



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

March 25, 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: Meal Pattern for Sponsors Operating during COVID-19 Unanticipated School Closures Waiver Request

**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 state-wide for all approved Summer Food Service Program (SFSP) sponsoring organizations in good standing, operating during an unanticipated closure due to a COVID-19 outbreak, as well as for new sponsors applying for participation in the Program due to the COVID-19 related unanticipated closure.

Sponsors that would operate under this waiver are operating in communities where schools and/or child cares are closed as related to a COVID-19 outbreak.

**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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

The Iowa Department of Education is requesting approval to apply waiver flexibilities for SFAs, institutions, and sponsors that have indicated they intend to

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serve meals during a COVID-19 related closure and have satisfied application requirements set by State agency.

Sponsoring organizations during a COVID-19 outbreak may be working with limited inventory and have limited access to all meal pattern components. With limited inventory and access to food supplies, there may be shortages of certain meal components and limits on serving size capabilities.

Food supply shortages have been identified in COVID-19 impacted areas to a degree that specific meal components cannot be procured by Program operators and access to food vendors (such as local grocery stores) has been hindered, requiring operators to temporarily use whatever they have in their inventory.

The goal of this waiver is to allow sponsors to continue to provide meals and snacks to children in low-income areas during school closures related to COVID-19 that best utilizes available food inventories. This will also allow sponsors to provide shelf stable alternatives, as available, for differing service models so that participants do not go hungry.

The outcome will be that program participants receive food assistance when needed during unanticipated closures.

**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 225.16(d). The individual regulation to be waived are outlined below:

*7 CFR 225.16(d) Meal patterns. The meal requirements for the Program are designed to provide nutritious and well-balanced meals to each child. Sponsors shall ensure that meals served meet all of the requirements. Except as otherwise provided in this section, the following tables present the minimum requirements for meals served to children in the Program. Children age 12 and up may be served larger portions based on the greater food needs of older boys and girls.*

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

Alternative Procedures:

The Department will ensure that minimal negative impact to the Program will occur by:

- Tracking all Program operators who have applied for a meal pattern waiver.
- Providing technical assistance to approved operators to ensure they are documenting menus and procedures for distributing meals under such a waiver.
- Ensuring that operators requesting a waiver are serving meals in an area impacted by COVID-19.

- Monitoring closely the ever-evolving circumstances of each approved site to determine the need of each approved waiver.

Anticipated impact:

This waiver will decrease operational burden and allow sponsor 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 calls, administrative reviews, and training. Approval of this waiver will be cost neutral for the Department. The Department does not anticipate a negative impact on Program access.

If this waiver is **not** implemented, the impact on program operations may include a decrease in the number of sites offering meals during unanticipated school closures related to COVID-19 due to the inability to meet meal pattern requirements. 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(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:**

The Department does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or sponsor level as internal process and procedures are already in place to ensure program integrity. We anticipate this waiver will reduce challenges faced by sites that experience unanticipated closures because of 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]:**

There is no anticipated impact on costs to the Federal Government as these programs would be operating in situations where normal USDA Child Nutrition Programs (NSLP and CACFP) are closed due to COVID-19. 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 immediately upon approval for school year 2020 and remain in effect through school year 2021.

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

The Department will maintain a tracking system to identify all operators approved for this waiver. Meal claims will be tracked for these sites to determine affected number of children

and Program impact. The Department will follow up with operators routinely to verify that the conditions underlying the waivers continue to exist. The Department will also provide technical assistance throughout the duration of the waivers

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

The Department will report to FNS the number of sponsors granted the approval to serve meals with a meal pattern flexibility, including the number of meals served/claimed and the length of time granted waivers were in effect..

**13. 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]:** 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. The purpose of this waiver is to support schools and communities in providing meals to children in areas experiencing school closures in response to COVID-19. This waiver would allow sponsors to provide reimbursable meals pending availability of meal pattern components.

For more information, please contact the Department at [idoenutrition@iowa.gov](mailto:idoenutrition@iowa.gov).

We are requesting your consideration of the above waiver request.

**Signature and title of requesting official:**

  
Name: Kala Shipley  
Title: Bureau Chief

Requesting official's email address for transmission of response:

kala.shipley@iowa.gov  
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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To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (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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