



IOWA

Department of Education

Ryan M. Wise, Director

Kim Reynolds, Governor
Adam Gregg, Lt. Governor

December 23, 2019

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

RE: Unanticipated School Closures

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a state-wide waiver for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) flexibility that was rescinded by the USDA Food and Nutrition Service (FNS) on November 5, 2019 through SP 04-2020, CACFP 03-2020, SFSP 03-2020 Meal Service During Unanticipated School Closures. The impact and challenges faced as a result of the rescinded flexibility to the Department and Iowa sponsors are detailed below.

Three years ago FNS granted State agencies the authority to waive the requirement that SFSP and SSO meals must be served only at non-school sites during

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unanticipated school closures. This flexibility allowed school sites to be used as serving locations. The waiver to utilize school sites during unanticipated school closures has allowed sponsors to serve meals that align with program activities in place during the school closure (such as an outside of school hours care program), provide a safe and familiar meal service site location, and better meet the needs of children and families.

In Program Year (PY) 2019, 2 school districts served SFSP meals during unanticipated school closures at 3 meal site locations. The Council Bluffs Community School District served meals over the course of 6 days providing 271 breakfast meals and 355 lunch meals. The Washington Community School District served meals over the course of 1 day providing 63 lunch meals. Each one of these serving sites were school locations. In addition, 5 SFSP sponsoring organizations voiced interest in participating in the service of meals during unanticipated school closures during the 2019-2020 school year.

If only non-school sites must be used, the Department would anticipate that the number of sponsoring organizations participating and the number of nutritious meals served to children during unanticipated school closures in Iowa will decrease.

The State agency received a statement from a sponsor organization who has provided meals during unanticipated closures at a school site, outlining the impact and challenges faced at the local level if meal site location restrictions were reinstated.

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

We purposely chose a site(s) that was on a city snow emergency route. This way we are able to ensure that the streets would be plowed and it would be a safe location. We also chose a school as custodians are still present and working on unanticipated closure days to ensure the building is safe and secure. If we were unable to serve at a school site, we might not have safe streets to travel on, and we might not have a safe and secure location for kids to come to. It is hard to operate a site that you do not work at on a daily basis in the event of an unanticipated closure. A school is an obvious choice as you were planning on utilizing that space anyway HAD there been school. Another challenge would be, that there may be students already at a building before school is called off. Our district offers before and after school care starting at 6:00am. If there are students in the building, they might have to stay there as their parents are at work. We would then be unable to feed them.

If we were required to serve at a non-school site, it would definitely make it more difficult and I think it would take us back to the decision making table. We would have to work with our community partners to secure a site and then ensure that it WOULD be available at a moments notice. In previous years, we have served 100+ meals each occurrence, and I feel that this would drop significantly.

Our district is CEP and reimbursed at the 100% free rate. We have buildings where 70%+ are directly certified. We have neighborhoods in Council Bluffs that don't have grocery

stores or convenience stores within a 1 mile walking radius. The kids in our community rely on their meals at school. The outcome of allowing schools to have school sites during unanticipated closures help our families who are counting on us.

The goal of this waiver is to reinstate the rescinded flexibility 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.

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

The Department is requesting that the flexibility rescinded in SP 04-2020, CACFP 03-2020, SFSP 03-2020 Meal Service During Unanticipated School Closures be reinstated. The Department is requesting a waiver to the requirement to operate at a non-school site during unanticipated school closures. The individual regulations to be waived are outlined below:

7 CFR 225.6(d)(1)(iv) If it is a site proposed to operate during an unanticipated school closure, it is a non-school site.

Section 13(c)(1) of the NLSA (42 U.S.C. 1761(c)(1)) Payments shall be made to service institutions only for meals served during the months of May through September, except in the case of service institutions that operate food service programs for children on school vacation at any time under a continuous school calendar or that provide meal service at non-school sites to children who are not in school for a period during the months of October through April due to a natural disaster, building repair, court order, or similar cause.

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 the needs of participating children, restrictions will not be placed on the type of location that is used to serve meals during unanticipated school closures. SFAs and sponsors shall notify the State agency as to whether they intend to serve meals during an unanticipated closure should unforeseen events occur. SFSP and SSO sites will be open to all children 18 and under. The State agency may exempt experienced sponsors and SFAs from submitting a new application if the sponsor participated in the SFSP or SSO at any time during the current year or in either of the prior 2 calendar years. A simplified application will be submitted to identify the site, dates of operation, and meal(s) served.

Anticipated impact:

This waiver will 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 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 following impact on program operations will likely occur:

- An increase on the Department's staff time and increased cost to update training and technical assistance materials, re-train sponsors, site staff, and Department consultants, and monitor compliance with the rescinded flexibility.
- A decrease in the number of sites offering meals during unanticipated school closures due to meal site location restrictions. This will lead to a loss in providing children nourishing meals/snacks.
- These combined impacts may result in 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]:

Previously, the State agency has not had to address any regulatory barriers as these flexibilities were in place when SFAs and sponsors provided SFSP meals during unanticipated school closures in PY 2018 and 2019. The flexibilities and policies rescinded by the USDA FNS on November 5, 2019 through SP 04-2020, CACFP 03-2020, SFSP 03-2020 Meal Service During Unanticipated School Closures will create barriers to program access and effective program operation. To address these barriers, the Department is submitting this waiver.

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

There is 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 PY 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 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 December 2019 a state-wide waiver request to the USDA FNS Midwest Regional Office (MWRO) for the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) for the flexibility that was rescinded by the USDA Food and Nutrition Service (FNS) on November 5, 2019 through SP 04-2020, CACFP 03-2020, SFSP 03-2020 Meal Service During Unanticipated School Closures.

The goal of this waiver is to reinstate the rescinded flexibility 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:


Kala Shipley
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:**

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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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