



IOWA

Department of Education

Ann Lebo, Director

Kim Reynolds, Governor
Adam Gregg, Lt. Governor

May 11, 2020

Vinh Le
Midwest Regional Office
United States Department of Agriculture
77 W. Jackson Blvd., 20th Floor
Chicago, Illinois 60604

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

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, 515-281-4757

Stephanie Dross, Program Consultant, 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:

All Iowa National School Lunch Program sponsors approved to operate the Fresh Fruit and Vegetable Program (FFVP) 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]:

Recently, states were granted a waiver allowing CNPs implementing non-congregate meal distribution during COVID-19 related operations to distribute meals to a parent or guardian without their children present. FFVP was not included in this waiver. In order to take appropriate safety measures during this public health emergency and provide a consistent distribution process, Iowa is applying for a waiver for approved FFVP schools to provide fresh fruit and vegetable snacks to parents or guardians without their children present. If this waiver, is granted, household can continue to take appropriate safety measures outlined in the nationwide waiver. Additionally, this waiver request will align with the nationwide waiver to allow non-congregate feeding and support access to a healthy and fresh snack while minimizing potential exposure to the novel coronavirus.

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**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]**

Elementary-aged students are allowed to receive a free fresh fruit or vegetable snack under the FFVP in the school the program is operated (Section 19 of the NSLA), however the Iowa Department of Education is requesting a waiver to allow parents to pick up the FFVP snack without their children present, with the intent that the snack will be given to the eligible children at home. A parent or guardian will be able to pick up multiple snacks, as long as the intent is that the student is only receiving one snack per day normally planned to operate the FFVP.

This request is being expedited due to an immediate response regarding the current outbreak of COVID-19 in the state of Iowa. Not applying for this waiver will leave many children without the FFVP snack that they have previously been provided and available at their local schools. We are seeking approval of this waiver with an effective date as soon as possible. If approved, we would handle the approval and recording of sites using this waiver through both our electronic data management system - IowaCNP, and also through the use of a tracking spreadsheet.

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

If approved, this request will waive the regulatory requirement that does not allow for FFVP snacks to be taken by parents and guardians without their children being present. Instead, FFVP approved sites would be permitted to distribute FFVP snacks to parents or guardians for the children enrolled at the elementary school. Parents would then provide the FFVP snack to these children at home, 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 during the public health emergency with 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(l)(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 already awarded FFVP funds would be eligible for this waiver. All FFVP funds have already been allocated to awarded schools.

10. Anticipated waiver implementation date and time period:

This waiver will be utilized immediately upon receiving approval.

Duration of the waiver – June 30, 2020

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.

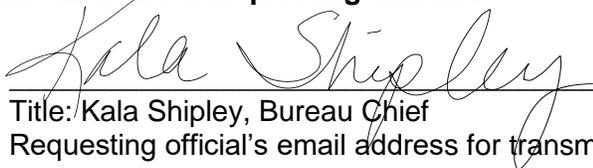
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

Within one year of receiving the waiver, the State Agency 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

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/summer-food-service-program>

1. Signature and title of requesting official :

- a.  _____
Title: Kala Shipley, Bureau Chief
- b. Requesting official's email address for transmission of response kala.shipley@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:

- 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.

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