

Section 24

Disaster Situations

Section 24, Disaster Situations

Section 24 Update Guide

May 31, 2024	Updated guidance on Unanticipated School Closures to align with TDA's School Year FAQ
May 19, 2023	Added guidance on: <ul style="list-style-type: none">- Unanticipated School Closure Created new <i>Definitions</i> and <i>Contact Information</i> sections, located at the beginning of the <i>Administrator's Reference Manual (ARM)</i> . Removed definitions and contact information from this section.
July 28, 2022	Updated <i>Section 24, Disaster Situations</i> to clarify guidance on: <ul style="list-style-type: none">- Meal service flexibility- Situation of Distress definition
August 12, 2020	Created <i>Section 24, Disaster Situations</i> and updated Administrator's Reference Manual (ARM), section references. Guidance for this new section was taken from <i>Administrator's Reference Manual (ARM), Section 19, Other Operational Issues</i> . Incorporated the following United States Department of Agriculture (USDA) guidance: <ul style="list-style-type: none">- <i>USDA Memo SP 04-2020, Meal Service During Unanticipated School Closures</i> (November 5, 2019)- <i>USDA Memo SP 05-2018, Providing Child Nutrition Programs Benefits to Disaster Survivor Evacuees</i> (January 19, 2018)

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Disaster Situations

The guidance in this section addresses operational issues when there is a local, regional, statewide, or nationwide disaster or emergency situation. For this section, a disaster situation is an unanticipated situation in which the contracting entity (CE) cannot operate in a normal manner. This unanticipated situation may be caused by weather, man-made events, or health situations.

If this type of situation occurs, the CE **must** contact TDA as quickly as possible, so TDA can assist the CE in continued and compliant operation of the School Nutrition Program (SNP).¹

Guidance in this section applies to the following programs:

- National School Lunch Program (NSLP)
 - Afterschool Care Program (ASCP)
 - Seamless Summer Operation (SSO)
 - Fresh Fruit and Vegetable Program (FFVP)
- School Breakfast Program (SBP)
- Special Milk Program (SMP)
- Summer Food Service Program (SFSP)
- Child and Adult Care Food Program (CACFP) At-Risk

This section does not address emergency procurement. See *Administrator's Reference Manual (ARM), Section 17, Procurement* for additional information on noncompetitive emergency procurement.

TDA Communications During a Disaster Situation

Communications during a disaster or emergency situation are critical to a CE receiving effective and efficient support from TDA. TDA may use any of the following communication tools:

- SquareMeals@TexasAgriculture.gov
TDA actively monitors its general email box and addresses questions as received.
- www.SquareMeals.org
During regional, statewide, or national disaster or emergency situations, TDA may develop a dedicated webpage. The disaster webpage will contain announcements, guidance, applicable forms, and other information specific to the disaster or emergency.

Affected CEs should routinely review the website for new information as TDA frequently updates these websites.
- TDA Food and Nutrition Customer Service Line (877-TEXMEAL, (877) 839 -6985)
TDA takes calls related to the disaster or emergency on TDA's regular customer service line.

¹ See the *TDA Communications During a Disaster Situation* subsection in this section for additional information on communication during a disaster or emergency situation.

- **NSLP Newsletter**
The NSLP Bi-Weekly is used to provide reminders and updated guidance. This resource is released twice a month.
- **Education Service Centers (ESCs)**
TDA has a process for information to be quickly disseminated through the regional ESCs. CEs should immediately review each ESC communication they receive for new guidance and updates. TDA also conducts routine information sharing sessions with ESC staff, so they are able to provide direct assistance to CEs on request.
- **Targeted Email Sent to All Affected CEs**
During a disaster or emergency situation, TDA may send targeted emails to affected CEs to quickly distribute guidance or other important information
- **Extreme Situations**
During some disaster and emergency situations, normal communication methods may not be available. In these cases, TDA will work one-to-one with CEs and through the CE's ESC to establish the best available communication methods.

Unanticipated School Closure

When a disaster or emergency event causes a school to stop instructional activities and close, the CE may continue to serve meals to students via one of the following options. The CE must notify TDA via the Unanticipated School Closure Notification Form² about the type of meal service they plan to operate during the unanticipated school closure.

Meal service options available during an unanticipated school closure:

1. **Operate SSO (preferred) or SFSP.** Regulation only allows for SSO or SFSP operations during an unanticipated school closure between the months of October and April; However, TDA will request a waiver of this timeframe annually to allow for expanded summer service during unanticipated closures occurring during the school year but outside that window. Please consult www.SquareMeals.org and your ESCs for annual information pertaining to this waiver.

CEs must adhere to the following guidelines:

- Ensure that a site application is open for the applicable program and that it reflects the dates and times of service.
Because SFSP applications cannot be back-dated, any CE choosing SFSP must wait to serve reimbursable meals until the application is approved. SSO is the preferred program because CEs can submit an SSO site application with a prior date of service, allowing for emergency service to be implemented immediately.
- Area eligibility applies. As such, a site serving summer meals during an unanticipated closure must be located in the attendance zone of an eligible school.
- Non-congregate service, parent pick-up, and meal service time flexibilities may be available during an unanticipated closure via USDA-approved waiver. The Unanticipated School Closure Form will indicate if any flexibility is available.
- CEs may serve meals from the closed school site, if available via approved waiver.

² Available on the NSLP Administration/Forms page of SquareMeals.org.

- Meals served must only be claimed for days that school would have normally been in session.
2. **Operate CACFP At-Risk** at any point during the school year an unanticipated closure occurs. CEs must adhere to the following guidelines:
 - The school may offer one meal and one snack per day.
 - At-risk enrichment activity requirements may be waived during an unanticipated closure, and non-congregate service, parent pickup, and meal service time flexibilities may be available. The Unanticipated School Closure Form will indicate if any flexibility is available.
 - These sites can be located at the school, and service can occur on the weekend if these times are approved in the site application.
 - Sites must adhere to all other At-risk requirements.
 3. **Operate non-congregate NSLP** service as long as virtual instruction is occurring.
 - If schools are able to continue instruction virtually and have the infrastructure to properly count and claim meals while operating a non-congregate service, this is an available option for up to 10 days without an approved extension.
 - TDA will provide additional guidance to CEs with these capabilities should an unanticipated closure occur.

Operation is allowed for a maximum of 10 days unless an approved extension is granted. TDA will communicate these extensions to any CE experiencing an unanticipated closure longer than 10 days.

For more information on area eligibility and the summer programs, see the *Administrator's Reference Manual (ARM), Section 11, Summer Meals*.

Inability to Maintain Normal Operational Systems

In situations where the CE is operating a meal program, but is unable to maintain normal accounting systems, including, but not limited to, counting, claiming, and monitoring, the CE must contact TDA as soon as possible.³ TDA will coordinate with USDA on appropriate actions to take.

Verification

In cases where a disaster interrupts the CEs procedures to complete the verification of household applications, TDA may approve deadline extensions in consultation with USDA.

National or Regional Presidentially Declared Disaster

USDA defines a disaster as a natural occurrence such as hurricanes, tornadoes, and floods or an exceptional emergency or man-made disaster to include such situations as human pandemics or chemical plant explosions. When there is a National or Regional Presidentially Declared Disaster that may impact the ability of CEs to continue normal program operations, USDA may approve regulatory waivers or other operational flexibilities to accommodate the needs of severely impacted areas or authorize TDA to approve waivers or other operational flexibilities.

Regulatory waivers and other operational flexibilities are provided on a case-by-case basis and require justification from TDA. CEs must contact TDA as soon as possible to alert TDA that a disaster is anticipated, will occur, or has occurred. TDA will coordinate with USDA and other agencies as appropriate in responding to the disaster.

³ See the Contact the Texas Department of Agriculture page which follows the Table of Contents in this section.

Possible Regulatory Waivers or Operational Flexibilities During a Disaster

USDA regulation allows TDA and USDA to implement regulatory waivers and other operational flexibilities during a disaster or emergency. This guidance provides an overview of the possible flexibilities. However, the unique circumstances of the disaster or emergency will determine the scope and range of the approved regulatory waivers and operational flexibilities.

When a disaster or emergency situation impacts a single CE, a group of CEs, or all CEs statewide, operational flexibilities may be allowed under the authority USDA and under the authority USDA grants to TDA.

Meal Service, Short-Term Issue

If the disaster or emergency circumstances prevent a site or CE from meeting the meal service requirements for a short period of time, TDA may approve to address short term operational needs of CEs. This approval will be limited and will address a particular meal service issue.

Flexibility may be allowed in the following areas:

- Traditional meal service time
- Requirements related to offer versus serve
- Substitution of an alternate form of milk

In its written request⁴ to TDA, the CE must provide detailed information on (1) the reason the CE cannot meet the meal service requirement(s) and (2) the alternative practice(s) the CE plans to implement. The Regional ESC can assist CEs in preparing a written request.

Meal Service, Extended Period

If the disaster or emergency circumstances prevent a site or CE from meeting the meal service requirements for an extended period, flexibilities must be approved by USDA. TDA will submit the approval request to USDA on behalf of the CE. This approval will be limited and will address a particular meal service issue.

Flexibility may be allowed in the following areas:

- Traditional meal service time
- Requirements related to offer versus serve
- Substitution of an alternate form of milk

In its written request⁵ to TDA, the CE must provide detailed information on (1) the reason the CE cannot meet the meal service requirement(s) and (2) the alternative practice(s) the CE plans to implement. The Regional ESC can assist CEs in preparing a written request.

In some circumstances, USDA may proactively address meal service issues and provide flexibility without TDA or CEs requesting approval. If USDA grants flexibility, TDA will provide additional guidance on how CEs may use the flexibilities.

⁴ In extreme situations when communication methods are limited, TDA will assist CEs in submitting written requests.

⁵ In extreme situations when communication methods are limited, TDA will assist CEs in submitting written requests.

Serving Site Locations

If the disaster or emergency results in an unanticipated school closure, TDA may allow CEs to operate the Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) at non-school sites. With USDA approval, TDA may approve NSLP and/or SBP school sites to operate SSO or SFSP during the unanticipated school closure.

The designated disaster organization and the CE should determine if NSLP or SBP sites are the best option to provide meal service during a disaster or emergency situation. The size of the kitchen and cafeteria, amount of inventory on hand, size and condition of equipment, and available staff should be considered in determining site locations.

Expanded Serving Locations

TDA may expedite the authorization of SSO sites or SFSP sites to provide meal services when schools or day care facilities must remain closed during a disaster or emergency situation. USDA may also authorize TDA to waive the site requirements for Child and Adult Care Food Program (CACFP), SFSP, and SSO in order to provide meals in the most suitable locations during a disaster or emergency situation.

Changing Service Locations When Facilities Are Damaged

When facilities are damaged, and the CE is unable to provide meal services at the sites the CE normally operates, a CE may combine or consolidate meal services at existing or new sites.

For existing sites, the CE must adjust the site enrollment number in the Texas Unified Nutrition Programs System (TX-UNPS) to reflect the new number of students enrolled at the location.

For new sites, temporary or long term, TDA may require CEs to create a new site in TX-UNPS. If required, TDA will provide instructions on the process for adding new sites in a disaster or emergency situation.

CACFP At-Risk and ASCP

With approval from TDA, NSLP/SBP CEs operating SSO/SFSP during a disaster or emergency situation that normally offer CACFP At-Risk supper and snack may offer lunch and a snack or breakfast and a snack instead of supper and snack. However, the SSO requirement that limits the number of meals each day still applies.⁶

- Breakfast, lunch, and snack
- Breakfast, supper, and snack

An NSLP/SBP CE cannot claim lunch and supper on the same day.⁷

USDA must approve additional waivers for operational flexibilities related to ASCP and CACFP At-Risk program requirements, including, but not limited to, enrichment.

⁶ See *Administrator's Reference Manual (ARM), Section 11, Summer Meals* for additional information on the meals that may be offered under SSO.

⁷ Camps may serve lunch and supper. See *Administrator's Reference Manual (ARM), Section 11, Summer Meals* for additional information on the meals that may be offered under SSO

FFVP

USDA must approve waivers for operational flexibilities for FFVP meal distribution.

Other Operational Flexibilities for NSLP/SBP CEs

There are other operational flexibilities that may be used based on unique circumstances. TDA will work with CEs on a case-by-case basis to identify these flexibilities and the process to obtain approval to use them.

Reporting Requirements for Flexibilities

When CEs apply flexibilities during a disaster or emergency, they may be required to report information on their use of the flexibility.

Disasters When There Is an Evacuation of a Geographic Area

In cases where families are evacuated from a geographic area, distributing and processing household applications may be challenging.⁸

Submitting a Household Application on Behalf of the Student

In the following circumstances, school officials may submit a household application on behalf of the student:

- When resources are not available to distribute and process household applications.
- When there is significant damage to the facility that houses eligibility records, and records are not accessible.
- When there has been an evacuation of an area where a CE is located, and CEs do not have access to eligibility information.

Establishing Homeless Eligibility

During a disaster or emergency situation, each county's Emergency Coordinator is responsible for coordinating emergency services throughout the impacted communities, including the identification of homeless families and individuals. CEs should work with the county Emergency Coordinator to identify homeless students as quickly as possible so that CEs are able to provide additional services as appropriate.

Resources for Disaster Feeding

The following resources provide information on preparation for disaster responses and guidance related to child nutrition programs.

TDA

- TDA Disaster website, F&N Resources tab at www.SquareMeals.org.
- TDA Disaster Resource Information Packet at www.squaremeals.org/Portals/8/files/commodities/Agricultural%20Disaster%20Assistance%20Packet.pdf

⁸ See the *Administrator's Reference Manual (ARM)*, Section 4, *Eligibility Determination* for additional information on eligibility. Additionally, the *Households That Do Not Submit a Household Application, Submitting on Behalf of the Student* subsection of Section 4 provides guidance specific to submitting an application on behalf of the student.

USDA

- Child Nutrition Programs during Disaster at https://childnutrition.ncpublicschools.gov/information-resources/emergency-disaster-preparedness/usda_cn_disaster.pdf
- Disaster Nutrition Assistance Programs at https://childnutrition.ncpublicschools.gov/information-resources/emergency-disaster-preparedness/fns483_disasterbroch.pdf
- Food Distribution Disaster Assistance website at www.fns.usda.gov/disaster/usda-foods-disaster-assistance
- USDA Food Program Disaster Manual at <https://fns-prod.azureedge.net/sites/default/files/fdd/disaster-manual.pdf>

Other Sources

- Federal planning resources for emergency at www.ready.gov/
- Red Cross at www.redcross.org/
- United States Federal Emergency Management Agency (FEMA) at www.fema.gov/

Records Retention

The CE is required to maintain an organized system of record retention that is accessible to appropriate CE staff members and federal or state reviewers. TDA may request documentation for both offsite and onsite administrative reviews. CEs also have the option to maintain records in paper or electronic form. The *Administrator's Reference Manual (ARM), Section 30, Records Retention* has additional information on the records CEs must retain.

Information Box 1

Record Retention

Public and charter schools are required to keep documentation related to school nutrition programs for five years.

Private schools, other nonprofit organizations, and residential childcare institutions (RCCIs) are required to keep documentation for three years.

Lost Records

When records required for review purposes are lost or destroyed because of a disaster, the CE must inform TDA as quickly as possible. This includes, but is not limited to, paid claims, approved applications, and food production records. TDA will coordinate with USDA on the appropriate actions to take.

The CE must retain records for the following topics related to program operation service during a disaster or emergency:

- **Counting & Claiming.** The CE must retain records that accurately reflect all reimbursable meals served, including, but not limited to, documented records of the meals served at each meal service and the number of meals claimed for reimbursement.
- **Meals Service.** The CE must retain records for reimbursable meals served, food items served, times of meal service, staffing, food inventory, and other meal service operational tasks.

If the CE has received a waiver for any aspect of the meal service operation, the CE must retain documentation of the approved flexibility or waiver and how the flexibility or waiver was implemented.

- **Financial.** The CE must retain records of all financial transactions, including, but not limited to, income to the program, allowable costs, and procurement.

Compliance

TDA will review documentation submitted through TX-UNPS, retained onsite during Administrative Reviews (ARs), or on request to ensure that the CE is compliant with the regulations described in this section. TDA may require an approvable corrective action plan if the CE does not comply these requirements.