



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

May 28, 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: Waiver of Site Eligibility Requirements for Operation in Non-Area Eligible Locations

**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 approved Summer Food Service Program (SFSP) sponsoring organizations, in good standing, operating during the COVID-19 pandemic in non-area eligible locations.

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

Iowa is currently operating under an area-eligibility waiver through June 30, 2020, a waiver of the requirement for open sites to be located in areas where at least 50% of the participants are eligible for free and reduced price meals. If traditional summer operations that do not have these area eligibility flexibilities begin on July 1, the communication that schools/communities will need to convey regarding changing meal sites will be extremely challenging. It will be difficult for families to understand why a meal site is no longer operational even though the same hunger needs exist.

**Creating excellence in education through leadership and service**

The Iowa Department of Education is requesting an extension of the area eligibility waiver from June 30, 2020 to September 30, 2020 for SFSP sponsoring organizations that operate sites in areas that do not meet area eligibility requirements, that plan to serve meals during the COVID-19 pandemic and have satisfied application requirements set by the State agency.

Many businesses have been negatively impacted by closures due to the pandemic, which has resulted in high unemployment rates, decreased household incomes, and increased risk for food insecurity. Iowa Workforce Development's Unemployment Insurance Statistics indicate that continued unemployment claims state-wide have risen from 27,816 in the week ending March 14, 2020 to 191,257 in the week ending May 9, 2020. With so many communities facing rising unemployment rates and identifying ways to feed families struggling with food insecurity, determining area eligibility with free and reduced price meal participation and census tract location does not fully represent areas in which poor economic conditions exist this summer.

Many of the over 300 public school districts in Iowa have less than 50% eligibility for free and reduced price meals. Having a large number of school districts and many rural areas leads to not always having concentrated areas of poverty that reach the 50% free and reduced price meal eligibility requirements or area-eligible census tracts. Yet, these areas must address these same poverty needs that are dispersed over a larger geographical area.

Iowa has communities with site locations that do not meet the area eligibility requirements and have no option for Federal feeding programs without a Federal declaration of disaster. State and community leaders and school district personnel are determining how best to continue Child Nutrition Program operations to feed children during the public health emergency. Many rural areas of the state are food deserts where access to healthy and nutritious foods may be a challenge for families.

The goal of this waiver is to allow approved SFSP sponsoring organizations, in good standing, to feed students at site locations in non-area eligible regions under the Summer Food Service Program .

The outcome will be that children have access to much needed meals that otherwise may not be available and provision of support to families experiencing financial hardship due to the COVID-19 pandemic.

**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 225.14(c)(3) The individual regulation to be waived is outlined below:

*7 CFR 225.14(c) General requirements. No applicant sponsor shall be eligible to participate in the Program unless it:*

*(3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist, or qualifies as a camp;*

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

**Alternative Procedures:**

SFSP sponsoring organizations shall notify the state agency of their intention to continue to serve meals at site locations that do not meet area eligibility requirements during the regular summer season. The Department reviewed each site submission under the existing area eligibility waiver and will continue to review any new submissions to determine if sites meet alternative criteria for identified areas of high need, detailed in the state agency's plan. If a site meets the state agency plan, a site application will be submitted to identify the site, dates of operation, the meal distribution method, how the meal distribution will target low-income children (if the school does not have 50% or more free or reduced price children enrolled), and how the sponsor will ensure proper operation of the program, including meal content, meal counts, food safety, and oversight.

**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 the COVID-19 pandemic. 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 the pandemic due to the inability to meet area eligibility 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(1)(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 via use of an area eligibility waiver during the unanticipated school closures. We anticipate this waiver will reduce challenges faced by sites during the pandemic.

**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 would be limited impact on costs to the Federal Government as these programs would be operating in situations where USDA Child Nutrition Programs have been closed or had reduced participation 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 and will remain in effect through September 30, 2020.

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

State agency staff will work with sponsors to ensure SFSP/SSO sponsor and site approvals align with our current process. Final approvals to operate will be determined by state agency staff. Sponsors and sites will continue to be monitored by the Department as outlined in 7 CFR 210.18 and 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):**

No later than December 31, 2020, the Department will report to FNS:

- The number of sponsors and sites that used this waiver, including the number of meals claimed,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligible for program benefits due to the economic impacts of COVID-19, and
- A description of whether and how this waiver resulted in improved service to Program participants.

**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]:** 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 request is to extend the current area eligibility waiver through September 30, 2020 to support schools and communities in providing meals to children during the COVID-19 pandemic in areas not designated as high need.

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:**

A handwritten signature in cursive script that reads "Kala Shipley". The signature is written in black ink and is positioned above a solid horizontal line.

Name: Kala Shipley

Title: Bureau Chief

Requesting official's email address for transmission of response:

[kala.shipley@iowa.gov](mailto:kala.shipley@iowa.gov)

[stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov)

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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).

This institution is an equal opportunity provider.

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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:**