



# IOWA

## Department of Education

Ryan M. Wise, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

March 12, 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: Child Nutrition Program Meal Service during COVID-19 Outbreaks 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) or Seamless Summer Option (SSO) 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 care centers 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 the State agency. This request 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.

#### Challenge

SFSP & SSO 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 unanticipated school closures in a manner that minimizes potential exposure to COVID-19.

#### Expected Outcome

Alternative meal distribution models would be utilized to provide meals to program participants that minimize the exposure to COVID-19. Anticipated methods may include but not be limited to Grab-N-Go, home delivery, and drop sites at designated locations.

#### **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*

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

Alternative Procedures:

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. In addition, the distribution approach may include meals for multiple days or multiple meals and snacks.

Offer versus serve (OVS) will not apply and all meals must be unitized, meaning a complete reimbursable meal that meets the requirements of the menu planning method used, including milk, must be distributed. Shelf-stable milk may be used. USDA commodity foods may also be used.

Anticipated impact:

This waiver will decrease administrative **and operational** burden, allow for efficient and effective oversight of program operations, 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 visits, 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 unanticipated school closures related to COVID-19. 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]:**

There are no regulatory barriers at the State level to providing the requested waiver.

**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 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]:**

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 2019-2020 and remain in effect through school year 2020-2021.

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

State agency staff will work with sponsors to ensure SFSP/SSO sponsor and site approvals align with the current state agency process. Final approvals to operate will be determined by state agency staff who will also monitor implementation of the waiver.

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

No later than September 30, following each school year, the Department will report to FNS the number of sponsors and sites that used this waiver, including the number of unanticipated operating days and meals claimed.

**13. Link to or a copy of the public notice informing the public about the proposed 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 for qualifying schools/sites to operate the Summer Food Service Program with approved flexibilities during unanticipated closures related to COVID-19.

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:**

  
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:**

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.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

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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