operations. This waiver extends the Nationwide Waiver to Allow Non-congregate Feeding in Child Nutrition Programs granted on March 20 that expires on June 30, 2020.*

*(2) This waiver applies to State agencies administering, and local organizations, operation, the: National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service program.*

*(3) This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), 7 CFR 225.6(e)(15), and 7 CFR 226.19(b)(6)(iii).*

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

For dismissed schools with 50 percent or more of their enrolled students certified eligible for free or reduced price meals, SFAs may develop meal distribution methods in which meals are available to all families with children enrolled in that school, with a focus on serving low income children. For dismissed schools with less than 50 percent free or reduced price enrollment, meal distribution methods must more directly target the households of enrolled children who are eligible for free or reduced price meals.

Anticipated methods may include but are not limited to Grab-N-Go, home delivery, and drop sites at designated locations.

This waiver will decrease administrative and operational burden and allow sponsoring organizations to meet the need of their communities and participating children during a COVID-19 outbreak. The Department will continue to ensure program integrity through the application process, technical assistance, 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 include a decrease in the number of sites offering meals during school closures that occur during a COVID-19 outbreak. This will lead to a decrease in program access, a decrease in meals served to children and ultimately an increase in childhood hunger in Iowa.

**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]:**

Iowa does not have any State statutory or regulatory barriers that apply to this waiver request.

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

No challenges for State or sponsoring organizations are anticipated in implementation of this waiver. Implementation of this waiver will decrease the challenges faced by sponsoring organizations and families. Children will have an option to still receive nutritious meals and snacks during a COVID-19 outbreak with a lessened risk of being exposed to COVID-19.

**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(I)(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 starting September 1, 2020 and be effective through September 30, 2021, as part of unanticipated school closures and the regular summer season during a COVID-19 outbreak.

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

State agency staff in the Bureau of Nutrition and Health Services will monitor implementation of the waiver. Sponsoring organizations found to have noncompliance issues as related to this waiver will work with the State agency on an individualized corrective action plan.

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

No later than December 31, 2021, the Department will report to FNS:

- the number of sponsors and sites that used this waiver
- the number of operating days and meals claimed

**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/summer-food-service-program>

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 qualifying schools and sponsoring organizations to provide non-

congregate meals during the operation the Summer Food Service Program during a COVID-19 outbreak.

For more information, please contact Stephanie Dross at [stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov).

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

**Signature and title of requesting official:**



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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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**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:**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

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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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