

# Frequently Asked Questions

## School Year 2023-2024 Operations

### Guidance Subject to Change – Check dates for the latest version

This FAQ document covers operations for School Year (SY) 2023-2024. It was created based on input from contracting entities (CEs) and Education Service Center (ESC) staff, United States Department of Agriculture (USDA) policy guidance specific to School Year 2023-2024 operations, Congressional legislation, and existing USDA and Texas Department of Agriculture (TDA) guidance from the previous school year and summer operations.

This document captures immediate operational guidance for SY 2023-2024 operations – any guidance that will be permanent moving forward will eventually be moved to the Administrator’s Reference Manual (ARM). TDA will continue to provide more detailed guidance as it becomes available. Please read each question and response carefully and thoroughly as each question covers a very specific topic; **you should not mix responses from multiple questions to arrive at an answer for any questions you may have.** Please contact your ESC with any questions.

CEs must understand and adhere to all applicable requirements of the program(s) they are operating, including the guidance outlined in this FAQ. All program requirements remain in effect unless specifically waived by USDA and as described in this FAQ. Updates to this document are in yellow.

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TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**

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[www.SquareMeals.org](http://www.SquareMeals.org)

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### 1. How will federal meal reimbursements differ from SY 2022-2023?

In SY 2022-2023, standard NSLP and SBP paid, reduced-price, and free meal reimbursement rates applied, but the Keep Kids Fed Act (KKFA) of 2022 approved an additional \$0.15 for breakfast reimbursement for each category and \$0.40 for lunch for each category.

This additional per meal reimbursement provided by the KKFA **expired June 30, 2023**. All meals will be reimbursed based on the SY 2023-2024 rates, now published on SquareMeals:

<https://squaremeals.org/Programs/NationalSchoolLunchProgram/ReimbursementRates.aspx>

See below for information about additional state-provided reimbursement for Contracting Entities (CEs) that offer reduced-price breakfasts at no cost during SY 2023-2024.

### 2. How are severe need breakfast and lunch reimbursements determined for SY 2023-2024?

For SY 2023-2024, school sites are eligible for severe need breakfast reimbursement if 40 percent or more of NSLP lunches served to students in SY 2021-2022 were free or reduced-price. CEs are eligible for severe need lunch reimbursement, also known as the 2-cent differential, if 60 percent or more of NSLP lunches served to students in SY 2021-2022 were free or reduced-price.

CEs that operated SSO during SY 2021-2022, however, will not have the complete data needed to determine eligibility for severe need reimbursements in SY 2023-2024. As a result, the following guidelines apply for determining severe need eligibility:

- CEs that operated SSO in SY 2021-2022 will use the most beneficial claims data source to qualify for severe need as follows:
  - **Source 1:** The total number of lunches claimed free or reduced-price under NSLP in SY 2022-2023.
  - **Source 2:** The total number of lunches claimed free or reduced-price under NSLP during the first three months of SY 2023-2024. Severe need

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reimbursement will be retroactive back to the three months used to establish eligibility.

TDA will implement these updates on behalf of the CEs in TX-UNPS.

### **3. How will the 88<sup>th</sup> Texas Legislature's appropriation of funding to reimburse schools for serving reduced-price breakfasts at no cost affect reimbursement?**

Additional funding that reimburses schools for serving breakfasts to reduced-price-eligible students at no cost is available for breakfasts served **on or after September 1, 2023**, and will be available through the rest of SY 2023-2024 and the entirety of SY 2024-2025.

School districts may elect to serve reduced-price breakfasts for free in August 2023 using Child Nutrition Program (CNP) funds or other sources to offset the costs of the meals. Conversely, schools may charge up to \$0.30 maximum per meal during August if funding is not available to offset costs of providing reduced-price breakfasts at no cost in August.

For each reduced-price breakfast claimed on September 1 and after, schools will be reimbursed the amount they would have normally charged students for reduced-price breakfast as indicated in the school's site application, up to a maximum of \$0.30 per meal.

All breakfasts served to students must be claimed based on each student's respective eligibility status. TDA will process claims as normal within the regulatory timeframes. The State-provided reimbursement will be processed separately from the federal reimbursement and will be distributed 60 days after each claim submission.

For more detailed information about parent notification, modification to Point of Service systems, allowability of funding, and opt-out options, please refer to the detailed FAQs located on SquareMeals here:

<https://squaremeals.org/Programs/School-Breakfast-Program/Reduced-Price-Breakfast-Now-Free>

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### **4. What other flexibilities of the Keep Kids Fed Act of 2022 expired June 30, 2023?**

The flexibility that allowed TDA to waive fiscal action in the event a COVID-19-related supply chain disruption also expired June 30, 2023.

### **5. Are there any flexibilities available for school year (SY) 2023-2024 to offset health and safety concerns?**

No. Previous flexibilities allowing non-congregate feeding, parent pick-up, meal service times, and waiver of OVS in senior high schools are no longer available in SY 2023-2024. Offsite monitoring waivers also expired June 30, 2023, but refer to the next question for more information about monitoring activities that can continue offsite.

### **6. What are the offsite monitoring flexibilities available for SY 2023-2024?**

While offsite monitoring waivers have expired, there are elements of a monitoring review that can be conducted offsite, such as documentation review and entrance and exit conferences. Refer to the following USDA-issued guidance for information, strategies, and best practices for conducting reviews now that offsite waivers have expired:

- School Nutrition Program Monitoring Guidance: <https://www.fns.usda.gov/cn/oversight-monitoring-onsite-offsite-school-meals-programs>
- CACFP Monitoring Guidance: <https://www.fns.usda.gov/cn/oversight-monitoring-onsite-offsite-cacfp-guidance>
- SFSP Monitoring Guidance: <https://www.fns.usda.gov/cn/oversight-monitoring-onsite-offsite-sfsp-guidance>

### **7. What are the Paid Lunch Equity (PLE) requirements for SY 2023-2024?**

When completing the PLE tool for SY 2023-2024, CEs with a negative balance in their nonprofit food service account as of June 30, 2022, should use the price they last charged students as the basis for their SY 2023-2024 PLE calculation.

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Per the Consolidated Appropriations Act of 2023, any NSLP CE with a positive or zero balance in its nonprofit school food service account **as of June 30, 2022**, is exempt from PLE pricing requirements for SY 2023-2024. CEs must document use of this flexibility but are **not** required to notify TDA.

### 8. How is 30-day carryover eligibility applied for SY 2023-2024?

Given that all schools were required to return to standard NSLP operations in SY 2022-2023, 30-day carryover eligibility for SY 2023-2024 must be established per standard regulation, using SY 2022-2023 eligibility data.

### 9. Did USDA extend the deadline to complete the Local Wellness Policy (LWP) triennial assessment?

No. Any CE that opted into an extension of the first triennial Local Wellness Policy assessment in 2022 must have completed the assessment by **June 30, 2023**.

### 10. What are the transitional meal pattern changes going into effect in SY 2023-2024?

The following transitional meal pattern changes are in effect for SY 2023-2024:

- **Flavored Milk** – Schools may offer flavored, low-fat (1 percent) milk at lunch and breakfast and as a beverage for sale a la carte; unflavored milk (fat-free or low-fat) must be available at each school meal service.
- **Whole Grains** - At least 80 percent of the weekly grains in the NSLP and SBP be whole grain-rich; the remaining weekly grains offered must be enriched.
- **Sodium** - Sodium Target 1 levels are retained for school breakfasts. For school lunch only, schools must be Sodium Target 1A levels, which decrease the limit by 10% to the following:
  - Grades K-5 – 1,110 mg
  - Grades 6-8 – 1,225 mg
  - Grades 9-12 – 1,280 mg
  - Grades K-8 – 1,110 mg

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More detailed information will be published in the Administrator's Reference Manual (ARM) soon. In the meantime, please refer to the [Transitional Nutrition Standards page on SquareMeals.org](#)<sup>i</sup> for helpful resources.

### **11. What are the changes to the micro-purchase procurement guidelines going into effect SY 2023-2024?**

TDA is implementing a self-certification process as an option for CEs operating NSLP to increase the micro-purchase threshold up to \$49,999. The self-certification process was open from August 1, 2023, to October 31, 2023. Submissions for this school year are no longer being accepted. This will be an annual process that CEs must be approved for to increase the threshold.

More information, including instructions for the process, criteria for approval and compliance, and a link to the online request form are posted on SquareMeals here: <https://squaremeals.org/Programs/National-School-Lunch-Program>

### **12. If my school must shut down temporarily due to an unanticipated event, and no virtual instruction is provided, can we continue to serve meals to students?**

Yes. If a school closes due to an unanticipated event, the school district must notify TDA via the [Unanticipated School Closure Notification Form](#)<sup>ii</sup> about the type of meal service they plan to operate during the unanticipated school closure (USC). The form is available on the NSLP Administration/Forms page.

Available service options during a USC include:

- **Operate SSO (preferred) or SFSP between the months of October and April.** CEs must adhere to the following guidelines:
  - Notify TDA via the Unanticipated School Closure Notification Form, choosing SFSP or SSO.
  - 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.

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- All area eligibility requirements are in effect for SY 2023-2024. A site serving summer meals during a USC must be at or in the attendance zone of an eligible school.
- Non-congregate service, parent pick-up, and meal service time flexibilities are available this school year during a USC via USDA-approved waiver. CEs must provide information about these flexibilities within the USC Notification Form.
- CEs are also allowed to serve meals from the closed school site, if available.
- USDA is only allowing the use of USC flexibilities for a maximum of 10 days unless an approved extension is granted. TDA will communicate these extensions to any CE experiencing a USC longer than 10 days.
- Meals served must only be claimed for days that school would have normally been in session.
- **Operate CACFP At-Risk at any point during the school year in which a USC occurs.** CEs must adhere to the following guidelines:
  - Notify TDA via the Unanticipated School Closure Notification Form, choosing CACFP At-Risk Operations.
  - The school may offer one meal and one snack per day.
  - During SY 2023-2024, At-risk enrichment activity requirements are waived during a USC, and non-congregate service, parent pickup, and meal service time flexibilities are available. CEs must provide information about these flexibilities within the USC Notification Form.
  - These sites can be located at the school, and service can occur on the weekend if these times are approved in the site application.
  - USDA is only allowing use of USC flexibilities for a maximum of 10 days unless an approved extension is granted. TDA will communicate these extensions to any CE experiencing a USC longer than 10 days.
  - Sites must adhere to all other At-risk requirements.



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- **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. CEs must notify TDA of this service within the Unanticipated School Closure Notification Form, choosing NSLP/SBP Operations. TDA will provide additional guidance to CEs with these capabilities should a USC occur.

### **13. My school is switching to a 4-day week calendar. Do we have any options to feed students on the fifth weekday when school is out of session?**

For schools operating on a 4-day schedule, the additional day off will be considered part of the weekend. Schools may operate a standard CACFP At-risk program onsite on the extra day; however, all CACFP At-risk requirements will apply. For example, **only one meal and snack** can be claimed per student per day in CACFP At-risk. Additionally, onsite enrichment must be provided when operating CACFP At-risk.

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Washington, D.C. 20250-9410; or
- (2) fax: (833) 256-1665 or (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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- <sup>i</sup> <https://squaremeals.org/Programs/National-School-Lunch-Program/Meal-Pattern-Support>
- <sup>ii</sup> <https://app.smartsheet.com/b/publish?EQBCT=ce0aac30590b4bd5a3b42001cd8c404f>