



IOWA

Department of Education

Ann Lebo, Director

Kim Reynolds, Governor
Adam Gregg, Lt. Governor

March 23, 2020

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

RE: Child Nutrition Program Meal Service during COVID-19 Outbreaks: Waiver Request for Non-Area Eligible Sites

Extenuating Circumstances: The Iowa Department of Education (Department) is requesting permission to grant School Food Authorities (SFA) and Community Organizations located in areas not eligible for normal participation in Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) the ability to serve and claim meals. This request is being made to assist schools in feeding children who are eligible for free and reduced price meals but reside in areas that do not normally qualify for participation in SFSP or SSO, with the purpose of providing nutritious meals to those who rely on them and seeking to contain the spread of the Novel Coronavirus (COVID-19) by maintaining social distancing. Not applying for this waiver will leave many children who would normally have access to meals during the regular school year with limited food availability and will increase risk to food insecurity in vulnerable households. The Department is seeking approval of this waiver with an immediate effective date.

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:

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Grimes State Office Building | 400 E. 14th St. | Des Moines, IA 50319-0146
Phone (515) 281-5294 | www.educateiowa.gov

This waiver request is applicable state-wide for all Non-Area Eligible service providers in good standing with less than 50% of students eligible for free and reduced price meals and do not reside within census eligible areas who need to continue 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 Department is requesting approval to apply waiver flexibilities for SFAs, institutions, and sponsors that have indicated they intend to continue to serve meals during COVID-19 related closures, however, currently do not meet the eligibility requirements of more than 50 percent of students eligible for free and reduced price meals and do not reside within census eligible areas.

Challenge

Iowa has several SFAs with sites not meeting 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 an unanticipated closure due to COVID-19.

Many of the over 300 public school districts in Iowa have less than 50% eligibility for free and reduced price meals; Iowa has 42% free and reduced meal eligibility. Rural areas do not always have concentrated areas of poverty to reach the 50% free and reduced price meal eligibility, but yet must address needs dispersed over a larger geographical area. In addition, many rural areas are food deserts where access to nutritious and healthy foods can be a challenge.

Data provided by the Iowa Workforce Development indicate that 44% of Iowans work in sectors which are expected to be negatively affected by closures and have decreased business as a result of COVID-19. This event is expected to greatly lower household incomes and increase need.

Goal

The goal of this waiver is to allow Non-Area Eligible service providers, in good standing, to feed students under Emergency School Closure provisions of the Summer Food Service Program or Seamless Summer Option. Approval of this waiver would 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

The outcome will be that children would be provided with much needed meals that otherwise are not available. Additionally this waiver would allow SFA's operating

under this waiver in school closure areas to utilize perishable food that were encumbered for use in school meal programs.

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:

For schools experiencing unanticipated closures with less than 50 percent of their enrolled students certified eligible for free or reduced price meals and that do not reside within census eligible areas, SFAs or community organizations may develop meal distribution methods in which meals are available to all families with children in the identified area, with a focus on, but not limited to serving low income children. SFAs or community organizations will define the greatest areas of need where poor economic conditions exist in their region; area-eligibility requirements will be waived. Anticipated distribution 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.

SFAs, institutions, and sponsors shall notify the state agency as to whether they intend to serve meals during an unanticipated closure related to COVID-19. If approved, the Department will verify the requesting sponsor is located in an area where schools have been closed due to COVID-19 and ensure no duplication of service areas. A simplified application will be submitted to identify the site, dates of operation, the meal distribution method, how the meal distribution will target low-income children 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 a COVID-19 outbreak. The Department will continue to ensure program integrity through the application process, technical assistance visits, 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 due to the inability to meet area eligibility requirements. Having a limited number of eligible sites in each area increases the potential for large groups to form at a meal distribution site, creating a barrier in implementing social distancing. In addition, a limited number of meal sites 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 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(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 June 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 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 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 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 schools in areas not designated as high need to cover meals provided to students under the Emergency School Closure provision of the Summer Food Service Program or Seamless Summer Option.

For more information, please contact idoenutrition@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:**

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, 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.

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