Guidance Subject to Change – Check for Latest Version

Updates since the previous posting are highlighted. Click on an individual question in the Table of Contents to navigate to the answer. Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) operators should also refer to CACFP and SFSP/SSO FAQs on SquareMeals.org.

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Overview

1. Do I have to serve meals in a group (congregate) setting when schools return to National School Lunch Program (NSLP)/School Breakfast Program (SBP) operation in the fall?

No. Schools may determine their local needs and whether to participate in alternate meal service methods during the COVID-19 public health emergency. However, the nationwide waiver issued by USDA permits CEs with approved NSLP applications to provide meals in a non-congregate setting throughout School Year (SY) 2020-2021. Non-congregate meal service allows for meals to be consumed offsite and distributed via grab-and-go/curbside pickup or home delivery, thereby allowing for social distancing.

CEs must notify TDA whether they will utilize this flexibility for SY 2020-2021 via the submission of an intake form as described later in this FAQ.

Schools that elect to use this non-congregate waiver must provide access to meals to every enrolled student whether they attend in-person or remotely. However, the school has the discretion to choose how non-congregate meals will be offered.

This waiver is effective for NSLP, SBP, and CACFP through June 30, 2021, and for 2020 SSO operations until the start of SY 2020-2021. SFSP operators may serve non-congregate meals until September 30, 2020, or until school resumes, whichever is earlier. NOTE: Summer meal programs may not operate concurrently with NSLP and SBP.

If an unanticipated school closure occurs during SY 2020-2021, SSO, if approved to operate by TDA, is authorized to operate under USDA’s nationwide waivers. Currently, there are no additional flexibilities in place should SFSP be approved to operate during an unanticipated school closure in SY 2020-2021.

The COVID-19 nationwide non-congregate feeding waiver is located on USDA’s FNS Coronavirus webpage.
Please see TDA’s SquareMeals.org Coronavirus webpage for Fall Planning Resources that are intended to support schools as they plan for SY 2020-2021 meal service while mitigating risks posed by COVID-19.iii

Refer to the Summer or CACFP FAQs on SquareMeals.orgiv for information on how this waiver affects SFSP and CACFP operators serving non-congregate meals.

2. If my school is scheduled to operate part time with limited days/hours per week of onsite instruction, would the days/hours the school is closed to students be considered an “unanticipated school closure?”

No. Per USDA, planned full or partial building closures are not considered “unanticipated school closures” for SY 2020-2021.

3. Do the meal service time restrictions apply during the COVID-19 public health emergency?

No. TDA opted into the USDA-issued nationwide waiver that allows all CEs to waive mealtime restrictions to support streamlined access to nutritious meals.

Note that this meal time waiver does not supersede the regulations that define the intent of the CACFP At-risk program, which state that meals must be served outside school hours. For example, during the school week, the At-risk program may not be used to serve lunch. There may be cases, as described later in this FAQ, where an At-risk meal may be bundled with other meals for the day, but the intent for those meals is that they are consumed outside school hours.

CEs must notify TDA about the decision to utilize this flexibility for SY 2020-2021 via the submission of an intake form as described later in this FAQ. Additionally, TDA will issue further guidance on how CEs are to document modified meal service times.

Per the USDA, this nationwide waiver is effective until June 30, 2021, for the NSLP, SBP, and CACFP. SSO may continue operating under this waiver until the official first day of SY 2020-2021 and may also utilize this waiver should an unanticipated school closure occur. This waiver expires September 30, 2020, for SFSP.
The COVID-19 nationwide meal time restriction waiver is located on USDA’s FNS Coronavirus webpage. Re

Refer to the CACFP FAQ on SquareMeals.org for information on how this waiver affects CACFP operators serving non-congregate meals.

4. **Are meal pattern requirements waived during SY 2020-2021 in response to the COVID-19 public health emergency?**

TDA opted into the USDA-issued nationwide waiver that allows State Agencies to waive meal pattern requirements on a justified and targeted basis during the COVID-19 public health emergency.

TDA has developed a COVID-19 NSLP Meal Pattern Flexibilities Intake Form for NSLP CEs to request this waiver. CE s must complete and submit this Intake Form only after the CE has actively attempted to purchase the necessary items to comply with the meal pattern requirements. The date range entered on the Intake Form must align with a reasonable procurement cycle or delivery schedule. The ending date entered will be the day before your next scheduled shopping trip or date of next food delivery. Requests must be submitted prior to the end date of the period or which you are requesting the waiver. If in the next cycle that item or a different item is still unavailable, a new form must be submitted.

Requests will be analyzed on a case-by-case basis. TDA expects and strongly encourages CEs to maintain and meet the nutrition standards for each Program to the greatest extent possible. Approval will be limited to rare instances that affect supply chain disruptions or food safety issues as outlined in the waiver. CEs approved for this waiver must comply with the instructions provided by TDA.

If the waiver is granted, the CE should continue to attempt to procure the item from alternative sources and notify TDA if the waiver is no longer needed. CEs must track the number of meals served that do not meet the meal pattern and will be required to document all meal component substitutions and any efforts to procure the missing component.
As a reminder, Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency. More information about emergency procurement is provided below.

TDA stands ready to provide technical assistance and to offer alternatives to help CEs meet meal patterns. For additional information on the meal pattern waiver including documentation, please refer to the Meal Pattern Waiver Reference Guide for COVID-19 on SquareMeals for examples of documentation.

USDA has extended meal pattern waiver for NSLP, SBP, SSO, and CACFP through June 30, 2021. The meal pattern waiver for SFSP remains in effect until September 30, 2020, or until school resumes, whichever is earlier.

The COVID-19 nationwide meal pattern requirement waiver is located on USDA’s FNS Coronavirus webpage.

5. Am I required to offer an enrichment or educational activity if I am offering non-congregate meals in the NSLP Afterschool Care Program (ASCP) or CACFP At-risk?

The enrichment and education requirements for NSLP ASCP and CACFP At-risk have not been waived by USDA. However, when providing non-congregate meal service, At-risk and NSLP ASCP operators may meet the enrichment and education requirement through remote enrichment activities, handouts, or other appropriate means as determined at the local level.

Examples of how ASCP and At-risk operators may meet the enrichment/educational requirement include, but are not limited to, the following:

- Providing educational materials/handouts with the non-congregate meals
- Providing remote/online versions of the activities usually provided in person
- Providing resources with links to educational/remote activities.
USDA also provides a variety of online games, books, and nutrition education activities for children on its Team Nutrition webpage.

Information on the education activity requirement in the Fresh Fruits and Vegetable Program (FFVP) is found below.

CEs must maintain documentation that demonstrates how they met the enrichment/educational activity requirement.

6. Who is authorizing the waiver of regulations and what other regulations have been waived?

The nationwide waivers issued by USDA that are currently in effect for NSLP/SBP are:

- COVID-19: Child Nutrition Response #6—Community Eligibility Provision (CEP) Deadlines
- COVID-19: Child Nutrition Response #18—Deadline for Local School Wellness Triennial Assessments
- COVID-19: Child Nutrition Response #19—Food Service Management Contract Duration
- COVID-19: Child Nutrition Response #32—Extension of Area Eligibility Waivers through August 31, 2020
- COVID-19: Child Nutrition Response #33—Extension of Non-congregate Meal Service (NSLP, SBP, and CACFP)
- COVID-19: Child Nutrition Response #34—Extension of Flexible Meal Service Times (NSLP, SBP, and CACFP)
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- COVID-19: Child Nutrition Response #36—Extension of Meal Pattern Flexibilities through July 31, 2020 for SFSP and June 30, 2021 for NSLP, SBP, SSO, and CACFP (Extension #4)
- COVID-19: Child Nutrition Response #37—Offer Versus Serve (OVS) for Senior High Schools in NSLP for School Year 2020-2021
- COVID-19: Child Nutrition Response #38—Meal Pattern Flexibilities (extended through August 31, 2020 for SFSP) (Extension #5)
- COVID-19: Child Nutrition Response #41—Extension of Onsite Monitoring Requirements in School Meals Programs

TDA has notified USDA that the agency will implement the above waivers to increase flexibility in operating the NSLP/SBP during SY 2020-2021. TDA will continue to add to this list as waivers are issued. Additionally, any waivers that are approved for Texas only will be addressed in this FAQ, as applicable.

TDA will provide additional guidance on the implementation of these waivers, as applicable, in this FAQ document. Note that unless waived, all other requirements in the child nutrition programs remain in place and still apply.

A complete list of nationwide waivers pertaining to the COVID-19 public health emergency is located on USDA’s FNS Coronavirus webpage. This includes waivers that have expired and/or do not apply to SY 2020-2021 operations.
Getting Started

7. My school starts in September this year. Are there any options for continuing to serve non-congregate meals between September 1 and the first day of meal service?

Yes. USDA’s nationwide waiver permits SSO operators to continue non-congregate meal service under the COVID-19 flexibilities into September and up to the first scheduled day of curriculum for SY 2020-2021. SFSP operators may provide non-congregate meals through September 30, 2020, or until school resumes, whichever is earlier.

8. Our summer feeding program must end when school starts. How do I determine the start date for my school?

In Texas, the site start date occurs when the instructional minutes from that site begin crediting toward SY 2020-2021. If other school sites in your district or local area are not crediting minutes to SY 2020-2021, that site may continue operating a summer program; however, that site must verify that no duplicate meals are served.

9. How do I indicate my intention to operate under the meal distribution nationwide waivers in PY 2020-2021?

TDA has published the Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form, which will allow CEs to outline their intention(s) to use the following waivers:

- Non-congregate Meal Service
- Alternative Meal Times
- No Child Present, Parent Pick-Up
- Offer vs Serve (OVS) Requirement (for Senior High Schools only)

CEs who utilize these waivers must report changes to waiver use and the number of meals served through congregate and non-congregate service options. Refer to the
**10. Do I have to submit a separate site application for each non-congregate location established by my school?**

No. During summer operations, TDA required that CEs create specific CV-designated sites in TX-UNPS for each type of non-congregate meal service being offered; however beginning July 1, 2020, only each school site operating for SY 2020-2021 must be indicated in the CE’s program application.

**11. Are CEs required to update the Attachment B form in TX-UNPS to reflect the nationwide waivers they are using during the COVID-19 public health emergency?**

Yes. The *Attachment B, Policy Statement for Free and Reduced-Price Meals* must reflect the current operational practices of the CE for SY 2020-2021. If a CE changes its operational practices to implement one of the COVID-19 nationwide waivers, the CE must update the form in TX-UNPS prior to implementation of that waiver. Information on grab-and-go/curbside, home delivery, meals in the classroom, multiple meals served to students, and non-traditional meal service methods must be reported in Question 10. If meals continue to be counted and charged in the cafeteria line, but the meals are now consumed in the classroom, *Attachment B* does not need to be updated as long as it accurately reflects the CE’s operation. Note that Provision 2 and Community Eligibility Provision (CEP) CEs are excluded from this requirement.
The Attachment B, Policy Statement for Free and Reduced-Price Meals may be found in TX-UNPS on the Application Screen, Attachment B.

12. Where can I find information on public health resources, including guidance related to the Governor’s mask mandate and social distancing guidelines?

The Texas Department of State Health Services (DSHS) is the lead agency in the state’s preparedness efforts. As districts weigh operational decisions related to COVID-19, they should work with their local public health organization. A list of local public health organizations may be found on the DSHS website. The Texas Education Agency also has several public health resources and guidance for school districts posted on its COVID-19 webpage.
Meal Service

13. Do the COVID-19 flexibilities allow meals to be served at no charge and claimed at the free rate during SY 2020-2021?

No. During SY 2020-2021, all school meals must be served and claimed through the NSLP/SBP. Therefore, a local meal charge policy must be in place, and meals will be served and claimed based on individual student eligibility (with the exception of schools participating in Provision 2 and the Community Eligibility Provision). CEs must have a process to manage the costs due based on eligibility. For example: the $.40 lunch cost and $.30 cost for reduced-priced meals.
### Frequently Asked Questions

**MEAL SERVICE**

#### 14. What kind of meal service options do I have for SY 2020-2021?

TDA is aware that school districts are considering several different options for providing access to meals for all students during SY 2020-2021 operations. Some of the options include, but are not limited to, the following scenarios:

<table>
<thead>
<tr>
<th>School Operation</th>
<th>Student Attendance Scenario</th>
<th>Congregate/ Non-Congregate Meal Service</th>
<th>Meal Service Method</th>
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<tbody>
<tr>
<td>Traditional School Operation</td>
<td>All students attend school onsite each day.</td>
<td>Congregate</td>
<td>All meals are consumed onsite (cafeteria or meal in classroom).</td>
</tr>
<tr>
<td>Remote Learning</td>
<td>Students attend school onsite each day.</td>
<td>Non-congregate</td>
<td>Meals are consumed offsite (grab-and-go or home delivery).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Congregate</td>
<td>Remote students consume meals onsite at a designated time.</td>
</tr>
<tr>
<td>Shortened Day Traditional School Operation</td>
<td>All students attend school onsite for a shorter school day and leave the campus.</td>
<td>Non-congregate</td>
<td>All meals are consumed offsite (grab-and-go or home delivery).</td>
</tr>
<tr>
<td></td>
<td>All students attend school onsite each day in shifts and leave campus when not in class (i.e., half in morning, half in afternoon).</td>
<td>Congregate</td>
<td>All meals are consumed onsite.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-congregate</td>
<td>All meals are consumed offsite (grab-and-go or home delivery).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blended congregate and non-congregate</td>
<td>All meals served to onsite students are consumed onsite (cafeteria or meal in classroom); an additional meal is consumed offsite (via grab-and-go or home delivery).</td>
</tr>
<tr>
<td>Hybrid Traditional School Operation and Remote Learning</td>
<td>Student body is divided into groups; students rotate onsite learning and remote learning. Not all students are on the school campus on the same day.</td>
<td>Congregate</td>
<td>All meals are consumed onsite (cafeteria or meal in classroom) for those students doing onsite learning; remote learning students are allowed to visit the school at a designated time to receive lunch.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-congregate</td>
<td>All meals are consumed offsite (grab-and-go or home delivery).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blended congregate and non-congregate</td>
<td>All meals served to onsite students are consumed onsite (cafeteria or meal in classroom); remote learning student meals are consumed offsite (via grab-and-go or home delivery).</td>
</tr>
</tbody>
</table>
The above examples show how to implement non-congregate feeding in various scheduling scenarios. Schools should consult with TEA to determine the scheduling options available to them.

Please see TDA’s SquareMeals.org Coronavirus webpage for Fall Planning Resources that are intended to support schools as they plan for SY 2020-2021 meal service while mitigating risks posed by COVID-19.xvi

15. What is the difference between congregate and non-congregate meal service?

**Congregate meal service**: School meals are served and consumed onsite. Congregate meals include traditional cafeteria service, meals in the classroom, as well as meals picked up from the cafeteria or mobile kiosk somewhere on campus for consumption onsite.

**Non-congregate meal service**: Schools meals are distributed for off-site consumption. Non-congregate meals may be provided via grab-and-go or curbside pickup locations, mobile, or home delivery.

16. May I establish a grab-and-go/curbside meal pickup location for students doing remote learning?

Yes. The nationwide waivers for non-congregate and meal service times allow schools to establish grab-and-go or curbside pickup locations to provide remote enrolled students with meals for offsite consumption. Note that while any meals served via these methods must be claimed by the applicable site, non-congregate meal service can be provided at non-school sites as long as the meals served can be recorded at the correct eligibility status, meal price, and in a manner compliant with the board-approved charge policy.
17. Do I have to establish a separate grab-and-go/curbside pickup site or home delivery method for remote learning students?

While all school districts must ensure that enrolled students, including remote learners, have the opportunity to access meals on days when curriculum is being offered, **CEs may choose the method and time of meal distribution that best suits their needs** as well as the resources available to them. Schools may utilize the meal time restriction, non-congregate feeding, and parent pick-up waivers as needed to establish the best path forward to serve all students. For example, CEs may establish a grab-and-go/curbside pickup or a home delivery system or provide separate meal service times in the cafeteria for its remote students. TDA encourages CEs to work with their ESC child nutrition specialist to address specific concerns and challenges related to providing access to meals to all enrolled students.

18. Can a district establish a single non-school site to serve remote learners from multiple schools in the district?

Yes. However, the POS system(s) at that location must be able to track each meal served to a student's correct eligibility status, meal price, and in a manner compliant with the board-approved charge policy.

19. If we have enrolled students participating in remote learning at a child care facility offering the Child and Adult Care Food Program (CACFP), would the meals served at that provider be claimed by the child care provider or the school?

The meal may be claimed by either the child care provider or the school, depending on the agreement, if any, between the two sites as well as the limitations imposed by licensing requirements. Available options include the following:

- If a student is paying enrollment fees to the provider while participating in remote learning and is eligible for CACFP meals, the child care provider may claim those meals in accordance with all CACFP regulations and eligibility guidelines. No agreement is required with the school.
Frequently Asked Questions
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• **NOTE:** Child care providers must abide by all licensing requirements to be approved as a CACFP site. For example, if the licensing information submitted to TDA stipulates that the age of enrolled children must not exceed 12, and the site application now indicates that children 13 or over are now enrolled, TDA will not approve that application.

• A child care provider and school may enter into a written agreement for the schools to claim the meals under NSLP. Such agreements must stipulate how costs and claiming information will be handled between the two entities as well as how those specific meals are to be provided. For example, the school could deliver the meals to the child care provider, or the provider could pick up the meals at the school distribution site.

• Important considerations under these types of written agreements include:
  
  o Students must be claimed by the child’s eligibility status as determined by their home school.

  o Both facilities must ensure that a process is in place to prevent duplicate meal service.

  o To provide meals to children that are not of eligible age to receive CACFP meals, the provider must enter into a written agreement with a school to provide meals. **The provider may not use CACFP At-risk to serve breakfast or lunch since At-risk meals must be consumed outside of school hours.**

• **However,** it is possible that a school that already operates an At-risk program and enters into an agreement with a child care provider to provide meals may provide an At-risk supper at the same time the lunch meal is distributed, with the idea that the child will consume the At-risk meal later outside of school hours.
20. What meal service options do I have if I want to continue congregate feeding for onsite students?

Some options schools may want to consider if they want to provide meals in a congregate setting while maintaining social distancing standards include:

- **Cafeteria Service**: Meals are served to students in the cafeteria with additional safety, distancing, and sanitation practices implemented.
- **Meals in the Classroom**: Meals are brought to the classroom and students remain in their classroom for the duration of the meal.
- **Kiosks/Mobile Service**: Meals are served on mobile food carts located throughout a school’s campus.
- **Combination**: Meals are served to students in the cafeteria with additional safety, distancing, and sanitation practices but consumed in the classroom.

Please see [TDA’s SquareMeals.org Coronavirus webpage for "Fall Planning Resources"](https://www.SquareMeals.org) intended to support schools as they plan for SY 2020-2021 meal service while mitigating risks posed by COVID-19.xvii

21. Who may receive a meal? May meals be delivered or picked up for other children living in a student’s household?

Only enrolled students participating in NSLP/SBP are eligible to receive meals. For information on additional resources or benefits that may be available to other members of the household, please visit the [Benefits.gov webpage].xviii
22. What guidelines must I follow to allow parents or guardians to pick up meals when their children or adult participants are not present?

During the COVID-19 public health emergency, parents or legal guardians of enrolled participants in the NSLP/SBP and FFVP may pick up meals for students in their guardianship who are not present. TDA has established guidelines for the implementation of USDA’s nationwide parent/guardian meal pickup waiver as follows:

When a parent or legal guardian arrives to pick up a meal without a child, they will need to present one of the following items:

- Official Letter/email from school listing children enrolled at the campus
- Student ID number
- Student ID cards

Schools should establish procedures to facilitate this process. For example, once enrollment and proof of guardianship are verified, the CE could issue the parent/guardian a placard or rearview mirror hanger showing the number of meals to be picked up. Sites must display the Duplicate Meals Poster that explains the prohibition of receiving duplicate meals. To obtain a Duplicate Meals Poster, refer to the TDA's SquareMeals.org Coronavirus webpage.

CEs must notify TDA whether they will utilize this waiver per the guidance in this FAQ.

NOTE: As described in this FAQ, a school may enter into an agreement with a child care center in which the school provides and claims meals for children attending the center for purposes of participating in the school's remote learning curriculum. Such agreements should include which party, if any, is opting into this waiver for those children.

Per the USDA, this nationwide waiver is effective through June 30, 2021 and applies to NSLP, SBP, FFVP, and CACFP. SSO may continue operating under this waiver until the official first day of SY 2020-2021 and may also utilize this waiver should an unanticipated school closure occur. For SFSP, this waiver expires September 30, 2020, or until school resumes, whichever is earlier.
TDA has posted additional information on its [Coronavirus webpage on SquareMeals.org](https://SquareMeals.org) xx In addition, USDA posted [Best Practices for Parent Pick Up of Meals and Snacks](https://www.FNS.usda.gov)xxi on its webpage.

The COVID-19 nationwide parent/guardian meal pickup waiver is located on [USDA’s FNS Coronavirus webpage](https://www.FNS.usda.gov) xxii

Additional information on FFVP is provided below.

CACFP operators should refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](https://www.FNS.usda.gov) xxiii

### 23. If a student receives a meal on a day when it is determined that the student was not in attendance (for example, if the parent picks up for an absent student, or a student receives all the meals for the week on Monday but is absent on Thursday), can the meal be claimed for reimbursement?

Yes. While schools must ensure that the meal is going to the intended, enrolled child, it may be logistically impossible to verify a child’s attendance at time of service. For example, if meals for the week are distributed on Monday, and a child is absent later in the week, all the meals that were distributed can still be claimed. There is no expectation to “back out/reverse” meals served to children who are later determined to be absent. However, as per current regulation, CEs are still required to apply the attendance factor/accuclaim to verify the accuracy of their claims.

### 24. May a student or the parent/legal guardian pick up a meal in the student’s home district rather than in the district where the student is enrolled?

Student meals must be claimed by the school at which the student is enrolled. However, if the CE’s point-of-service (POS) system allows for meals served at a central, non-school location to be tracked to a student’s enrolled site, then the CE may serve meals away from campus. It is important that CEs ensure that students are served at the correct eligibility status, meal price, and in a manner compliant with the board-approved charge policy.
25. May I serve and claim meals for children who are not enrolled at my school but are present at our school during the day due to COVID-19-related circumstances (for example, a teacher’s child who is not enrolled at the teacher’s school)?

Yes, but the student must be enrolled at a school that is participating in the NSLP, and one of the two following options must be implemented:

- The “receiving” school that wants to serve and claim the meal must accept the “home” school’s documented eligibility status for that child and ensure that the child’s meals are claimed accordingly; or
- The “receiving” school may enter into a written agreement with the “home” school that allows the “receiving” school to serve the child while the “home” school claims the meal.

Note that these options are available for schools in different districts.

26. I have a homeless student enrolled in my district but that student resides in another district. Which district is responsible for providing that student with access to a meal?

Either district may provide the student with access to a meal as long as that student is under 26 years of age and is enrolled and receiving services through a credit recovery program under the McKinney-Vento Act as designated by TEA in Texas Education Code (TEC), Title 2, Subtitle E, Chapter 25, Subchapter A, Section 25.001. The two districts should create a written agreement that describes how counting and claiming of a meal served to that student will be accomplished. In all cases, only one CE may claim a meal served to that student. For example, the student may pick up meals from the district in which they are currently residing even if they are enrolled in a different district as long as the letter of agreement between the two CEs describes which CE will serve the meals, which CE will claim the meals, and how the cost of the meal will be covered appropriately.
27. Is my school required to participate in offer versus serve for senior high schools during SY 2020-2021?

No. To support the safe access to nutritious meals while minimizing potential exposure to COVID-19 during SY 2020-2021, USDA issued a nationwide waiver of the requirement that senior high schools must participate in offer versus serve (OVS). Consistent with Centers for Disease Control recommendations, this waiver provides schools with the flexibility to serve individually plated meals in the classroom instead of in a communal cafeteria. The waiver also provides schools the flexibility to offer meals for delivery or pickup for students doing remote learning.

Note that if you wish to continue OVS service for your congregate students but serve non-OVS at your non-congregate service, this is allowable. However, senior high school CEs implementing any non-OVS service must still notify TDA of its intention to operate under this waiver per the guidance in this FAQ. Additionally, schools who can successfully implement OVS at non-congregate curbside sites are allowed to do so.

Any meals served by a high school site choosing to opt into this waiver must contain all five required food components in the required serving sizes at point-of-service for the meal to be reimbursable. The requirements for a non-OVS reimbursable meal for grades 9-12 are as follows for lunch and breakfast:

<table>
<thead>
<tr>
<th>Food Components</th>
<th>Amount of Food per Week (minimum per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruits (cups)</td>
<td>5 (1)</td>
</tr>
<tr>
<td>Vegetables (cups)</td>
<td>5 (1)</td>
</tr>
<tr>
<td>Dark Green</td>
<td>½</td>
</tr>
<tr>
<td>Red/Orange</td>
<td>1¼</td>
</tr>
<tr>
<td>Beans and Peas (Legumes)</td>
<td>½</td>
</tr>
<tr>
<td>Starchy</td>
<td>½</td>
</tr>
<tr>
<td>Other</td>
<td>¾</td>
</tr>
<tr>
<td>Additional Vegetables to Reach Total</td>
<td>1½</td>
</tr>
<tr>
<td>Grains (oz. eq.)</td>
<td>10-12 (2)</td>
</tr>
<tr>
<td>Meats/Meat Alternates (oz. eq.)</td>
<td>10-12 (2)</td>
</tr>
<tr>
<td>Milk (cups)</td>
<td>5 (1)</td>
</tr>
</tbody>
</table>
### Breakfast Meal Pattern

<table>
<thead>
<tr>
<th>Food Components</th>
<th>Amount of Food per Week (minimum per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruits (cups)</td>
<td>5 (1)</td>
</tr>
<tr>
<td>Vegetables (cups)</td>
<td>May credit toward Fruits requirement.¹</td>
</tr>
<tr>
<td>Grains, whole grain-rich (ounce equivalents (oz. eq.)</td>
<td>9-10 (1)</td>
</tr>
<tr>
<td>Meats/Meat Alternates (oz. eq.)</td>
<td>May credit toward Grains requirement if at least 1 oz. eq. of Grains is offered.</td>
</tr>
<tr>
<td>Fluid Milk, unflavored or flavored fat free or unflavored 1 percent low fat (cups)</td>
<td>5 (1)</td>
</tr>
</tbody>
</table>

¹ Vegetables are not required in the SBP, but schools may choose to offer vegetables in place of fruits. To offer starchy vegetables in place of fruits, at least 2 cups of red/orange, dark green, legumes, or “other” vegetable subgroups must also be offered on a menu within the week. Effective February 15, 2019, through June 30, 2021, Federal funds may not be used to enforce this provision. This means that, through June 30, 2021, schools may offer any vegetable in place of fruits at breakfast, including potatoes and other starchy vegetables, without including vegetables from other subgroups in the weekly menus (Further Consolidated Appropriations Act, 2020, Section 749).

See [Administrator's Reference Manual](#) (ARM), Section 21, *Meal Service* for additional guidance on serving pre-plated or pre-packaged meals.²xiv

Per the USDA, this waiver is effective through **June 30, 2021**.

The COVID-19 nationwide waiver of OVS for senior high schools is located on [USDA’s FNS Coronavirus webpage](#).²xv

28. **Do I still have to provide a choice of milk at meals?**

Yes. This requirement has not been waived. However, if you are unable to procure a second choice of milk because of supply disruption/procurement issues, you may submit a meal pattern waiver request.
29. May the CE require households to use a cashless, electronic-only system to make meal payments? Can the CE require students to apply change from payments to the student’s account instead of returning it to the student?

No. To allow equal access to meals for all students, schools must continue to allow cash payments for families that may not have credit/debit cards or access to an electronic money transfer service. The CE cannot require households to make payments by any method that adds a fee or cost to established meal price. Even if the CE covers the credit/debit card fee, the CE cannot require a household to pay exclusively with a credit/debit card. Change from any cash payment must be returned to the student unless the student gives permission for the amount to be applied to the student’s account. To address concerns with accepting cash payments on the service line, the CE may require that all cash payments be made at the school office.

30. May I distribute multiple meals at one time?

Yes. If operating under both the meal service time waiver and the non-congregate feeding waiver, CEs may distribute multiple meals at one time to students or their parent/legal guardian, as long as the CE adheres to the daily maximum amount of meals allowed. CEs distributing meals for multiple days may not provide meals for more than one operational week at a time. Additionally, meals cannot be distributed for consumption on days that curriculum is not being offered, such as weekends or holidays. However, meals may be distributed on a non-school day for consumption on instructional days. Should an unanticipated school closure occur, where no instruction is taking place, and meals for those non-operational days were already distributed earlier in the week, those meals may be claimed. Any multiple meal distribution plan must ensure that duplicate meals are not served to any student for any day.
CEs must document the number of students served by their eligibility type (paid, reduced, free). The following is an example of an allowable method for documenting students when distributing meals over multiple days:

1. Identify students and their eligibility at the point of service for the first meal of the package (for example, if distributing breakfast and lunch for five days on Monday morning, document each student in the POS system as receiving breakfast for Monday).

2. Ensure that any refused meals are not counted at point of service.

3. Calculate the total number of meals served for each meal type for each eligibility status and retain records that document the meals to be claimed by day and by meal type for each eligibility status. CEs must account for the number of meals served by eligibility status for each day whereby meals are claimed.

4. Ensure that food production records are completed for each day that meals are intended to be consumed. Additional information on food production record requirements is located below.

CEP sites may count meals using any normally acceptable method that allows the CE to ensure that no duplicate meals are served. CEP sites must retain records that document the meals to be claimed by day and by meal type for all students.

**NOTE:** If utilizing the method described above, it is crucial that student identification and recordkeeping on the day of distribution is accurate; if a student is discovered to be inaccurately documented, all meals documented for that child that week may be disallowed.

Schools that operate a CACFP At-risk program should refer to the CACFP FAQ document posted on SquareMeals.org for additional guidance.
31. If I distribute meals over multiple days, may I serve individual components in bulk?

Bulk food items for multiple meal distribution is a COVID-19 flexibility allowed under the USDA nationwide waivers for non-congregate feeding, meal service times, and no child present (parent pick up), if applicable. **Note that pre-plated, unitized meals are not bulk packaged food.** Bulk food item distribution is a strategy for packaging multiple meals so that like food items are stored together, yet the food items are easily assembled into a meal and require no more than warming to be eaten.

To implement bulk food item distribution, CEs must receive approval from TDA before beginning this distribution via the following process:

- Submit the [Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form](#).

  - If you select the option for **Bulk Food Components for Multiple Meal Distribution**, you will be directed to the [Bulk Food Components for Multiple Meal Form](#) when the [Meal Distribution Waiver Usage Intake Form](#) is submitted. In case you cannot complete both forms in one session, you will receive a separate email with a link to the [Bulk Food Components for Multiple Meal Form](#). You must complete and submit this form.

- TDA will provide notification of bulk food distribution approval.

Qualities of an **effective** bulk distribution strategy include the following:

- Package includes a menu describing food items and portion sizes for each meal to be served with simple assembly directions for the meal.
- Package includes labeled food items requiring no more than warming to be served.
- Extra food items are separated and labeled as not part of the reimbursable meal.
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- The distribution method meets all applicable food safety regulations.

**Unacceptable** qualities of a bulk distribution strategy include the following:

- Food items require mixing ingredients for the food item to be edible.
- Food items require chopping, baking, frying, boiling, or roasting to prepare items for serving.
- Raw or partially cooked food items that must be cooked before serving (i.e., raw meat is always unacceptable; raw already pre-cut carrots are acceptable).
- Food items held at a temperature or method that is unsafe or prohibited by food safety regulations.

Food production records must be completed for each day that meals are intended to be consumed. Additional information on food production record requirements is located below.

The instructions on completing the *Meal Distribution Waiver Usage Intake Form* includes guidance on completing the *Bulk Food Components for Multiple Meal Form*. Additional information on *Bulk Packaged Food for Multiple Meals* is provided on SquareMeals.org.

32. What is the maximum number of daily/weekly meals allowed through NSLP/SBP during SY 2020-2021?

For NSLP/SBP, up to three (3) approved meals may be served each day (breakfast, lunch, and/or snack). The maximum number of days per week will correlate with the maximum number of instructional days per week. Meals may **not** be provided for non-instructional days.
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33. My district is operating with a rotating half-day shift ("hybrid") schedule to minimize the number of students in the building at any one time. May the students on the morning shift be provided a grab-and-go lunch to be consumed off site? May the afternoon students be provided with a grab-and-go breakfast to be consumed the following morning?

The nationwide waivers issued by USDA provides schools the flexibility to meet local needs and conditions during the COVID-19 public health emergency. Schools may provide enrolled students with meals for offsite consumption that they would otherwise have received during traditional, all day school operations. In addition to providing meals for offsite/non-congregate consumption, schools may also provide students with multiple meals at one time to cover the meals they will miss when offsite.

34. May I serve pre-kindergarten students the kindergarten meal pattern during grab-and-go/curbside pickup for remote students?

To the greatest extent possible, CEs are encouraged to serve the appropriate meal pattern to students. However, a grab-and-go meal service where students and/or parents may pick up meals at any time during the meal service would be considered commingled. Under these circumstances, CEs may serve the pre-K students the same meal patterns as the kindergarten students at the grab-and-go meal service. Note that this flexibility would not apply for home delivery because the CE would know the age/grade of the enrolled students in the household.

For more information on meal pattern flexibility for commingled age/grade groups, refer to the *Administrator’s Reference Manual* (ARM), Section 9, *Pre-Kindergarten Meals.*

35. Are there any additional current flexibilities that would allow me to waive age/grade meal pattern requirements?

USDA issued guidance that age/grade requirements may be waived on a case-by-case basis. TDA is discussing how to implement the new guidance to make the flexibilities available to CEs. More guidance will be issued soon.
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36. I want to change the time I offer lunch at my school. Do I need to complete and submit a Lunch Mealtime Exemption form?

No. The Lunch Mealtime Exemption form (SNP Form 000) is for exemptions required based on your standard congregate operations. **To alter SY 2020-2021 mealtimes due to the COVID-19 public health emergency**, CEs must notify TDA of its intent per guidance in this FAQ.

For more information on the standard mealtime exemption, refer to the Administrator’s Reference Manual (ARM), Section 21, Meal Service.xxxi

37. Am I allowed to serve meals if my school is forced to suspend onsite operations due to a COVID-19 outbreak?

If onsite operations are suspended but the school continues to provide remote learning to its students, CEs may continue to serve meals under NSLP on days that curriculum is being offered. Note that in this instance, if the site had not previously notified TDA of its intent to use the applicable USDA-issued waivers, it must do so before beginning non-congregate operations. All NSLP/SBP regulations outside of those waived by the nationwide waivers must also be followed.

If a school closure occurs unexpectedly and no remote learning option is available, the school may not claim meals under NSLP for those days. However, should those circumstances arise, the CE should contact TDA to determine if the closure qualifies as an “unanticipated school closure.” If so, the CE may be approved to operate SFSP/SSO and/or CACFP At-risk during the unanticipated school closure.

In SY 2020-2021, if approved to operate by TDA, SSO is authorized to operate under USDA’s nationwide waivers. Currently, there are no additional flexibilities in place should SFSP be approved to operate during an unanticipated school closure in SY 2020-2021.
38. Is the annual civil rights training requirement waived during the COVID-19 public health emergency?

No. The annual civil rights training requirement is **not** waived during the COVID-19 public health emergency given the potential impact it may have on individuals seeking program benefits. This annual training requirement applies to any CE staff member who has a role in processing the eligibility for household meal applications, interacts with participants about program eligibility, or provides services related to the operation or management of the program. Civil rights training is not limited to school nutrition staff. Detailed information on the annual training requirement is located in the *Administrator’s Reference Manual* (ARM), Section 3, *Civil Rights & Confidentiality*.

TDA also developed a [supplemental Civil Rights document](https://www.SquareMeals.org) that may be used by frontline staff and volunteers to familiarize themselves with basic Civil Rights requirements and concepts. Note that this TDA document does not serve as a replacement for the annual civil rights training requirement.

The annual civil rights training is available on [SquareMeals.org](https://www.SquareMeals.org).

39. Are teachers required to complete the annual civil rights training when meals are consumed in their classroom?

The annual civil rights training must be completed by teachers who perform operational tasks related to the meal service such as handing out or serving meals to students, counting meals, or providing meal accommodations. Monitoring is not an operational task. For example, if the students are served their lunch from a hallway kiosk for consumption in the classroom with a teacher present, that teacher is not conducting any operational tasks related to the meal service. However, if meals are provided in the classroom and the teacher confirms that a student receives the appropriate meal accommodation, the teacher is performing an operational task and would be required to complete the annual civil rights training.

If the teacher is not involved in any operational aspects of meal service in the classroom, it is recommended that they are familiar with civil rights requirements and concepts; however, the annual training is not required.
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Additional information on the annual civil rights training requirement is located above.

40. Do I have to display the “And Justice For All…” poster at my sites established in response to the COVID-19 public health emergency?

Yes. The “And Justice For All…” (AJFA) posters must be displayed in prominent locations throughout the school, such as bulletin boards in the main building entrance, the school office, or another area frequently visited by parents and children. Schools may copy posters and put one in each classroom; however, that is not required.

For non-congregate meal service, it is acceptable to attach a poster to a table, kiosk, cooler, or on the side of bus while distributing meals. The AJFA poster does not need to be displayed on vehicles making door-to-door deliveries.

During the COVID-19 public health emergency, CEs may substitute paper copies, as necessary, and may use the 2015 AJFA poster, if the new (2019) posters have not been received.

If printing a paper copy of the AJFA poster, the CE must use the pdf file available on USDA’s FNS website. If 11” x 14” paper is unavailable, the CE must document why it cannot print on this size paper. If 11” x 14” cannot be used, the CE may print the poster on standard 8.5” x 11” paper. When printing on 8.5” x 11” paper, selecting the printer option to “Fit to Printable Area” will improve the printed quality.

Additional information on the AJFA posters is available on SquareMeals.org.

41. Are CEs required to provide meal modifications for students who have a medical statement during the COVID-19 public health emergency?

Yes. CEs are required to provide meal modifications for students with a medical statement. When planning a non-congregate meal service, program operators should consider how individuals who require meal modifications will be identified and served. To the extent reasonable, CEs must provide the requested meal modifications when supported by a medical statement. If the CE cannot make the modification (e.g., the needed substitute is not on hand or available), the CE must clearly document why it could not make the requested meal modification.
TDA encourages CEs to work with their ESC child nutrition specialist to address specific concerns or to identify alternative methods to provide meal accommodations during this challenging time.

42. What preparation methods can be used?

CEs may provide cold, hot, frozen, or shelf-stable reimbursable meals. If a CE is providing multiple meals at one time, the CE must provide instructions on how to safely store and reheat meals (if applicable). The CE’s meal preparation and meal service practices must meet all applicable State and local food safety standards.

43. Am I required to offer water to students during the COVID-19 public health emergency?

Congregate:

Schools are generally required to make potable water available to student where meals are served during the meal service. When lunch is served in the classroom, schools are required to make water available. **USDA has not waived the potable water requirement for lunch.** The requirement to make water available during breakfast only applies when breakfast is served in the cafeteria.

Non-Congregate:

During the COVID-19 public health emergency, when lunch or breakfast is consumed outside of school (non-congregate), the requirement that water be made available **does not apply.**

TDA encourages schools to make water available in all meal service locations as safety permits and recommends that schools check with their local health districts to learn methods to safely provide water at meal times.

TDA submitted a statewide waiver request to USDA requesting authority to waive the requirement that students be offered water with their meals during the COVID-19 public health emergency. TDA will update this guidance once it receives a response from USDA.
44. Do CEs need to use a point of service (POS) system for counting meals served under the COVID-19 waivers?

CEs must have an accurate method for counting and claiming meals. The method must ensure that only one meal for each meal type is claimed for each child each day, even if all the children at the school qualify for free meals via CEP. Additionally, CEs providing both non-congregate and congregate meal service must record the meals served under each respective meal distribution method accordingly. A CE may use its normal POS system, or a system developed specifically for the circumstances. This includes a manual counting method.

Note that TDA has contacted the POS software companies that provide products to Texas CEs. Each company has agreed to provide the following assistance to Texas CEs:

- Method for CEs to code non-congregate reimbursable meals in the POS system.
- Technical assistance on using non-congregate meal codes.

If you have questions related to your POS software, CEs should contact their POS provider customer service representative.

CEs must include the method for counting meals in its Attachment B. TDA provided information on [how to update Attachment B forms for SY 2020-2021 above under "Getting Started."](#)

When determining meal counts, the CE must count the individual meals served to each child or picked up for each child. CEs must ensure that they do not use a counting method that allows them to back end into the number of reimbursable meals served. For example, if the CE prepared 100 meals and has 20 meals remaining, the CE cannot subtract 20 from 100 and count 80 reimbursable meals as served or picked up. Instead, the CE must have a method to count each meal served to each child as the meals are served or distributed. The [Administrator’s Reference Manual](#) (ARM), Section 20, Counting & Claiming provides extensive guidance on this topic. CEs may also contact their ESC for technical assistance on counting and claiming.
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Refer to this question for an allowable method for counting meals when distributing meals for multiple days.

45. May I submit a claim for reimbursement for meals served on Saturday?

Meals served on Saturday may be claimed for reimbursement only if it is a normal school day. To claim meals for reimbursement, CEs must update their site applications in TX-UNPS to reflect the school calendar days they plan to serve meals.

46. Am I required to obtain school board approval prior to making temporary changes to the school menu in accordance with the Local Wellness Policy?

No. School board approval is not required for a temporary change due to non-congregate feeding methods for a temporary change or changes. The school is required to publicize any changes so all households are aware of those changes. This may be done by publishing information on the changes on the school district’s webpage.

Additional information on local wellness policies may be found on SquareMeals.org and in the Administrator’s Reference Manual (ARM), Section 29, Local Wellness Policy, Stakeholder Engagement.

47. What are the guidelines for operating the Fresh Fruit and Vegetable Program (FFVP) during SY 2020-2021?

Non-Congregate Service—Elementary schools operating the FFVP may serve fresh fruits and vegetables at a non-congregate meal service, including grab-and-go or home delivery. Fresh fruits and vegetables provided through the FFVP may be served at the time the operator determines to be appropriate.

Multiple Servings at One Time—CEs may provide multiple servings at one time if multiple meals under NSLP/SBP are provided at the same time.

For example, sites may permit children to pick up a week’s supply of FFVP fruits and vegetables at a time. The FFVP serving for a week must reflect what would be served to an individual student during the school week.
Other Meal Programs—CEs may serve FFVP food products at the same time as NSLP and SBP. However, FFVP food products must be served in addition to the regular NSLP and SBP meal pattern; FFVP food products cannot count toward the food components or be used as food items for a reimbursable meal. A CE is not required to operate the FFVP in conjunction with another reimbursable meal service.

Participants—FFVP foods may only be provided to enrolled students at elementary schools approved to operate the program. If a district establishes a single site serving remote learners from multiple schools, but not all of those schools are approved to operate FFVP, procedures must be established to ensure only students from eligible schools receive FFVP foods in addition to the other meals being distributed. CEs must maintain documentation that demonstrates that only the eligible students were served FFVP food items.

“No Child Present” Waiver—Based on the exceptional circumstances related to the COVID-19 public health emergency, USDA granted TDA’s waiver request to allow parents to pick up FFVP food to take home to their children during SY 2020-2021. If CEs have already developed a process for distribution to parents or guardians through the NSLP/SBP, that process may be adapted to include FFVP.

CEs must use the Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form, xxxvii to opt into this waiver. Additional information on the Waiver Usage Intake Form is provided above.

Additional information on allowing parent pickup may be found above.

Educational Activities—The educational component for the FFVP is not required.

If it is practical to do so, TDA encourages elementary schools operating FFVP to continue to provide a nutrition education lesson with the FFVP service. CEs may utilize remote strategies to provide an education activity with FFVP meal service such as:

- Providing educational materials/handouts with the non-congregate meals
- Providing remote/online versions of the activities usually provided in person
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- Providing resources with links to educational/remote activities.

**Donation of FFVP Food**—If fresh produce cannot be used and would need to otherwise be disposed of, the CE should make efforts to donate it to another FFVP or NSLP/SBP operator.

**Change Serving Days**—To change a site's serving days, (1) send an email to NSLP-SBP.BOps@TexasAgriculture.gov with “FFVP” in the subject line and provide a description of the changes to the FFVP service and (2) add a description of changes to the CE's FFVP records and retain the records onsite.

Additional information related to the administration of the FFVP during the COVID-19 public health emergency is available on USDA’s FNS Coronavirus webpage.
**Home Delivery**

**48. What are the requirements for initiating home meal delivery for a household?**

CEs must first obtain written consent from households of eligible students (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, CEs should confirm the household’s current contact information and the number of eligible students in the household to ensure the correct number of meals are delivered to the correct location.

Once the CE receives written consent from the parent or legal guardian to release contact information, the CE may share the information with other organizations involved with meal delivery. If the CE is using a private vendor, then under the regulations implementing the NSLA, they must have a memorandum of understanding (MOU) with the vendor concerning the confidentiality requirements. The MOU should include information such as what will be disclosed, how the information will be used, how the information will be protected from unauthorized uses and disclosures, and penalties for unauthorized disclosure. The CE must ensure that data is always handled appropriately and by all organizations involved with meal delivery to safeguard household confidentiality.

It is critical that CEs protect the confidentiality of students and their households throughout this process.

Only enrolled students participating in NSLP/SBP are eligible to receive meals. For information on additional resources or benefits that may be available to other members of the household, please visit the [Benefits.gov webpage](#). xxxix

**49. Do home-delivered meals need to be shelf-stable?**

No. The type of meal offered will depend on the resources and capabilities of the CE or site. Those that can prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so. Home-delivered meals must meet all meal pattern requirements of the NSLP or SBP.
Monitoring Requirements

50. I am operating sites during the COVID-19 public health emergency. Do I have to conduct the required onsite monitoring?

USDA issued a nationwide waiver of onsite monitoring requirements of meals served under NSLP/SBP. Currently, that waiver expires August 31, 2020.

For scheduled monitoring through August, if opting not to conduct onsite reviews, all CEs must, to the maximum extent practicable, continue monitoring activities of NSLP/SBP operations offsite (e.g., through a desk audit). All CEs must document all onsite monitoring activities conducted during the COVID-19 public health emergency.

TDA is awaiting guidance on how monitoring requirements may be modified for SY 2020-2021 after August 31.

51. How does a CE conduct a desk audit in place of the onsite monitoring during the COVID-19 public health emergency?

All NSLP/SBP CEs must assess the activities they normally do while onsite and determine which of those activities are not possible as a desk audit. To the extent possible, CEs should incorporate technology as part of the desk audit, including video, photographs, and teleconferencing. Many of these technologies are widely available and free.

CEs must thoroughly document the desk audit, including, but not limited to:

- When it was conducted.
- Who the CE interacted with at the site.
- What technical assistance was provided.
- Those areas of the review that could not be completed as part of the desk audit.

CACFP operators should refer to CACFP FAQs posted on the SquareMeals Coronavirus webpage.
52. Will TDA be completing the School Nutrition Program (SNP) administrative reviews of my SY 2019-2020 operations?

A list of all CEs receiving an administrative review (AR) during SY 2020-2021 is posted on TDA’s SquareMeals.org webpage.xli TDA will coordinate with each CE on the best manner for the review to be conducted based on local COVID-19 policies and AR requirements. Tasks will be completed offsite and onsite.

Detailed information on NSLP/SBP compliance is located on TDA's SquareMeals.org webpage.xlii

53. Am I required to complete the triennial assessment of the local school wellness policies by June 30, 2020?

USDA issued a nationwide waiver in response to the COVID-19 public health emergency that allows NSLP/SBP CEs to complete their first assessment by June 30, 2021. CEs who notified TDA by June 30, 2020 that they intend to use the June 30, 2021, deadline will complete a second triennial assessment by June 30, 2024.

Operators that did not indicate intent to utilize the new deadline should have completed their triennial assessments by the original due date of June 30, 2020. The second assessment will be due by June 30, 2023.

Additional information on local wellness policies may be found on SquareMeals.orgxliii and in the Administrator's Reference Manualxliv (ARM), Section 29, Local Wellness Policy, Stakeholder Engagement.
Financial Considerations

54. If I am operating extended NSLP past July 1, will this affect the start date of the carryover eligibility period for School Year 2020-2021?

No. The 30-operating day window for carryover eligibility begins the first day the school begins scheduled instruction to all students for SY 2020-2021, even if that instruction is remote-only.

55. Can I use available funds from another child nutrition program to cover the costs of COVID-19 related operation?

Yes. Funds received for one child nutrition program may be used for the operation of another child nutrition program. If this requires a fund transfer from one account to another, the CE must retain documentation of the transfer.

56. Can a school district use funds designated for specified purchases in an approved Excessive Fund Balance Plan to cover the cost of operating during the COVID-19 public health emergency?

Yes. A CE may modify its Excessive Fund Balance Plan to redirect funds for meal service operation using the COVID-19 flexibilities if the costs are allowable. CEs must notify TDA of the change to their Excessive Fund Balance Plans at School.Operations@TexasAgriculture.gov.

57. How does a CE charge the time for employees who have both COVID-19-related operational tasks and non-COVID-19-related operational tasks?

Employees must charge time to the program account under which work activities fall. An employee may have time charged to more than one account. The CE should have local procedures to address how to charge time when an employee is paid by different child nutrition programs or other funding sources.
58. If a district employee used leave under the Families First Coronavirus Response Act (FFCRA), to which account does the district charge the costs?

Costs for FFCRA should be made under the account in which expenses were incurred for all employees. All employees, both federally and non-federally funded, must be treated consistently.

59. If I deliver meals directly to children’s homes or distribute from an approved non-congregate site, are my transportation and labor costs allowable expenses in the Child Nutrition Programs?

Yes. Transportation costs related to the delivery of meals is an allowable cost under these circumstances. Transportation costs include labor, equipment, and supplies that are reasonable, necessary, and allocable. CEs must use the actual cost or a mileage rate (allowance) to account for allowable transportation costs.

Note that there is no additional reimbursement for home delivery or mobile meal delivery, but related expenses, such as postage and delivery service fees, would be considered allowable costs under the NSLP/SBP. Delivery costs could also be paid with non-program funds such as private donations.

Home delivery is only a viable option if the required documentation and MOU procedures are in place.

60. Are the costs of personal protective equipment (PPE) and cleaning and sanitary supplies that are intended to reduce the spread of COVID-19 allowable expenses?

Yes. PPE (e.g., gloves and face masks) as well as cleaning and sanitary supplies are allowable costs during the COVID-19 public health emergency if the purchases are made in support of Child Nutrition Program operations. This also includes items such as floor markers and other related products that promote social distancing and other behaviors to reduce the spread of COVID-19. All costs must be documented and adhere to the cost principals in 2 CFR Part 200 (reasonable, necessary, etc.).
61. May funds from the nonprofit food service account be used to purchase bottled water (as an alternative to water fountains and other on-site options) for non-congregate meals served during the COVID-19 public health emergency?

Yes. The purchase of potable bottled water to supplement meals served in non-congregate settings is an allowable cost. As discussed above, TDA suspended the requirement that potable water be made available to students during NSLP meal service during the COVID-19 public health emergency. If a school chooses to serve bottled water, it must be done in a manner that does not incentivize water over the milk that must be served as part of each reimbursable meal.

62. How do I conduct an emergency procurement?

Emergency noncompetitive procurement requires TDA approval.

Submit requests in writing to TDA via email to CE.ProcurementReviews.BOps@TexasAgriculture.gov (NSLP/SBP). The email subject should include “Emergency Noncompetitive Procurement Request” and the name of the CE. For CEs that do not have access to email, please contact TDA at (877) TEX-MEAL.

In its written request, the CE must include the following information:

- Explanation of the circumstances that require an emergency purchase
- A detailed description of the products and/or services to be procured, including cost
- Supplier, distributor, or manufacturer from which the product and/or services will be procured
- Period the CE plans to use the noncompetitive method for the emergency

TDA will provide written notification of approval or disapproval.

For more information on emergency and non-competitive procurement, please refer to the Administrator’s Reference Manual (ARM), Section 17, Procurement.
63. Many school districts with FSMC contracts have purchased different items to accommodate grab-and-go/curbside pickup. For FSMC contracts that are fixed-priced, may the cost of paper products be included, or should they bill the school for those additional products?

The billing of additional costs depends on what costs are included in the existing fixed-price contract. Additional costs amending an SFA-FSMC contract in excess of the Simplified Acquisition Threshold ($50,000) requires a cost or price analysis and TDA review and approval of any amendments prior to execution.

During the COVID-19 public health emergency, SFA and SFSP CEs may use the micro-purchase method or non-competitive proposals as described in 2 CFR 200.320(a) and 320(f)(2) to obtain the additional goods and services. When using the micro-purchase method, CEs are reminded that while price quotes are not required, prices must be reasonable and purchases equitably distributed among qualified suppliers. All costs paid using federal funds must be documented and adhere to the cost principles in 2 CFR Part 200 (reasonable, necessary, and allocable). To ensure program integrity, any contracts resulting from noncompetitive proposals may not exercise renewal options.

Additional information on emergency noncompetitive procurement may be found above in these FAQs.

64. Can districts receive electronic bid submissions for Requests for Proposals (RFP)?

Yes. Districts may receive proposals electronically by the time and day listed in the Legal Notice and the RFP. However, companies should still send hard copies/thumb drives of their proposals to the address noted on the Legal Notice and RFP as soon as feasible.
Frequently Asked Questions
FINANCIAL CONSIDERATIONS

65. Has the deadline to finalize my Single Audit been extended?

Yes. CEs that have not yet filed their single audit with the Federal Audit Clearinghouse between March 19, 2020 and June 30, 2020, may delay the completion and submission of their single audit for up to 6 months beyond the normal due date. Audits with due dates from July 31, 2020 through September 30, 2020 have been extended up to three months beyond the normal due date.

CEs delaying the completion and submission of their single audit must notify TDA by sending an email to BCT.BOps@TexasAgriculture.gov with “Single Audit Deadline Extension” in the subject line. CEs taking advantage of this extension must maintain documentation of the reasons for the delayed filing.

Note the Single Audit requirements apply to CEs that expend $750,000 or more during their fiscal year in Federal awards. For more information on the Single Audit requirements, please refer to the Administrator's Reference Manual (ARM), Section 16, Financial System.
66. Are documentation and recordkeeping requirements waived during school closures in response to the COVID-19 public health emergency?

No. Documentation and recordkeeping requirements must be followed during the COVID-19 public health emergency. Detailed recordkeeping is critical including food production records. If you need additional guidance, please refer to TDA’s summer meal guidance on SquareMeals.org.

67. Do I need to maintain separate food production records to reflect congregate and non-congregate meal service? How do I complete food production records when providing multiple meals?

CEs are not required to maintain separate food production records for congregate and non-congregate meals. One production record can be used to cover both service models as long as the food production records provides the required information for all service lines.

When providing multiple meals, each meal must be recorded on the food production record on the day of intended consumption. The information recorded on the food production record must demonstrate the total meal servings planned, served, and leftover. It is not acceptable to complete one food production record for the day that multiple meals are distributed. CEs must provide records for each day that outlines the components that need to be served to meet the meal pattern requirements.

In all cases, CEs must retain food production records that demonstrate compliance with the meal pattern and the quantity of food prepared.

In instances where a meal pattern waiver has been granted, the CE must document this information on the food production record.
68. What type of information am I required to submit in the COVID-19 Waiver Monthly Data Submission Form?

CEs will receive via email a URL link to the COVID-19 Waiver Monthly Data Submission Form (Monthly Submission Form) when they submit their Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form, discussed above, to opt into the nationwide waivers. CEs must complete and submit the Monthly Submission Form each month to indicate continued or updated use of the nationwide waivers they opted to use.

In addition to the above, the Monthly Submission Form will also be used by CEs to submit meal claiming data including the following non-congregate and congregate information:

- Number of Sites Participating
- Total Number of Meals Claimed by Meal Type
- Total Amount of Reimbursement Received by Meal Type

Only one month of data is reported for each submission. This data is reported in addition to the regular monthly claim submission in TX-UNPS. The Monthly Submission Form does not take the place of the monthly claim submission in TX-UNPS. Note that claims must be submitted via TX-UNPS within 60 days after the claim month ends.

Note that CEs opting into the nationwide waivers must ensure that their Attachment B, Policy Statement for Free and Reduced-Price Meals form is updated in TX-UNPS to reflect CE’s operational practices under these waivers. See above for additional information.
69. What is the latest guidance regarding the Community Eligibility Provision (CEP) report due on Friday, March 20?

USDA established new regulatory deadlines due to the COVID-19 public health emergency as follows:

- For SFAs electing CEP or conducting a grace year in SY 2020-21, the identified student percentage (ISP) may be calculated using data drawn any time between April 1, 2020, and June 30, 2020. This allows the CE to extend the identification of eligible students to June 30, 2020.

- SFAs must submit the required CEP Report (normally due by March 20) to State agencies by June 15, 2020.
  - TDA requests that SFAs submit their CEP Report to TDA by June 5, 2020 to allow TDA time to prepare required reports.

- TDA must notify SFAs of district-wide and site eligibility for CEP by June 15, 2020.

- TDA must post the list of possible CEP eligible districts and sites on SquareMeals.org by June 30, 2020:

- SFAs that intend to elect CEP for SY 2020-21 must notify TDA by August 31, 2020.

For CE’s that have already submitted CEP site data, they may update those submissions to reflect current identified students and resubmit the form to TDA. As requested above, CEs should submit final data by June 5, 2020. Do not submit data for sites designated as COVID “CV” sites.

There is no extension of eligibility beyond June 30, 2020. Any student identified after June 30, 2020, will be reported on the March 2021 report and apply to SY 2021-2022.

The COVID-19 nationwide CEP deadline extensions waiver is located on USDA’s FNS Coronavirus webpage.
70. Am I required to update the HACCP Plan for my school?

All CE meal service strategies must meet the Texas Food Establishment Regulations, which include a Hazard Analysis and Critical Control Points (HACCP) Plan. However, rather than revise the CE's existing HACCP Plan, the CE may create an addendum to its HACCP Plan that is specific to COVID-19 meal service.

71. Am I required to submit a Financial Report to TDA this year?

Yes. TDA did not release a Financial Report in TX-UNPS in program year 2020. TDA will release a report in SY 2020-2021. TDA will provide further instructions soon.

72. Do the meals served during the COVID-19 public health emergency count toward TRS reports that are submitted monthly?

The Teacher Retirement System of Texas (TRS) provided guidance to school districts and charter schools on flexibilities for reporting timelines and directions for reporting school nutrition staff data. Please contact TRS at www.trs.texas.gov or 800-223-8778 for more information on these topics.
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, audiotape, 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.

This institution is an equal opportunity provider.
Frequently Asked Questions

Endnotes

3. https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/FallPlanningResources.aspx
Frequently Asked Questions

Endnotes

http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
https://squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicy&amp;ARM.aspx
https://squaremeals.org/Portals/8/files/H1N1/Coronavirus/COVID-19%20Website_FAQs_CACFP_new%20_200331_REV%204.pdf
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https://squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicy&amp;ARM.aspx
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https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
http://squaremeals.org/Programs/NationalSchoolLunchProgram/LocalWellnessPolicyRequirements.aspx
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