



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

July 28, 2020

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

RE: Waiver to Allow Parents and Guardians to Pick Up Fresh Fruit and Vegetable Program (FFVP) Snacks for Children at Alternate Sites

**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

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:**

The Iowa Department of Education is requesting the waiver on behalf of any School Food Authority (SFA) approved to operate the Fresh Fruit and Vegetable Program (FFVP) during the 2020-2021 school year, who are deemed by the State Agency to be 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(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:**

In school year 2020-2021 due to COVID-19, Iowa schools will have modified school schedules based on three different scenarios: where classes take place in person, where classes are completed online, and where it's a hybrid of the two.

This poses a major challenge to SFAs as they may be in a situation needing to offer both in school and non-congregate FFVP snacks. If schools use virtual learning or a hybrid of virtual learning and in person classes, students will not always be on site at the school to receive and consume the FFVP snack. SFAs are also considering centralized plans for the distribution of meals/snacks during these alternate learning scenarios which includes distribution at school and non-school site locations that are conveniently located across the community for improved family accessibility and a more streamlined process. With this

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alternative distribution method, the approved FFVP elementary school may not be one of the meal distribution locations. Grab and Go meals may not be offered at all school sites in the district and may be made available at non-school community locations.

In order to take appropriate safety measures to allow for recommended social distancing and provide a consistent distribution process for SFAs, Iowa is requesting a waiver of the requirement to distribute the FFVP snack only at approved FFVP elementary schools. Allowing for distribution of the FFVP snack at alternate SFA sites providing distribution of National School Lunch and School Breakfast meals, but not necessarily the FFVP elementary school, reduces the burden of parents having to stop at an additional location to pick up the FFVP snack. This would also reduce the administrative burden on the School Food Authority (SFA) to have additional staff at the FFVP elementary school location. This waiver will allow SFAs to maximize student participation in their FFVP during alternative learning scenarios.

Without the waiver, children may lose access to the healthy FFVP snacks they have previously been provided and increase their risk of hunger.

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

**Section 19 of the NSLA [42 U.S.C. 1769a]**

A school participating in the FFVP shall make free fresh fruits and vegetables available to students throughout the school day in one or more areas designated by the school (Section 19 of the NSLA), however the Iowa Department of Education is requesting a waiver to allow for the distribution of the FFVP snack at alternative site locations.

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

If approved, SFAs would be permitted to distribute FFVP snacks at alternate site locations providing distribution of NSLP & SBP meals, thus reducing the exposure to other participants and preventing the spread of the virus while still providing participants the opportunity to receive fresh fruits and vegetables under FFVP.

**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 agencies are anticipated in implementation of this waiver.

Implementation of this waiver will decrease the challenges faced by sponsoring organizations

and families who rely on nutritious snacks. Children who depend on FFVP snacks served at school will have an option to still receive nutritious snacks and have a lessened risk of being exposed to the 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 requested waiver does not impact the overall cost of the program to the State or Federal government. Only schools awarded FFVP funds would be eligible for this waiver.

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

This waiver will be implemented immediately upon receiving approval with the first day of school and continue through June 30, 2021 or the last day of the 2020-2021 school year, whichever is sooner.

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

The State Agency will continue to carry out normal state agency monitoring using desk and virtual reviews, if feasible. Schools 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 following:

- Number of SFAs electing to use this waiver
- Number of schools that actually used the waiver during the program year
- Amount of funds spent on FFVP during the start of this waiver to the end of the school year

**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]:**

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

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

  
Title: 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:**

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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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