Section 26, Residential Child Care Institutions (RCCIs) Update Guide

October 10, 2017  Provided clarification or information on the following issues
- Adult meals
- Compliance
- Definitions for terms not previously included
- Edit check/Acuclaim calculations
- Eligibility
- Family style meal service
- Household signature
- Local wellness policy
- Master list
- Meal pattern
- Meal pattern flexibility
- Non-residential children/students or day children/students
- Policy Statement for Free and Reduced-Price Meals Attachment B: Meal Count/Collection Procedure(s)
- Public announcement
- Records Retention
- Total monthly attendance
- Universal free meals
- Verification
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# Contact Information for the Texas Department of Agriculture (TDA), Food and Nutrition

When contacting TDA by phone, Contracting Entities (CEs) need to have their CE Identification Number (CE ID) (and site ID, if applicable). CEs should include their name and CE ID (and site name and ID if applicable) in all communication or documentation.

## General Contact Information

| Physical Address | 1700 N. Congress, 11th Floor, Austin, TX 78701 |
| Mailing Address | PO Box 12847, Austin, TX 78711-2847 |
| Phone | 877-TEXMEAL, (877) 839-6985 |
| Fax | (888) 203-6593 |
| Email Contact | squaremeals@TexasAgriculture.gov |
| Website | www.squaremeals.org |

## Email Contact for Issues Related to Applications

| Child & Adult Care Food Program | CACFP.BOps@TexasAgriculture.gov |
| Fresh Fruit and Vegetable Program | FFVP.Bops@TexasAgriculture.gov |
| National School Lunch Program, School Breakfast Program, & Special Milk Program | NSLP-SBP.BOps@TexasAgriculture.gov |
| Seamless Summer Option | SSO.BOps@TexasAgriculture.gov |
| Summer Food Service Program | SFSP.BOps@TexasAgriculture.gov |

## Email Contact for Issues Related to Program Operation:

| Commodity Operations | CommodityOperations@TexasAgriculture.gov |
| Community Operations (Child & Adult Care Food Program and Summer Food Service Program) | Community.Ops@TexasAgriculture.gov |
| Local Products | LocalProducts.SquareMeals@TexasAgriculture.gov |
| Procurement, Including Sole Source | CE.ProcurementReviews.BOps@TexasAgriculture.gov |
| School Operations (National School Lunch Program, School Breakfast Program, & Special Milk Program) | School.Operations@TexasAgriculture.gov |

## Email Contact for CE Flexibility Options

| Breakfast Waiver | SNPWaivers@TexasAgriculture.gov |
| Gender Exception | SNPWaivers@TexasAgriculture.gov |
| Grains Exemption | Nutrition@TexasAgriculture.gov |
| Milk Exemption | Nutrition@TexasAgriculture.gov |
| Milk Substitute Notification | Nutrition@TexasAgriculture.gov |
| Paid Lunch Equity (PLE) Exemption | SNPWaivers@TexasAgriculture.gov |
| RCCI Age/Grade Group Meal Pattern Flexibility | School.Operations@TexasAgriculture.gov |
| Seamless Summer Operation (SSO) Age/Grade Flexibility | SNPWaivers@TexasAgriculture.gov |
| Summer Mandate | SNPWaivers@TexasAgriculture.gov |
Residential Child Care Institutions (RCCIs)

Residential Child Care Institutions (RCCIs) are required to comply with all program regulations unless specifically exempted by regulation. RCCIs must follow all other regulations as described in other sections of the Administrator's Reference Manual unless flexibility is given by USDA.

This section provides information on the areas in which RCCIs are given flexibility in operating one of the School Nutrition Programs (SNPs).

Definitions for This Section

For this section, the following terms will be used:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Children/Students</td>
<td>Non-residential children/students enrolled at a school operated by the RCCI.</td>
</tr>
<tr>
<td>Household</td>
<td>A group of related or unrelated individuals who are not residents of an institution or boarding house and are living as one economic unit are considered a household. Typically, the term family is used for household.</td>
</tr>
<tr>
<td>Local Wellness Policy</td>
<td>Policy established by the CE to establish, evaluate, and maintain a healthy school environment and promote transparency to the public on key areas that affect each school's nutrition environment.</td>
</tr>
<tr>
<td>Master List</td>
<td>List of children/students that reside at an RCCI which contains information that establishes the eligibility of the children/students. A master list may also contain information on non-residential or day children/students.</td>
</tr>
<tr>
<td>Signature</td>
<td>Any printed name, cursive, or electronic signature. A recorded X is considered to be a signature. For electronic communication, the signature may be digital or digitized. A digital signature may be recorded or accomplished through a variety of methods, including, but not limited to, personal identification numbers (PINs) and passwords. A digitized signature is a representation of an actual signature that can be physically compared to an original signature to determine authenticity.</td>
</tr>
</tbody>
</table>
Policy Statement for Free and Reduced-Price Meals
RCCIs are required to submit and maintain a Policy Statement for Free and Reduced-Price Meals Attachment B: Meal Count/Collection Procedure(s), even if they operate a program that does not charge separately for meals. The Policy Statement for Free and Reduced-Price Meals Attachment B: Meal Count/Collection Procedure(s) form is available in the Texas Unified Nutrition Programs Systems (TX-UNPS), application screen. For information regarding the policy statement for free and reduced-price meals, refer to Administrator’s Reference Manual (ARM), Section 2, Application and Agreement/Renewal.

Eligibility Determination
USDA provides flexibility to RCCIs on documentation related to eligibility for RCCI children/students that reside in the RCCI. However, there is no flexibility for day children/students that attend the RCCI’s school. Moreover, because RCCIs have the possibility of children/students attending an RCCI school or a public or charter school, the method for determining eligibility varies for RCCIs.

Documentation Demonstrating Eligibility
CEs certify eligibility for RCCI children/students in one of three ways:

Residential Children/Students Attending an RCCI Onsite School
When children/students attend an RCCI onsite school, the RCCI may complete a household application on behalf of each child/student or may use a master list to establish eligibility. If the RCCI completes a household application for each child/student, the RCCI director or designated official signs the household application as the adult household member for the child/student.

Non-Residential Children/Students (Day Children/Students) Attending an RCCI Onsite School
If the RCCI has day children/students, the RCCI must distribute household applications to and conduct Direct Certification for all day children/students. If the household of a day child/student does not return a household application or the student cannot be directly certified, the eligibility of the children/students in the household is paid.

[NOTE: An RCCI may choose to offer universal free meals to day children/students. In this case, the RCCI must claim reimbursable meals for day children/students by the correct

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1 See Administrator’s Reference Manual (ARM), Section 4, Determining Eligibility for additional information on eligibility determination.
2 See Administrator’s Reference Manual (ARM), Section 4, Determining Eligibility for additional information on eligibility determination.
eligibility status—free, reduced-price, or paid—as determined by household application or Direct Certification. An RCCI cannot claim all day children/students as paid in order to avoid the eligibility determination process for these children/students.]

RCCI Children/Students Attend a School Offsite

When children/students attend a public or charter school that is not located at the RCCI, RCCIs may complete a household application on behalf of each child/student or may provide a master list to the school. If the RCCI completes a household application for each child/student, the RCCI director or designated official signs the household application as the adult household member for the child/student.

Master List

To document child/student eligibility, a master list must provide the following information:

- Child’s/Student’s name
- Child’s/Student’s date of birth
- Personal income received by the child/student, including frequency of income
- Date of admission to the RCCI
- Date a child/student no longer resides or is enrolled at the RCCI
- Signature, title, and contact information of an official authorized to provide the information

[NOTE: A master list may also contain eligibility information for non-residential or day children/students.]

To simplify the reporting income information of a master list, a CE may record a note on the master list indicating that all children/students have zero income as long as the note states that the zero income applies to all children/students and is signed and dated by a staff member who can certify the accuracy of the information.

Managing a Master List

The RCCI must update each child’s/student’s information on the master list annually and/or when the child/student exits the facility either physically or by reaching the age of 21.

Master lists do not have to be paper lists. The master list may be maintained electronically. RCCIs must enroll new children/students onto the master list as soon as possible after they enter the RCCI in order for those meals to be claimed. Meals served

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3 See the Definitions for This Section in this section for additional information on signatures.
4 See the Definitions for This Section in this section for additional information on signatures.
to children/students not listed on the master list must not be claimed for reimbursement. The Sample Master List Chart demonstrates one method of record keeping that documents required information.

<table>
<thead>
<tr>
<th>Sample Master List Chart</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child’s/Student’s Name</strong></td>
</tr>
<tr>
<td>Smith, Joe</td>
</tr>
<tr>
<td>Nguyen, Le</td>
</tr>
<tr>
<td>Lusby, Arnie</td>
</tr>
<tr>
<td>Nunez, Ted</td>
</tr>
</tbody>
</table>

* The exit column denotes the date a child/student becomes ineligible for the NSLP and SBP by virtue of age or by physically leaving the facility. In Ted Nunez’s case above, his 21st birthday made him ineligible as of midnight on 6/19/2017. While the facility will provide meals to him after that date, none of his meals can be claimed for reimbursement after 6/19/2017.

Other Determining Eligibility Issues

Household Member Signature

RCCIs are not required to obtain a household application or signature from an adult household member to receive free or reduced-price meals on behalf of a child/student in the residence at the RCCI. If the RCCI does not obtain a household application, the RCCI must document the child’s/student’s income and eligibility status in the child’s/student’s case file and on the master list.

For day children/students, the RCCI must distribute household applications and must ensure that an adult in the household provides a signature when a household application is submitted.

Income

RCCIs do not count income or payments from any source received directly by the institution on the behalf of children/students. This includes court-ordered child support from the parent and/or guardian.
The following types of income for children/students must be counted:

- Trust funds or oil interest monies
- Social security death benefits or military allotments
- Regular earnings from full or part-time employment

Public Announcement about NSLP/SBP

Residential Child Care Institutions (RCCIs) are exempt from the public announcement requirement unless the RCCI has day children/students. If the RCCI has day children/students, the RCCI must provide a public announcement about the meal program. In making a public announcement, the RCCI may target the information to the households of day children/students or the population area from which the RCCI draws its day children/students.

Size of Household

A residential child/student in an RCCI is considered a one-person household.

Verification

RCCI residential children/students are exempt from the requirement to verify applications when the children/students attend classes at the RCCI. However, RCCI are still required to complete the School Food Authority (SFA) Verification Collection Report, FNS-742 and submit it in TX-UNPS.

RCCI non-residential or day child/student household applications must be verified as described in Administrator’s Reference Manual (ARM), Section 6, Verification.

Local Wellness Policy

Every CE, including RCCIs, must establish and follow a local wellness policy (LWP). However, promoting transparency to the public and engaging parents and community members may be difficult for RCCIs that only provide services to residential children/students or primarily residential children/students. In these cases, RCCIs are expected to meet all requirements whenever possible and document those situations that prevent it from fully implementing a LWP as required. For detailed guidance on LWP, see the Administrator’s Reference Manual (ARM), Section 19, Other Operational Issues.

Meal Service

RCCI are encouraged to give children/students sufficient time for meals and an atmosphere that maximizes nutritional and social benefits of shared meals.
Meal Pattern

RCCIs are required to follow the meal pattern requirements described in Administrator’s Reference Manual (ARM), Section 8, Breakfast; Section 9, Lunch; and Section 11, Pre-Kindergarten (Pre-K) Meal Pattern for School Nutrition Program (SNP) Operator.

Meal Pattern Flexibility

RCCIs may apply for the following flexibilities if (1) the RCCI is a juvenile detention or correctional facility and (2) has a legitimate safety concern or State juvenile justice laws or regulations related to offering meals with varying amounts of food within the same meal period:

Age/Grade Portion Size Flexibility

Offer the same portion size to all children/students. If approved, (1) the RCCI may serve lunch and/or breakfast meals with the same amount of food for all age/grade groups at the meal service and (2) RCCI must serve meals meeting the lunch meal pattern in effect for the highest age/grade group participating to ensure nutritional adequacy.

Choice of Milk Flexibility

Offer a choice of milk over the week. If approved, the RCCI may meet the milk variety requirement by offering all children/students one choice of milk on some days of the week and a different choice of milk on another day. All milk served must meet the specifications for fluid milk as described in the meal pattern.

To request flexibility, RCCIs must submit a letter requesting flexibility on RCCI letterhead signed by the superintendent or an authorized representative as specified in the Texas Unified Nutrition Programs System (TX-UNPS). This letter must provide an explanation, and documentation if needed, about how the RCCI qualifies for this flexibility including information on

1. **Status.** How does the institution qualify as juvenile detention or correctional facility?

   An explicit explanation might include the following: a description of how children/students are placed in the institution, the types of state programs housed in the institution, or the types of services provided by the institution.\(^6\)

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5 The Contact Information for the Texas Department of Agriculture that follows the Table of Contents provides phone, fax, and email information for submitting a flexibility request to TDA.

6 RCCIs may find it helpful to use descriptions and definitions in state or federal regulations that govern their institutions or mission or work scope statements in writing their explicit explanation of status.
2. **Portion Size.** How will serving varied portions to different age/grade groups during the same meal service create a safety concern for children/students and/or how does serving varied portion sizes conflict with State law and/or regulations?

   An explicit explanation might include the following: a description of what factors can impact children’s/students’ safety or previous similar situations that have caused adverse reactions; detailed description of the conflicting regulations and programs to which it applies.

3. **Age/Grade Groups.** Which age/grade groups and meal patterns—breakfast, lunch, or both—will be affected by this flexibility?

   An explicit description includes what age/grade groups are being served at the same time and for which meals.

4. **Choice of Milk Over the Week.** How will the RCCI offer milk choice throughout the week.

   An explicit description includes what types of milk will be served and the frequency for serving each milk type.

TDA will review the request submitted and will contact the RCCI by email with approval or denial of request within ten (10) TDA business days of receipt. This flexibility may be revoked for a change in conditions, if state law or regulations change, or if review findings discredit the information provided in the flexibility.

**Family Style Meal Service**

RCCIs may serve meals family style. In order to claim these meals for reimbursement, RCCIs must meet the following conditions:

- Enough food must be placed on the table in serving bowls to allow each child/student to receive the required minimum portion of each component and to accommodate the servings for the supervising adult(s) if they eat with the children/students.

- Each child/student must be initially offered the full required minimum portion of each component.

- If the child/student does not take the entire minimum required portion size, the supervising adult(s) should encourage the child/student to take the required portion size of the item during the course of the meal. For a meal to be reimbursable, the meal must contain the required portion sizes of the required components as described in *Administrator’s Reference Manual (ARM)*, *Section 8, Breakfast; Section 9, Lunch; and Section 11, Pre-Kindergarten (Pre-K) Meal Pattern for School Nutrition Program (SNP) Operator*.

- The RCCI cannot force or require the child/student to take any of the meal items.

The meal is reimbursable if the conditions above are met.
Offer Versus Serve
Offer versus serve is optional in RCCIs for the meal service regardless of the age of children/students served.

Child/Student-Parent Involvement
The nature of some RCCIs makes it difficult to incorporate child/student-parent involvement in the NSLP. RCCIs are encouraged, to the maximum extent possible, to include children/students and parents in the operation of the NSLP.

Claims for Reimbursement
RCCIs must establish a point of service (POS) system that allows them to accurately count and report reimbursable meals served.\(^7\)

Total Monthly Attendance in RCCIs Used for Counting and Claiming Edit Checks
RCCIs may have populations that remain constant over time or have significant fluctuation in the number of children/students who are present at any given time. Fluctuating child/student populations can make it difficult for RCCIs to conduct edits check (Accuclaim process) to ensure that counting and claiming is done accurately.\(^8\)

However, for the edit check (Accuclaim process), an RCCI must calculate its total monthly attendance in order to determine the number range for meals the CE may claim. The total monthly attendance is a total of all children/students enrolled in the RCCI each day. RCCIs must use the following criteria to establish their total monthly attendance:\(^9\)

- If a child/student is in attendance for the entire month, count the child/student as having been in attendance every day that month.
- If a child/student is in attendance some but not all of days for a month, count the child/student as in attendance on each of the days the child/student is in attendance.
- If a child/student exits the RCCI, count the child/student as in attendance on each of the days the child/student is in attendance.

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\(^7\) See the Administrator’s Reference Manual (ARM), Section 7, Counting and Claiming for additional information about claims for reimbursement.

\(^8\) See the Administrator’s Reference Manual (ARM), Section 7, Counting and Claiming for additional information about edit checks.

\(^9\) Total monthly attendance is the total enrollment for each serving day totaled. It is not the number of meals served or claimed each month.
• If a child/student is in attendance for a few days of a month, exits, and then returns for additional days, count the child/student as in attendance for each of the days the child/student is in attendance.

### Sample Total Monthly Attendance Calculation Chart

<table>
<thead>
<tr>
<th>Number of Students Enrolling and Exiting</th>
<th>Number Days in Each Date Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>January 1–9 (9 Days)</td>
</tr>
<tr>
<td>Number Children/Students Attending Start of Date Range—Add for each day in attendance</td>
<td>100</td>
</tr>
<tr>
<td>Number Children/Students Added on the Last Day of Date Range—Add for each day in attendance</td>
<td>--</td>
</tr>
<tr>
<td>Number of Children/Students Who Exited on the Last Day of Date Range—Add for each day in attendance</td>
<td>--</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Attendance for Date Range</th>
<th>100</th>
<th>117</th>
<th>131</th>
<th>136</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiply by number of days in range</td>
<td>x 9</td>
<td>x 15</td>
<td>x 1</td>
<td>x 5</td>
</tr>
<tr>
<td>Total Attendance Per Date Range</td>
<td>= 900</td>
<td>= 1,755</td>
<td>= 131</td>
<td>= 680</td>
</tr>
</tbody>
</table>

**Total Monthly Attendance**

Add all range totals together: 

\[ 900 + 1,755 + 131 + 816 \] = 3,602

**Age Limitations for Claiming Meals in RCCIs**

The age limit for claiming meals in the NSLP and SBP for children/students enrolled in an RCCI is up to 21 years of age; meals may not be claimed for children/students residing in an RCCI who are 21 years of age or older.

Therefore, RCCIs can only claim meal reimbursements through 20 years of age for the following categories of children/students:

• Children/Students residing at the RCCI

• Children/Students residing at the RCCI and enrolled in the RCCI’s day school component

• Children/Students not residing at the RCCI but enrolled in the RCCI’s day school component
Age Limitations for Claiming Meals in Emergency Shelters

An emergency shelter is a public or private nonprofit organization or site that provides temporary shelter and food services to homeless children/students, including an RCCI that serves a distinct group of homeless children/students who are not enrolled in the RCCI’s regular program.

An RCCI may apply to participate in the Child and Adult Care Food Program (CACFP) as an emergency shelter, but only if it serves a distinct group of homeless children/students who are not enrolled in the RCCI’s regular program. An RCCI may serve CACFP meals to children/students 18 years old or younger who are homeless and seeking shelters with or without their families. The RCCI must ensure that it claims reimbursement only for meals that meet program requirements and maintain separate records for each program in which it operates.

Shorter or Longer School Weeks

RCCIs may be reimbursed for meals served on weekends as long as these meals meet the new meal patterns. For additional information on short and long week meal service, see the Schools with Shorter and Longer School Weeks subsection of the applicable breakfast or lunch section of the Administrator’s Reference Manual (ARM).

Afterschool Care Program (ASCP)

RCCIs may claim afterschool snacks served in the afterschool care program (ASCP). RCCIs may not claim reimbursement for snacks served on weekends, holidays or vacation periods unless the snack is served during an activity that takes place after an education activity that is determined to be an integral part of the curriculum.

Meals Served to Continuous School Calendar (Year Round) Children/Students

Many RCCIs operate on a continuous school calendar. RCCIs may not claim reimbursement for any meals served to children/students on a continuous school calendar who are on vacation.

Meals Served to Children/Students of RCCI Staff

RCCIs may not claim reimbursement for meals served to children/students of staff of the RCCI except in the following situation:

• The children/students are actually enrolled in the RCCI program and in residence or are non-residential children/students enrolled in the RCCI’s school.
• Documentation is kept on file.

Meals Served to RCCI Staff

RCCI staff that are assisting with the operation of the meal program may receive a meal at no charge. This includes staff that prepare and serve meals, perform the
counting and claiming, and supervise the meal service. The RCCI must pay the nonprofit school food service account for meals served to staff that are not involved directly with the preparation, operation, or supervision of the meal service.¹⁰

**Records Retention**

CEs are required to maintain an organized system of records retention that is accessible to appropriate CE employees and federal or state reviewers. TDA may request documentation for both offsite and onsite administrative review processes. CEs have the option to maintain records in paper or electronically.

All documentation or records must be kept on file for a minimum of five years for public and charter schools or three years for private schools, other nonprofit organizations, and residential child care institutions after the end of the fiscal year to which they pertain. If audit findings have not been resolved, the records must be maintained as long as required for the resolution of the issues raised by the audit.

**Compliance**

TDA will assess documentation submitted through TX-UNPS, retained onsite during Administrative Reviews (ARs) and Procurement Reviews or on request to ensure that the CE is in compliance with all applicable federal and state regulations. CEs with findings will be required to submit an approvable Corrective Action Document (CAD). TDA will take fiscal action as appropriate for repeat violations of applicable federal and state regulations.

¹⁰ See refer to *Administrator’s Reference Manual (ARM), Section 15, Meal Pricing* for additional information on adult meal pricing.