



IOWA

Department of Education

Ryan M. Wise, Director

Kim Reynolds, Governor
Adam Gregg, Lt. Governor

January 6, 2020

Maged Hanafi
Food & Nutrition Service
Midwest Regional Office
United States Department of Agriculture
77 W. Jackson Blvd., 20th Floor
Chicago, Illinois 60604

RE: Meal Time Restrictions

1. **State agency submitting waiver request and responsible State agency staff contact information:**

Iowa Department of Education, Bureau of Nutrition & 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:**

This waiver request is applicable state-wide for all approved sponsor organizations 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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

The Iowa Department of Education is requesting a state-wide waiver for Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibilities and policies that were rescinded by the USDA Food and Nutrition Service (FNS) on October 11, 2018 through SFSP 01-2019 Summer Food Service Program Memoranda Rescission. These include flexibilities within SFSP 06-2017 Meal Service Requirements in the Summer Meals program, with Q&A - Revised. The impact and challenges faced as a result of the rescinded flexibilities and policies to the Department and Iowa sponsors are detailed below.

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Meal Time Restrictions

Sixteen years ago FNS granted state agencies the authority to waive meal time restrictions in an effort to simplify program management. The waiver of meal time restrictions allows sponsors to serve meals that align with program activities and meet the needs of children and families. If meal time restrictions are implemented, the number of nutritious meals served to children in Iowa will significantly decrease.

In Program Year (PY) 2019, 111 out of 593 sites, or 18 percent of all summer sites, did not meet these time restrictions for meal service. This impacted 50 sponsoring organizations. These sponsors will need to make adjustments to their meal times/duration or potentially discontinue one of the meal/snack services going forward into subsequent summer program operations.

The 2019 Sponsor survey indicated that the previously approved waiver impacted meal service operations, children's access to nutritious meals, and participation in the SFSP in the following ways:

- 82.1% More flexibility in setting meal times to align with local needs and program activities
- 42.9% Increased meal counts and/or participation as allowed to offer more than one meal/snack
- 42.9% Increased meal counts and/or participation as allowed to set longer meal/snack service time
- 17.9% Reduced operational expenses
- 17.9% No impact

The 2019 Sponsor survey also indicated that the previously approved waiver impacted the paperwork necessary to administer the program in the following ways:

- 67.9% No impact
- 25.0% Simplified management
- 21.4% More streamlined operations
- 3.6% Less paperwork

Boys & Girls Club of Dubuque, a private, non profit sponsor, provided the following statement as part of the 2019 sponsor survey:

No challenges were observed but it sure helped by confirming each of our sites received service 2 times a day. One meal or snack will never keep the children we serve sufficiently fed for almost the entire day.

Des Moines Independent Community School District, a school food authority, provided the following statement as part of the 2019 sponsor survey:

The waiver allowed our organization to be able to adjust to bus and program schedules rather than meal schedules.

Glenwood Community School District, a school food authority, provided the following statement as part of the 2019 sponsor survey:

No challenges as it makes the program easier to implement.

Iowa City Community School District, a school food authority, provided the following statement as part of the 2019 sponsor survey:

Having the waiver lowered labor costs.

The State agency received statements in 2018 from sponsor organizations outlining the impact and challenges faced at the local level if meal time restrictions were reinstated. These statements are below:

Boys & Girls Club of Dubuque, a private, non profit sponsor, provided the following statement:

The meal time restrictions would have a severe impact on our extended list of operations at many park sites. There would be no way to deliver meals to every location at the same time to conform to these time restrictions. Meal and snack times are set to align with the scheduled parks and recreation activities at the site locations, which do not necessarily align with the meal time restrictions. We would have to eliminate most snack services with this change.

Brooklyn-Guernsey-Malcom Community School District, a school food authority, provided the following statement:

As this is my first year as Food Service Director, I am not entirely familiar with the SFSP process yet. What I do know, is that cutting breakfast serving time back to only 1 hour, is going to greatly affect the number of children we serve! We have children coming to the school all morning long for swim lessons, and they stop by to eat in the cafeteria on their way out. We also serve a lot of day cares, and getting them all in and out in an hour will be a big undertaking! I believe a 3 hour gap between breakfast and lunch is a bit excessive. Some of the children who arrive too late for breakfast will sometimes wait around until lunch starts, such as some of the swimmers who get done after breakfast is over.

Creston Area Food Pantry, Inc., a private, non profit sponsor, provided the following statement:

Our three sites open for lunch meals and do not have the staff/volunteers nor the availabilities of some locations to remain on site for another three hours to serve a snack. We prefer the one hour time slot between lunch and snack in which we provide activities and community bonding with kids before they leave for home. If forced to wait three hours, our sites will not participate in the snack program through the summer food service program.

Northeast Iowa Food Bank, a private, non profit sponsor, provided the following statement:

We have several sites that open, serve breakfast immediately and then serve lunch 2 hours later. Children are hungry more often than every 3 hours. For some sites we would have to eliminate the meal/snack and others we would probably end up paying for out of our other organization funds. Therefore reducing the amount of grant money and personal donations that we had planned on using to improve our summer feeding services and offer additional service such as our nutrition classes and take-home produce bags.

Saydel Community School District, a school food authority, provided the following statement:

At most sites we operated in the past we either served breakfast and lunch or lunch and snack. These meal/snack times align with the programming offered at the site location. These meal time restrictions do not align with the programming in place at our site locations which will prevent us from offering two meal services going forward.

Swerve Outreach, a private, non profit sponsor, provided the following statement:

This change would have a negative impact on our 2 hour-long enrichment program. There would be no opportunity for us to serve a SFSP snack or breakfast within our program times. Last year, at our own expense through donations, we piloted a breakfast option with our students shortly after our program began. It was obvious that we needed to provide a breakfast option for some students who came to us very hungry and were unable to focus and participate. We offered everyone a breakfast option within the first 15 minutes of our program and we had great participation. Our plan was to add a reimbursable SFSP breakfast component to our SFSP program this upcoming summer (2019). Under this change, we would be unable to add in this reimbursable SFSP breakfast.

Waukee Community School District, a school food authority, provided the following statement:

We currently provide lunch only at our sites. However, with these meal time restrictions, if we were to add an additional meal/snack we would have to cut some sites as we would not have the labor time available in our budget to deliver to all sites with the time allotted.

In addition to sponsor impact, the Department's online software system would need to be reconfigured to add in business rules related to the time restrictions and duration, which would have a financial impact on the Department.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost effective program management and reduce administrative burden for sponsors and the Department's Bureau of Nutrition & Health Services.

Approval of the waiver will allow the Department and Iowa sponsors to continue implementing streamlined measures for effective program management and operation. If approved, the Department will not be required to spend additional funds and staff time to update technology systems and revise state-wide training and review procedures.

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

The Department is requesting that this flexibility and policy rescinded in SFSP 01-2019 be reinstated. The Department is requesting a waiver to regarding the meal time restrictions on the amount of time that must elapse between meal services, the time restrictions associated with supper, and the amount of time limited for each meal/snack service. The individual regulations to be waived are outlined below:

7 CFR 225.16(c)(1) Three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another, except that 4 hours must elapse between the service of a lunch and supper when no snack is served between lunch and supper. The service of supper shall begin no later than 7 p.m., unless the State agency has granted a waiver of this requirement due to extenuating circumstances. These waivers shall be granted only when the State agency and the sponsor ensure that special arrangements shall be made to monitor these sites. In no case may the service of supper extend beyond 8 p.m. The time restrictions in this paragraph shall not apply to residential camps.

7 CFR 225.16(c)(2) The duration of the meal service shall be limited to two hours for lunch or supper and one hour for all other meals.

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

Alternative Procedures:

To simplify program management, accommodate operational requirements and meet needs of participating children, time limits will not be placed on the duration of a meal service or the amount of time that must elapse between the beginning of one meal service and the beginning of the next. Sponsors must continue to establish meal times for each site and provide this information to the Department via their site application to ensure effective oversight. Meals must be served within the State-approved meal service times in order to be claimed for reimbursement. The Department will have discretion to waive the time restriction of the supper meal service and if meals served outside of the approved meal service may still be claimed for reimbursement in the case of an unanticipated event.

Anticipated impact:

This waiver will significantly decrease administrative burden, allow for efficient and effective oversight of program operations, and allow sponsor organizations to meet the need of their communities and participating children. The Department will continue to ensure program integrity through a thorough application approval process,

technical assistance visits, administrative reviews, and training. In addition, no change will need to be made to current technology systems as a result of the waiver. Approval of this waiver will be cost neutral for the Department.

If this waiver is **not** implemented, the following impact on program operations will likely occur:

- Increased costs to State agency to update software systems to comply with regulation changes. Updates to software will affect application, claims, and compliance modules.
- Significant impact on the Department's staff time and increased cost to update training and technical assistance materials, re-train sponsor, site staff, and Department consultants, and monitor compliance with rescinded flexibilities and policies.
- A decrease in the number of meals offered at sites due to meal time restrictions. The meal time restrictions may hinder sites serving meals at times that align with site activities and needs of participating children. This will lead to a loss in providing children nourishing meals/snacks.
- Increased operational labor costs for sponsors due to the amount of time that must be placed between meals/snacks
- These combined impacts may result in a significant 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]:

Previously, the State agency has not had to address any regulatory barriers as these flexibilities were in place. The flexibilities and policies rescinded by the USDA FNS on October 11, 2018 through SFSP 01-2019 Summer Food Service Program memoranda Rescission will increase administrative burden and create barriers to program access and effective program operation. To address these barriers, the Department applied and was approved for a waiver for operations in 2019 and is submitting this waiver request for 2020.

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

There are no anticipated challenges with waiver implementation. Internal process and procedures are already in place to ensure program integrity.

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]:

There is no anticipated impact on Federal administrative 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 program year 2020 and remain in effect for a period of five years.

11. Proposed monitoring and review procedures:

Sponsors and sites will continue to be monitored by the Department as outlined in 7 CFR 225.7(2)(ii)(B). Standard review procedures will continue to be followed; if noncompliance is identified, the Department will implement a corrective action plan and conduct follow-up reviews, as needed.

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

The Department will provide FNS with required reports, including review findings and technical assistance provided. The State agency will report to FNS any compliance issues noted with these flexibilities during application approvals and reviews annually.

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 Department's Bureau of Nutrition and Health Services submitted January 2020 four state-wide waivers to the USDA Midwest Regional Office (MWRO) for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) through SFSP 01-2019 Summer Food Service Program Memoranda Rescission.

The goal of these waivers are to reinstate the rescinded flexibilities and policies to allow for efficient and cost effective program management and reduce administrative burden for sponsoring organizations and the Department's Bureau of Nutrition and Health Services staff.

For more information, please contact Stephanie Dross at 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

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:**