

McKenzie Snow, Director

Kim Reynolds, Governor
Adam Gregg, Lt. Governor

November 30, 2023

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

RE: SY 2023-24 Non-congregate Waiver for Unanticipated School Closures in
NSLP/SBP, SFSP/SSO and CACFP

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, 515-681-2307
Patti Harding, Administrative Consultant, patti.harding@iowa.gov, 515-868-1956
Cheryl Tolley, Administrative Consultant cheryl.tolley@iowa.gov, 515-681-2304
Stephanie Dross, Education 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:

The Iowa Department of Education is requesting this waiver on behalf of all school food authorities (SFAs) and organizations approved to operate in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), NSLP Seamless Summer Option (SSO) and Child and Adult Care Food Program (CACFP) At-Risk Afterschool Meals Program who are deemed by the Iowa State agency (SA) to be 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(I)(2)(A)(iiii) and 12(I)(2)(A)(iv) of the NSLA]:

To provide meal services when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders related to school safety or other issues, labor-management disputes, or, when approved by the SA, for a similar unanticipated cause. These prospective waivers would be used for unanticipated school closures with or without alternate learning options. Allowing prospective statewide waivers

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will enable the SA and SFAs to quickly respond to school closures and may help to prevent a disruption in children's access to meals.

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

The Department is requesting a waiver of regulations as outlined below:

National School Lunch Program and School Breakfast Program (school buildings are closed **with virtual learning):**

The waivers in this section are intended to provide needed flexibility to support SFAs in continuing to offer nutritious meals and snacks when school buildings are closed and virtual classes are being offered. These waivers would be effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

Summer Food Service Program and Seamless Summer Option Unanticipated School Closures (school buildings are closed **with no virtual learning):**

The waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed and virtual classes are not offered. These waivers would be effective through April 30, 2024.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3), 7 CFR 210.10(a), 7 CFR 220.2 (Breakfast), 7 CFR 220.8(a), 7 CFR 225.2 (Meals) and 7 CFR 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2) and (3)]
- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

Child and Adult Care Food Program:

The waivers in this section apply to the at-risk afterschool meals component of CACFP only. These waivers are intended to provide needed flexibility to support at-risk afterschool centers in continuing to offer nutritious meals when school buildings are closed. These waivers are effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A), 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B) and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

If approved, the SA will work with the SFA or participating, eligible organization to ensure the meals are being offered to children affected by the unanticipated situation. The SA will provide technical assistance to SFAs and organizations in the process of providing meal services to students in the event of a major disruption including household notification, menu planning and preparation, accurate meal counting and claim submission under either the NSLP, SBP, SSO,

SFSP or CACFP. Program operations, including technology and monitoring will not be affected by the waiver approval, given that the local organization should have the mechanisms in place for non-congregate meal service and household notification based on recent experience. There are no significant impacts on technology, state systems or monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

No barriers have been identified as related to this waiver request.

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

The SA does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or SFA level given recent experience with this type of meal service during the public health emergency.

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]:

The requested waiver does not impact the overall cost of the program to the State or Federal government. Meals will be offered to children affected by the unanticipated situation.

10. Anticipated waiver implementation date and time period:

This waiver will begin effective immediately upon USDA approval and be effective through April 30, 2024 for situations in SSO and SFSP or June 30, 2024 for NSLP/SBP and CACFP.

11. Proposed monitoring and review procedures:

The SA will approve the individual requests from each SFA or organization to implement the waiver. In addition, the SA will work directly with the school or organization to ensure they have sound mechanisms for counting and claiming meals and monitoring participating households.

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

The SA will report to FNS the number of SFAs and organizations that utilized the waiver, the number of days the waiver was used, the number of meals served and other report requirements, as requested.

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]:

Public notice posted at:

<https://educateiowa.gov/pk-12/nutrition-programs/school-meals>

<https://educateiowa.gov/pk-12/nutrition-programs/school-meals/seamless-summer-option>

<https://educateiowa.gov/pk-12/nutrition-programs/summer-food-service-program>

<https://educateiowa.gov/pk-12/nutrition-programs/child-and-adult-care-food-program>

14. Signature and title of requesting official:



Kala Shipley, Bureau Chief

Requesting official's email address for transmission of response:

kala.shipley@iowa.gov

patti.harding@iowa.gov

cheryl.tolley@iowa.gov

stephanie.dross@iowa.gov

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1. Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-9410; or
2. Fax:
(833) 256-1665 or (202) 690-7442; or
3. Email:
program.intake@usda.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:**