



# IOWA

## Department of Education

Ann Lebo, Director

Adam Gregg, Lt. Governor

Kim Reynolds, Governor

August 15, 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: Request to Waive Enrichment Activity Requirements for CACFP At-Risk Sponsors and eligible School Food Authorities(SFAs) operating the National School Lunch Program (NSLP) Afterschool Care Snack Program.

**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 to waive the educational or enrichment activity requirement for CACFP At-Risk sponsors and SFAs operating the NSLP Afterschool Care Snack Program during this public health emergency. This request is being made to assist CACFP At-Risk sponsors and SFAs in feeding children nutritious snacks while maintaining social distancing and protecting vulnerable students and staff.

We are seeking approval of this waiver with an immediate effective date of August 1, 2020, or first day of operation.

Dear Mr. Hanafi:

- 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  
Robin Holz, Lead Center Consultant, [robin.holz@iowa.gov](mailto:robin.holz@iowa.gov), 515-681-2305  
Patti Harding, Administrative Consultant, [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov), 515-281-4754
- 2. Region:**  
Midwest
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

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

This waiver request is applicable statewide for CACFP sponsors or SFAs in good standing approved by the Iowa Department of Education, Bureau of Nutrition and Health who are eligible and wish to provide CACFP At-Risk meal service or the NSLP Afterschool Care Program and waive the educational or enrichment activity requirement to reduce exposure to COVID-19.

- 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]:**

Challenges: The Food and Nutrition Service established a nationwide waiver, COVID-19: Child Nutrition Response #3-Nationwide Waiver of Activity Requirement in Afterschool Care Child Nutrition Program on March 20, 2020. CACFP At-Risk sponsors and SFAs operating the Afterschool Care Snack Program may choose to not offer an enrichment activity to decrease exposure to COVID-19 for participants and staff. Organizations have systems in place under this nationwide waiver to distribute snacks and having them change processes and requiring an educational or enrichment activity will be a hardship in providing a nutritious snack during this public health emergency and is not consistent with serving meals in a non-congregate setting.

Some At-Risk sites, especially those located in schools, are no longer allowing At-Risk programs to operate on their premises. This creates the additional challenge of having adequate space to offer enrichment activities.

Goal to improve services: In this public health emergency, waiving the requirement for CACFP At-Risk sites and NSLP Afterschool Care sites to offer enrichment activities is vital to support CACFP At-Risk organizations and SFAs. Waiving the activity requirement will allow nutritious meals and meal supplements to be safely distributed to needy participants, minimizing COVID exposure to staff and participants alike.

Expected Outcome: It is anticipated the waiver will allow CACFP At-Risk sponsors and SFAs operating the Afterschool Care Program to safely and efficiently provide nutritious snacks to eligible participants.

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

7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity.

The Department is requesting a waiver of sections 17(r)(2)(B) and 17A(a)(2)(C) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1766(r)(2)(B) and 42 U.S.C. 1766(a)(2)(C), respectively, afterschool meals and snacks must be served in a school or program with an educational or enrichment purpose. FNS regulations further require at 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii), eligible schools and at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity.

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

Alternative Procedures: Program operators will be able to serve At-Risk/NSLP Afterschool Care meals in a non-congregate setting without the requirement to offer enrichment activities. Sites will continue to keep the same required records, except attendance records would not be required at non-congregate sites. State systems will not be affected unless we get an influx of new At-Risk applicants. If so, we have systems in place and staff trained to approve schools and other organizations that apply to sponsor the At-Risk Program. Monitoring will be conducted in compliance with the current regulations and/or approved waivers in effect at the time the waiver is in place. Applicants will not be required to apply for the waiver, but would be asked to complete a [survey](#) indicating that they will participate.

Impact on Program Operators: At-Risk sponsors that operated the SFSP already have estimates of the number of meals needed in their community, have systems in place, and are well-positioned to continue serving after school meals under the At-Risk Program when school starts. Demand for meals could increase in programs that did not operate the SFSP in 2020.

This waiver will decrease administrative and operational burden, allow for efficient and effective oversight of program operations, and allow SFA and CACFP sponsors to meet the needs of their participating children during a resurgence of COVID-19. The Department will continue to ensure program integrity through the application process, technical assistance visits, administrative reviews, and training.

If this waiver is **not** implemented, a negative impact on program operations may occur as SFAs and CACFP sponsors may drop the Program due to limitations on providing an educational and enrichment activity while maintaining social distancing. 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. The impact on program operations may include a significant effect on the financial viability of the school nutrition programs operated by the SFA and CACFP sponsors due to less reimbursement.

**7. Description of any steps the State has taken to address regulatory barriers at the State level.**

**[Section 12(I)(2)(A)(ii) of the NSLA]:**

There are currently no State level regulatory barriers related to this specific issue.

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

At this time, the Iowa Department of Education does not anticipate challenges related to the establishment of this state-wide waiver.

**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.

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

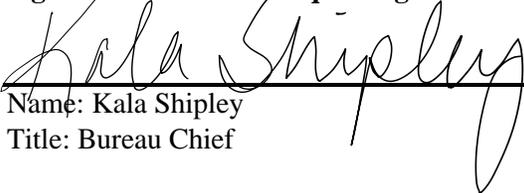
August 1, 2020 – June 30, 2021.

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

State agency staff in the Bureau of Nutrition and Health Services will monitor implementation of this waiver and will monitor the organizations on the usual schedule following the current monitoring regulations and guidance.

- 12. **Proposed reporting requirements (include type of data and due date(s) to FNS):**  
The Iowa Department of Education will report to FNS all requested data for the waiver in the timelines required by USDA.
- 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>  
  
<https://educateiowa.gov/pk-12/nutrition-programs/child-and-adult-care-food-program/cacfp-covid-19-waivers-and-flexibilities>
- 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  
[robin.holz@iowa.gov](mailto:robin.holz@iowa.gov)

**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:**

**Date Received:**.....

**Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA**

**Regional Office Analysis and Recommendations:**