

Frequently Asked Questions

School Year 2020-2021 Operations

Guidance Subject to Change – Check dates for the latest version

Before you read this FAQ...

On August 31, 2020, USDA issued a nationwide waiver allowing Summer Food Service Program and Seamless Summer Operations to continue to operate through December 31, 2020.

Before reading the following FAQs, please familiarize yourself with the following meal service options available to school districts and community operations based on current USDA guidance, **which is subject to change**:

Options for School Food Authorities (SFAs)	
Child Nutrition Program Options	Additional Information
National School Lunch Program (NSLP)/School Breakfast Program (SBP) AND Afterschool Programs <ol style="list-style-type: none"> Afterschool Care Program (ASCP) Child and Adult Care Food Program (CACFP) At-risk 	<ul style="list-style-type: none"> If the SFA chooses to operate NSLP, the decision applies districtwide. An SFA may not operate both NSLP and a summer program at the same time. SFA's operating NSLP may operate the afterschool programs.
Seamless Summer Option (SSO) OR Summer Food Service Program (SFSP) AND CACFP At-risk	<ul style="list-style-type: none"> If the SFA chooses to operate the SFSP/SSO, the decision applies districtwide. An SFA may not operate both a summer program and the NSLP at the same time. SFAs must have at least one site in its district that is area eligible to operate SFSP/SSO. Refer to the FAQs for more information. Non-congregate sites can immediately operate in locations that are area eligible. SFAs wishing to operate non-congregate service in a non-eligible area must submit an area eligibility waiver request to TDA. Closed enrolled congregate SFSP/SSO service at schools is allowed for enrolled students regardless of the school's area eligibility per COVID-19 flexibilities and under the following parameters: <ul style="list-style-type: none"> SFAs operating closed enrolled service in eligible areas must ensure that an open, non-congregate option



Frequently Asked Questions

School Year 2020-2021 Operations

	<p>is available to its remote students and other children in each feeder pattern area.</p> <ul style="list-style-type: none"> SFAs operating closed enrolled service in non-eligible areas are required to notify TDA. SFAs participating in summer feeding programs may operate CACFP At-risk. Each non-congregate SFSP/SSO site must have a "CV" designation in its site application to distinguish congregate and non-congregate service sites. Multiple sites may be necessary to record the various options utilized. Refer to the FAQs more information.
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Options for Non-School Entities	
Child Nutrition Program Options	Additional Information
Summer Food Service Program (SFSP)	<ul style="list-style-type: none"> Non-school entities may not operate SFSP in districts that have elected to serve NSLP. If a non-school entity plans to serve a different meal type than the SFSP/SSO meals served by a nearby SFA (for example, snack and supper), it may be approved to operate SFSP in that area. Note that two summer feeding sites cannot operate at the same physical address, and proximity rules apply. Each non-congregate site must have a "CV" designation in its site application to distinguish congregate and non-congregate service sites. Refer to the FAQs more information. SFA applications for SFSP/ SSO will be prioritized over non-school entity applications. CEs should not operate prior to TDA approval. Meals served prior to TDA approval may not be reimbursed.
Child and Adult Care Food Program (CACFP) At-Risk	<ul style="list-style-type: none"> CACFP At-risk may only be operated in areas where NSLP is operated. If the SFA switches to a summer program, the non-school entity At-risk operator must cease At-risk service in those areas unless it partners with an SFA to serve At-risk meals at the school's distribution site. SFA applications for CACFP At-risk will be prioritized over non-school entity applications. The non-school entity may be able to switch to SFSP to serve eligible areas not served by an SFA. TDA will assess options for additional areas on a case-by-case basis if an unmet need in the community is validated.



Frequently Asked Questions

School Year 2020-2021 Operations

The following FAQs are based on current USDA guidance, which is subject to change. 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) operators should also refer to the [CACFP FAQs on SquareMeals.org](https://www.squaremeals.org/cacfp-faq).¹

TABLE OF CONTENTS

FLEXIBILITY OVERVIEW

1. During Program Year (PY) 2020-2021, which Child Nutrition Programs have been granted flexibilities to operate to offset safety concerns caused by the COVID-19 public health emergency?
2. What is the difference between congregate and non-congregate meal service?
3. What do the alternative meal time flexibilities allow?
4. What guidelines must I follow to allow parents or guardians to pick up meals when their children are not present?
5. How do I submit a request for one of the meal pattern waiver options?
6. What type of information do I need to provide to justify my request for a meal pattern waiver due to procurement (supply chain disruptions), staffing, or storage/packaging issues?
7. Have any age/grade requirements for NSLP or SSO been waived?
8. Has the NSLP requirement to offer a choice of milk at meal service been waived?
9. Has the NSLP potable water requirement been waived?
10. Is my senior high school required to participate in offer versus serve (OVS) during SY 2020-2021?
- 11. How do I qualify for an area eligibility waiver if I wish to operate an open, non-congregate SFSP/SSO site in a non-eligible area?**
12. Have the enrichment activity requirements for NLSP ASCP and CACFP At-risk been waived?



Frequently Asked Questions

School Year 2020-2021 Operations

13. What are the monitoring flexibilities issued for NSLP, SSO, and SFSP CEs?
14. Do “traditional” waivers typically granted to SFSP in previous summers apply in Fall 2020?
15. How do I notify TDA of my intention to operate under these waivers?

PROGRAM IMPLEMENTATION

16. How do I get approved to operate SSO or SFSP in response to the COVID-19 public health emergency?
17. My district is already operating NSLP/SBP. Am I allowed to cease NSLP operations and begin serving SSO or SFSP through December 2020? Am I required to reapply if I was previously approved to apply during summer 2020?
18. Can the decision to operate SFSP/SSO or NSLP be made at the site level, or does the decision have to apply to all schools in the district? May a district continue NSLP for students onsite while serving SSO or SFSP to remote learners?
19. If I am planning to serve children in both congregate and non-congregate settings, either via the summer feeding programs or NSLP, am I required to submit a separate site application for each type of service?
20. I am a non-school entity that operates SFSP in my community. Am I allowed to operate the SFSP through December 31, 2020?
21. Am I allowed to operate a closed enrolled SFSP or SSO site that serves only the children enrolled at my school?
22. How are CACFP At-risk operations affected by continued operations of SFSP and SSO through December 2020?
23. Are CACFP operations impacted in areas where an SFA chooses to operate a summer meals program?



Frequently Asked Questions

School Year 2020-2021 Operations

MEAL SERVICE UNDER COVID-19 FLEXIBILITIES

24. May I establish a grab-and-go/curbside meal pickup location for students doing remote learning?
25. Do I have to establish a separate grab-and-go/curbside pickup site or home delivery method for remote learning students?
26. May I distribute multiple meals at one time?
27. If I distribute meals over multiple days, may I serve individual components in bulk?
28. What is the maximum number of meals that can be distributed for consumption on a single day? May I serve supper?
29. May I submit a claim for reimbursement for meals served on the weekend or a holiday?
30. What are the requirements for initiating home meal delivery for a household?
31. Do home-delivered meals need to be shelf-stable?
32. If I am delivering meals to a child's home, must the child be present at the delivery?
33. What preparation methods can be used?
34. Are CEs required to provide meal modifications for students who have a medical statement during the COVID-19 public health emergency?

COUNTING AND CLAIMING

35. Do the COVID-19 flexibilities allow meals to be served at no charge and claimed at the free rate during SY 2020-2021?
36. Do CEs need to use a point of service (POS) system for counting meals served under the COVID-19 waivers?
37. How do I claim multiple meals distributed for multiple days within NSLP?



Frequently Asked Questions

School Year 2020-2021 Operations

38. My district has enrolled students participating in remote learning at a child care provider 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?

NSLP-SPECIFIC QUESTIONS

39. 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?”
40. If my school opts to continue serving NSLP, what kind of meal service options do I have?
41. 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?
42. May I serve pre-kindergarten students the kindergarten meal pattern during grab-and-go/curbside pickup for remote students?
43. Can a district establish a single non-school site to serve remote learners from multiple schools in the district?
44. Are NSLP 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?
45. Who may receive a meal? May meals be delivered or picked up for other children living in a student’s household?
46. 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?



Frequently Asked Questions

School Year 2020-2021 Operations

47. 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?
48. 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)?
49. 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?
50. 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?
51. I want to change the time I offer lunch at my school. Do I need to complete and submit a Lunch Mealtime Exemption form?
52. Am I required to obtain school board approval prior to making temporary changes to the school menu in accordance with the Local Wellness Policy?
53. Have the Local Wellness Policy triennial assessment dates changed?

SFSP/SSO-SPECIFIC QUESTIONS

54. If the school qualifies the site as area eligible by a school's attendance zone, would all other schools that are feeder schools in the qualifying site's attendance feeder pattern also be eligible?
55. Who may receive a meal?
56. How do I implement Offer versus Serve (OVS) when providing non-congregate meal service in SSO or SFSP during the COVID-19 public health emergency?
57. Am I allowed to offer à la carte items during SSO or SFSP meal service?



Frequently Asked Questions

School Year 2020-2021 Operations

58. Do CEs need to provide SFSP training prior to the start of meal service?
59. Do my volunteers have to have a food handler's certification? Where can I find information about applicable health and safety requirements?
60. Do I have to collect racial and ethnic data during the COVID-19 public health emergency?
61. Do I need to notify TDA if I need to temporarily change our meal delivery or meal pickup logistics (e.g., threat of inclement weather)?

FRESH FRUIT AND VEGETABLE PROGRAM

62. Which COVID-19 flexibilities apply when operating the Fresh Fruit and Vegetable Program (FFVP) during SY 2020-2021?
63. May I serve FFVP food products in conjunction with programs other than NSLP in circumstances where my district has opted to serve SFSP or SSO? May I serve FFVP food products at a distribution site other than my awarded elementary school?
64. Has the educational component for FFVP been waived?
65. Can we donate FFVP foods?
66. How do I change my FFVP site's serving days?

ADMINISTRATIVE REVIEWS

67. Will TDA be completing the School Nutrition Program (SNP) administrative reviews of my SY 2019-2020 operations?

FINANCIAL CONSIDERATIONS

68. Can I use available funds from another child nutrition program to cover the costs of COVID-19 related operation?
69. Can a school district use funds designated for specified purchases in an approved Excess Fund Balance Plan to cover the cost of operating during the COVID-19 public health emergency?



Frequently Asked Questions

School Year 2020-2021 Operations

70. How does a CE charge the time for employees who have both COVID-19-related operational tasks and non-COVID-19-related operational tasks?
71. If a CE does not allow employees to receive hazard or premium bonus pay from the 242 account for working during the COVID-19 public health emergency, can the CE pay the hazard or premium bonus from the 240 account?
72. Which program reimbursement rate should the district use for the Teacher Retirement System (TRS) monthly School Nutrition Program calculation?
73. 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?
74. 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?
75. 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?
76. How do I address impacts on my Food Service Management Company (FSMC) contract if my district decides to switch from NSLP/SBP to one of the summer nutrition programs?
77. 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?
78. How do I conduct an emergency procurement?
79. Can districts receive electronic bid submissions for Requests for Proposals (RFP)?
80. Has the deadline to finalize my Single Audit been extended?



Frequently Asked Questions

School Year 2020-2021 Operations

REPORTING AND RECORDKEEPING REQUIREMENTS

81. Are documentation and recordkeeping requirements waived in response to the COVID-19 public health emergency?
82. 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?
83. What type of information am I required to submit in the COVID-19 Waiver Monthly Data Submission Form?
84. Am I required to update the HACCP Plan for my school?
85. Am I required to submit a Financial Report to TDA this year?
86. Do the meals served during the COVID-19 public health emergency count toward TRS reports that are submitted monthly?

CIVIL RIGHTS

87. Is the annual civil rights training requirement waived during the COVID-19 public health emergency?
88. Are teachers required to complete the annual civil rights training when meals are consumed in their classroom?
89. Do I have to display the “And Justice For All...” poster at my sites established in response to the COVID-19 public health emergency?



Frequently Asked Questions

School Year 2020-2021 Operations

FLEXIBILITY OVERVIEW

1. During Program Year (PY) 2020-2021, which Child Nutrition Programs have been granted flexibilities to operate to offset safety concerns caused by the COVID-19 public health emergency?

In addition to the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Child and Adult Care Food Program (CACFP), USDA is allowing contracting entities (CEs) to continue operating the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO) through December 31, 2020, even though curriculum for School Year (SY) 2020-2021 has begun. All programs may continue operating under the flexibilities allowed for them in PY 2019-2020 as described in greater detail in this FAQ document, including the following:

- [Non-congregate Meal Service](#)
- [Alternative Meal Service Times](#)
- [Parent Pick-up of Meals with No Child Present](#)
- [Meal Pattern Flexibilities \(on a case-by-case basis\)](#)
- [Waiver of Offer Versus Serve \(OVS\) in Senior High Schools Participating in NSLP](#)
- [Area Eligibility Waiver \(SFSP and SSO only, on a case-by-case basis\)](#)
- [Offsite Monitoring](#)
- [“Traditional” Summer Program Waivers, including waiver of first week site visits, meal service time flexibilities, allowance of non-school districts to operate OVS in SFSP, and area eligibility for closed enrolled sites.](#)

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



Frequently Asked Questions

School Year 2020-2021 Operations

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

Congregate meal service: 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: 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, as described in more detail later in this FAQ.

CEs are allowed to offer joint congregate/non-congregate meal service; for example, schools may provide congregate meals to students attending onsite while offering non-congregate meals to remote learners; however, CEs who offer any non-congregate service **must notify** TDA of its decision to utilize this flexibility for SY 2020-2021 via the submission of the applicable intake form [as described later in this FAQ](#).

Note that NSLP operators 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 SFSP and SSO through **December 31, 2020**.



Frequently Asked Questions

School Year 2020-2021 Operations

3. What do the alternative meal time flexibilities allow?

Program operators may distribute meals outside of the hours described in federal regulations. In combination with the non-congregate meal service waiver, program operators who opt into this waiver are afforded multiple options for meal distribution, including:

- Flexible meal service times throughout the day
- Multiple meals served at one service
- Multiple days' meals (up to one week) at one service (Monday through Friday for NSLP and up to seven (7) days (weekend and holiday) for SFSP/SSO, if approved.

Note that this meal time waiver **does not** supersede the regulations that define the intent of the CACFP At-risk program, which states that meals must be served outside of 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 NSLP meals for the day, but the intent for At-risk meals is that they are consumed outside of school hours.

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

This waiver is effective for NSLP, SBP, and CACFP through **June 30, 2021**, and for SFSP and SSO through **December 31, 2020**.



Frequently Asked Questions

School Year 2020-2021 Operations

4. What guidelines must I follow to allow parents or guardians to pick up meals when their children are not present?

During the COVID-19 public health emergency, parents or legal guardians of participants in the NSLP/SBP (including the Fresh Fruit and Vegetable Program (FFVP)), SFSP, SSO, or afterschool care programs (NSLP Afterschool Care Program (ASCP) or CACFP At-risk) 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 at a school, preferred methods of proof of guardianship include:

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

For open SFSP/SSO or afterschool care programs that do not have an enrollment roster, proof of guardianship may include, in addition to the items already listed:

- Individual student report cards
- Attendance record from parent portal of school website
- Birth certificate
- Official letter/email from facility or school listing children enrolled
- Other official ID cards (for example, IDs issued by a child care facility)

Operators 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 appropriate Duplicate Meals Poster ([NSLP version](#)ⁱⁱⁱ or [SFSP/SSO version](#)^{iv}) that explains the prohibition of receiving duplicate meals. To



Frequently Asked Questions

School Year 2020-2021 Operations

obtain a Duplicate Meals Poster, refer to the [TDA's SquareMeals.org Coronavirus webpage](https://www.squaremeals.org/coronavirus).

CEs must notify TDA whether they will utilize this waiver [per the guidance in this FAQ](#).

This waiver is effective for NSLP, SBP, and CACFP through **June 30, 2021**, and for SFSP and SSO through **December 31, 2020**.

5. How do I submit a request for one of the meal pattern waiver options?

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 Meal Pattern Flexibility Options Intake Form](#). This Intake Form allows CE's opt in to one or more of the following meal pattern flexibility options during Fall 2020:

- COVID-19 Child Nutrition Program Meal Pattern Flexibility
 - CE's may select this option to request flexibilities available in meeting the required meal pattern requirements due to procurement (supply chain disruptions), staffing, or storage/packaging issues.
- Age/Grade Group Meal Pattern Waiver for NSLP and SSO
 - CE's may select this option to waive age/grade group requirements at sites that are experiencing challenges implementing the age/grade group requirements due to student safety and access concerns.
- COVID-19 Milk Variety Notification
 - CE's may select this option to notify TDA if the CE intends to waive the requirement of offering two types of fluid milk at meal service through December 31, 2020.

Additional information on each of these options is provided immediately below.



Frequently Asked Questions

School Year 2020-2021 Operations

6. What type of information do I need to provide to justify my request for a meal pattern waiver due to procurement (supply chain disruptions), staffing, or storage/packaging issues?

As discussed above, the [COVID-19 Meal Pattern Flexibility Options Intake Form](#) allows CEs to request a meal pattern waiver based on the following **justified and targeted** bases and as supported by a brief explanation of why a meal component(s) cannot be offered:^{vi}

- **Procurement or Supply Chain Disruptions** such as:

- Items not available for purchase
- Purchased items cannot be delivered or cannot be delivered on time

CEs **must** complete and submit the Meal Pattern Intake Form **only after** the CE has actively attempted to purchase the necessary items to comply with the meal pattern requirements.

- **Lack of storage space**

- In support of non-congregate meal service, CE requests must address how a meal component that is typically provided in a compliant bulk capacity is not available to do so due to an unforeseen supply shortage. The justification will describe how the identified compliant bulk item is not available and how that directly impacts storage capacity limitations.

- **Lack of adequate staffing**

- CE requests must address a justified absence in adequate labor support due to unforeseen illness/quarantine of child nutrition staff member(s). The justification must describe how the labor shortage directly impacts the inability to prepare/serve the identified meal component.



Frequently Asked Questions

School Year 2020-2021 Operations

- **Meal service container/packaging shortage**
 - CE requests must address a lack of planned packaging for the identified meal component. The justification must describe how the planned packaging was essential to serve the identified meal component as well as justification for the lack of available substitute packaging/serving options.

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 **before** 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.**

All 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 the above justifications. 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^{vii}](#) on SquareMeals for examples of documentation.

This waiver is effective for NSLP, SBP, and CACFP through **June 30, 2021**, and for SFSP and SSO through **December 31, 2020**.



Frequently Asked Questions

School Year 2020-2021 Operations

7. Have any age/grade requirements for NSLP or SSO been waived?

USDA issued guidance that age/grade requirements in NSLP and SSO may be waived by site if the CE is experiencing challenges implementing the age/grade group requirements due to student safety and access concerns.

If approved, this waiver allows the CE to serve the portion size consistent with the most served age/grade group at that site.

[As described above](#), CEs may request this flexibility by selecting the “Age/Grade Group Option” in the [COVID-19 Meal Pattern Flexibility Options Intake Form](#).^{viii} The waiver application must include the following information:

- List of sites, by site ID, where CE wants to implement this waiver.
- Start date that each site will begin implementing this waiver.
- The age/grade group that has the most participants at the distribution location. The site will serve portions to all participants based on the guidelines for this age/grade group.
- Select the explanation that best describes why the site is experiencing challenges implementing the age/grade group requirements during meal service.

If approved, these waivers will remain in effect until **June 30, 2021**, for NSLP operator, and **December 31, 2020**, for SSO operators. SSO operators **should not** submit the standard SSO age/grade exemption form located in TX-UNPS.

8. Has the NSLP requirement to offer a choice of milk at meal service been waived?

Yes. In the nationwide meal pattern waiver, USDA waived the requirement that schools must offer students a variety (at least two different options) of fluid milk. This waiver is effective through December 31, 2020. [As described above](#), CEs may notify TDA of their intention to use this flexibility by selecting the “Milk Variety Notification Option” in the [COVID-19 Meal Pattern Flexibility Options Intake Form](#).^{ix}



Frequently Asked Questions

School Year 2020-2021 Operations

9. Has the NSLP potable water requirement been waived?

USDA has not waived the potable water requirement when serving congregate lunch, including lunches served in classroom. The requirement to make water available during breakfast only applies when breakfast is served in the cafeteria. Note that TDA submitted a statewide waiver request to USDA requesting authority to waive the requirement that students be offered water with their congregate meals and will update this guidance once it receives a response from USDA.

For non-congregate service, when lunch or breakfast is consumed outside of school, 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. There is no requirement that bottled water be purchased or provided.

10. Is my senior high school required to participate in offer versus serve (OVS) during SY 2020-2021?

No. USDA issued a nationwide waiver of the requirement that senior high schools must participate in OVS service. 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 may 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.



Frequently Asked Questions

School Year 2020-2021 Operations

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

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

11. How do I qualify for an area eligibility waiver if I wish to operate an open, non-congregate SFSP/SSO site in a non-eligible area?

If a CE wants to operate an **open, non-congregate** SFSP or SSO site that is not area eligible, but with a significant low-income population, the CE may apply for approval to operate an open site that targets that high need population during the COVID-19 public health emergency. To operate an **open site** under the area eligibility waiver, the CE must complete the [Area Eligibility During School Year 2020 Intake Form](#).^{xi}

CEs with area eligibility waiver requests that were previously approved in the spring or summer are not required to resubmit this form for those non-congregate meal sites. TDA is extending those previously approved waiver requests through December 31, 2020.

CEs that intend to operate a **closed enrolled, congregate** SFSP or SSO site at a school that is not area eligible must use this Area Eligibility Intake Form to notify TDA of its intent and will automatically be granted this waiver once they opt-in.

[As discussed below](#), if the SFA chooses to operate the SFSP/SSO, the decision applies districtwide. SFAs must have at least one site in its district that is area eligible (50% free and reduced) to operate SFSP/SSO.

[See below for information about operating closed enrolled SFSP/SSO sites during the extended waiver period](#).

SFSP and SSO CEs approved for this waiver may only operate through **December 31, 2020**.



Frequently Asked Questions

School Year 2020-2021 Operations

12. Have the enrichment activity requirements for NSLP ASCP and CACFP At-risk been waived?

No. The enrichment and education requirements for the 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](#).^{xii} CEs must maintain documentation that demonstrates how they met the enrichment/educational activity requirement.

[Information on the education activity requirement in the Fresh Fruit and Vegetable Program \(FFVP\) is found below.](#)

13. What are the monitoring flexibilities issued for NSLP, SSO, and SFSP CEs?

USDA issued a nationwide waiver of onsite monitoring requirements for meals served under NSLP/SBP, SSO, and SFSP.

To ensure program integrity during this time, **all CEs** must, to the maximum extent practicable, continue monitoring activities of operations **offsite** (e.g., through a desk audit). All 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.



Frequently Asked Questions

School Year 2020-2021 Operations

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.

Note that SFSP operators in good standing may be approved to waive the required first week site visit altogether. [See below for more information.](#)

Per the USDA, the waiver permitting offsite monitoring activities remains in effect through **June 30, 2021** for NSLP and **September 30, 2021** for SFSP and SSO.

14. Do “traditional” waivers typically granted to SFSP in previous summers apply in Fall 2020?

Yes. USDA extended the waivers related to first week site visits, time restrictions for meal service, area eligibility for closed enrolled sites, and OVS in SFSP. These waivers expire on **December 31, 2020**.

First Week Site Visit

USDA waived the first week site visit requirement for SFSP operators **in good standing** that have operated successfully in the previous year and for CEs that successfully participate in the CACFP or NSLP. Note that TDA considers a returning CE/site to have operated successfully during the previous year if it does not owe a debt to TDA, does not have funds on hold, or is not in serious deficiency.

A CE wishing to request a waiver for the first week site visit may select this option in TX-UNPS. The option may be selected by responding “Yes” to question #42 in the Site Application. If a CE has already submitted its SFSP application packet with a “No” response to question #42, it may request amendments to its Site Application for review by TDA.



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

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Food and Nutrition Division
COVID-19: SY 2020-2021 FAQs



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www.SquareMeals.org

Frequently Asked Questions

School Year 2020-2021 Operations

CEs that do not qualify for this waiver must conduct the first week site visit; however, that visit may be done remotely (e.g., through a desk audit). As [discussed above](#), all CEs must document all offsite monitoring activities conducted during the COVID-19 public health emergency.

All SFSP CEs, regardless of how long they are operating a site, are required to **conduct a site review of the food service operations within the first four weeks of operations and maintain a reasonable level of site monitoring**. However, [as noted above](#), this review may be done remotely/offsite.

Meal Time Restrictions

Meal time restriction waivers have been available for SFSP and SSO operators in previous summers. USDA has granted these flexibilities nationwide during the COVID-19 public health emergency. [Refer to the question above for more information about these flexibilities.](#)

Area Eligibility for Closed Enrolled Sites

In accordance with USDA's nationwide waiver to allow area eligibility for closed enrolled sites in SSO and SFSP, closed enrolled sites may establish eligibility through the approval of applications, school data, or census data. Detailed information on establishing eligibility may be found in Chapter 1 – Program Eligibility of [TDA's SFSP Supplemental Handbook](#).^{xiii}

Offer versus Serve

CEs may elect to use OVS when providing non-congregate meal service in SSO or SFSP during the COVID-19 public health emergency. OVS does not circumvent meal pattern requirements or eliminate specific components. Production records must demonstrate that all required components were offered to all students.

[Refer to the question below for more detailed information on how to implement OVS in the summer feeding programs.](#)



Frequently Asked Questions

School Year 2020-2021 Operations

15. How do I notify TDA of my intention to operate under these waivers?

CEs must indicate their intention(s) to use the following waivers via an applicable intake form:

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

The forms described below will also allow CEs to indicate the method of non-congregate service the site will utilize (for example, grab-and-go) as well as distribution method (for example, multiple meals at one time).

NSLP

CEs who opt to serve NSLP in 2020-2021 and utilize the above waivers must submit the [Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form for NSLP](#)^{xiv}.

Additionally, NSLP CEs must report changes to waiver use and the number of meals served through congregate and non-congregate service options. Refer to the [request form instructions](#)^{xv} for information about the additional actions that may be required after submission, including submission of the *COVID-19 Waiver Monthly Data Submission Form* to indicate continued or update use of the waiver(s). This form is also used to provide required information on the CE's implementation of the waivers. TDA will provide each CE a URL in the email response to the submittal of the *COVID-19 Meal Distribution Waiver Usage Intake Form*. [Additional information on the monthly submission requirements is located below](#).

Note: NSLP CEs serving meals under these waivers in SY 2020-2021 prior to the release of this form will not be penalized. However, all CEs must submit the form and select the months in which your sites were utilizing these waivers.



Frequently Asked Questions

School Year 2020-2021 Operations

SFSP/SSO

School districts and non-school entities who opt to serve SFSP or SSO in Fall 2020-2021 and utilize the above waivers must submit the [Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form for SFSP/SSO](#).^{xvi} This form allows CEs to indicate (1) their intention to operate a summer nutrition program during Fall 2020/2021 and (2) their intention to utilize the above flexibilities under these programs. **CEs who have previously indicated their intentions to use these flexibilities via the intake forms from spring/summer are currently not required to submit this form again unless your waiver usage has changed.**

Note: CEs serving meals under SFSP/SSO in SY 2020-2021 prior to the release of this form will not be penalized. However, CEs who have not previously submitted an intake form must submit this form and indicate the start date of your SFSP/SSO operations.

These SFSP/SSO flexibilities are only available through **December 31, 2020**.

If CEs discontinue the operation of the SFSP/SSO, they must notify TDA as the decision impacts other services that may be available as a result.



Frequently Asked Questions

School Year 2020-2021 Operations

PROGRAM IMPLEMENTATION

16. How do I get approved to operate SSO or SFSP in response to the COVID-19 public health emergency?

CEs that operated SSO or SFSP during Summer 2020 may reactivate their site(s) in TX-UNPS and continue to do so without a new application through September 30, 2020. However, CEs must submit an application via TX-UNPS to operate during the Program Year (PY) 2021, which begins on October 1, 2020. If a site has been closed and needs to be re-opened, please email NSLP-SBP.BOps@TexasAgriculture.gov or SFSP.Bops@TexasAgriculture.gov and include your CE ID, CE Name, and a list of the sites that need to be reopened. Your application will need to be updated to reflect new meal service information.

TDA encourages CEs to submit applications for the upcoming PY as soon as the applications are available. TDA will issue guidance in these FAQs and on SquareMeals.org once the applications for 2020-2021 are activated.

SFSP and SSO sites serving non-congregate meals must use the “CV” naming convention. CEs planning to operate under standard regulations, including adherence to congregate feeding and standard meal times, do not need the “CV” naming convention – the site name would be entered as normal.

Remember that all SFSP and SSO CEs operating a non-congregate site must also complete the applicable intake form [as described above](#). This includes NSLP operators who previously submitted the NSLP intake form but are now changing their operations to a summer feeding program.



Frequently Asked Questions

School Year 2020-2021 Operations

Below are additional guidelines for the specific summer feeding programs:

Follow these steps to get started operating summer nutrition program meal sites through the end of December 2020:

- Create new sites for the “CV” COVID-19 Fall feeding:
 - Disaster feeding sites must start with **CVHD** for home delivery and **CVGG** for grab-and-go followed by the **Site Name**
 - For example: CVGG Smith El. This means that Smith Elementary is distributing meals using grab-and-go.
- Complete the entire application and submit in TX-UNPS.

Please check the Program Dashboard in TX-UNPS as additional application guidance will be posted there.

TDA will **prioritize SFA applications** to operate SFSP or SSO during Fall 2020 over non-school entity applications to protect program integrity. Therefore, an SFSP application may not be processed until TDA can obtain information about the SFA’s program operation decisions.

Schools may get guidance on how fill out the application by emailing: NSLP-SBP.BOps@TexasAgriculture.gov.

Non-school entities may get guidance on how to fill out the application by emailing: SFSP.Bops@TexasAgriculture.gov.

SSO policy guidance may be found in Section 11 of the [Administrator’s Reference Manual \(ARM\)](#).^{xvii} SFSP policy guidance may be found on SquareMeals.org.^{xviii}



Frequently Asked Questions

School Year 2020-2021 Operations

17. My district is already operating NSLP/SBP. Am I allowed to cease NSLP operations and begin serving SSO or SFSP through December 2020? Am I required to reapply if I was previously approved to apply during summer 2020?

SFAs must determine whether they will operate NSLP/SBP, SSO, or SFSP. **This is a local decision.** If an SFA is already operating NSLP/SBP, the SFA may switch to SSO or SFSP through the end of December 2020 **if they have at least one site in the district that meets the area eligibility requirements to operate SSO or SFSP.** This decision must be made on a districtwide basis across all campuses, and an SFA is not permitted to operate both programs at the same time.

An SFA that operated SSO or SFSP during Summer 2020 may reactivate its site and continue to do so without a new application through September 30, 2020. However, CEs wishing to operate a summer feeding program any time after that date must submit an application via TX-UNPS [per the instructions located above.](#)

SFA's that do not have an area eligible school within its districts, may submit a request for a waiver to TDA using the [Area Eligibility During School Year 2020 Intake Form](#),^{xix} to TDA for consideration; however, the SFA **must not begin operating a summer meals program unless it has received approval from TDA.**

18. Can the decision to operate SFSP/SSO or NSLP be made at the site level, or does the decision have to apply to all schools in the district? May a district continue NSLP for students onsite while serving SSO or SFSP to remote learners?

An SFA may not operate NSLP and a summer feeding program at the same time. CEs must choose to operate NSLP or one of the summer feeding programs. This is a districtwide decision ([refer to the table at the beginning of this FAQ](#)) and cannot vary by site.



Frequently Asked Questions

School Year 2020-2021 Operations

19. If I am planning to serve children in both congregate and non-congregate settings, either via the summer feeding programs or NSLP, am I required to submit a separate site application for each type of service?

For NSLP/SBP, CEs are **not** required to submit a separate site application if it is serving students in both congregate and non-congregate setting. The point of sale (POS) system can be set up with the item keys to differentiate the meal types.

For SFSP or SSO, CEs must submit separate site applications for congregate and non-congregate service. CEs must use the COVID-19 “CV” site designation if serving non-congregate meals.

20. I am a non-school entity that operates SFSP in my community. Am I allowed to operate the SFSP through December 31, 2020?

A non-school entity may be approved to operate SFSP (open non-congregate sites only) under the following circumstances:

- The school district in the area **must** have opted to serve SFSP or SSO. Non-school entities cannot operate a summer feeding site in areas where schools are still operating NSLP.
- The non-school entity can only operate:
 - In areas not covered by the SFA that has elected to do SSO or SFSP (for example, near a school in the district that has opted out of lunch service altogether) **OR**
 - If a non-school entity plans to serve a different meal type than a nearby SFA (for example, snack and supper), it may be approved to operate SFSP in that area. Note that two SFSP sites cannot operate at the same physical address, and proximity rules apply.

TDA will **prioritize SFA applications** to operate SFSP or SSO during Fall 2020 over non-school entity applications to protect program integrity. Therefore, a non-school entity SFSP application may not be processed until TDA can obtain information about the SFA’s program operation decisions.



Frequently Asked Questions

School Year 2020-2021 Operations

21. Am I allowed to operate a closed enrolled SFSP or SSO site that serves only the children enrolled at my school?

SFAs that choose to operate one of the summer nutrition programs can operate a closed enrolled site that serves SFSP or SSO **congregate** meals to enrolled children **attending school onsite** under the following parameters:

- SFAs operating closed enrolled congregate service **in eligible areas must also ensure that an open, non-congregate option is available to its remote students and other children in those areas.** For example, an individual school may choose to operate an open curbside pick-up location in addition to its congregate service. Additionally, a district may designate strategic non-congregate sites servicing several school populations in the same geographic location. At least one open site in each area-eligible feeder pattern must be operational.
- SFAs **in non-eligible areas** are approved to provide closed enrolled, congregate service to the students onsite per a statewide area eligibility waiver but **must notify** TDA of the sites utilizing this flexibility via the [Area Eligibility During School Year 2020 Intake Form](#).^{xx} SFAs who began serving congregate SFSP/SSO meals prior to the submittal of this form must indicate the start date of their operations within the form.

SFAs who wish to operate non-congregate sites for only enrolled students will only be approved to do so if operating NSLP as described in this FAQ. SFAs opting into SFSP/SSO must ensure that their non-congregate curbside and grab and go sites are open to the public and not limited to their enrolled students.

Home Delivery

While non-congregate curbside or grab and go sites must be **open** to the community, home delivery sites require a defined roster of students whose families have agreed to receive home-delivered meals. Schools approved to operate home delivery under SFSP/SSO must adhere to the parameters described above for closed enrolled sites:

- If operating SFSP/SSO home delivery **in an eligible area**, the school must ensure an open non-congregate site is also available to children in that area.



Frequently Asked Questions

School Year 2020-2021 Operations

- Schools operating SFSP/SSO home delivery **in a non-eligible area** are approved to do this provided they notify TDA of which sites are utilizing this flexibility via the [Area Eligibility During School Year 2020 Intake Form](#).^{xxi}

22. How are CACFP At-risk operations affected by continued operations of SFSP and SSO through December 2020?

SFAs may continue to operate CACFP At-risk if the SFA switches from NSLP to SSO or SFSP. If an SFA switches to SSO or SFSP, a non-school entity may continue to operate CACFP At-risk only **if it partners** with an SFA at the school's distribution site; otherwise, non-school entities must cease all afterschool programs in that area. Non-school entities not partnering with a SFA to operate CACFP At-risk may be able to switch to SFSP to serve eligible areas not served by an SFA. Note that SFA applications for CACFP At-risk and SFSP will be prioritized over non-entity applications per federal regulations and guidance.

23. Are CACFP operations impacted in areas where an SFA chooses to operate a summer meals program?

Head Start programs may continue to operate CACFP in areas where the SFA chooses to operate SSO or SFSP. If the Head Start program was receiving NSLP meals through an SFA that changes operations to SSO or SFSP, the Head Start participants may receive meals under the SFA's summer feeding program.



Frequently Asked Questions

School Year 2020-2021 Operations

MEAL SERVICE UNDER COVID-19 FLEXIBILITIES

NOTE: Unless specified otherwise within the response, the questions in this section apply to meal service under NSLP/SBP, SFSP, and SSO.

24. 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 CEs to establish grab-and-go or curbside pickup locations to provide remote students with meals for offsite consumption.

Note that while any NSLP meals served via these methods must be claimed by the applicable campus, 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.

In the NSLP, the POS must be configured with a “NC” key to differentiate non-congregant meals from those served in a congregant setting.

25. 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, program (NSLP or SFSP/SSO), and time of meal distribution that best suits their needs** based on 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.



Frequently Asked Questions

School Year 2020-2021 Operations

26. 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 children 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, as follows:**

- NSLP meals cannot be distributed for consumption on days that curriculum is not being offered, such as weekends or holidays. Unless instruction is occurring on weekends, the maximum number of days for which meals can be distributed is five. However, NSLP meals may be distributed on a non-school day for consumption on instructional days.
- SSO and SFSP operators that have been approved to operate on weekends may distribute up to seven days of meals at one time.

CEs choosing this method of distribution must adjust the number of days per week it operates accordingly. For example, an open site wishing to serve three days of meals on one day and four meals on another to account for a full week could have the following schedule:

- On Monday, the site would distribute meals for Monday, Tuesday, and Wednesday (site must not distribute meals on Tuesday and Wednesday)
- On Thursday, the CE would distribute meals for Thursday through Friday (site must not distribute meals on Friday).

Any multiple meal distribution plan must ensure that duplicate meals are not served to any child for any day. 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](#).¹

Navigating multiple meal programs may be confusing. CEs should consult TDA on available options prior to implementation.



Frequently Asked Questions

School Year 2020-2021 Operations

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.

USDA posted two documents on its website related to serving multiple meals: [Seamless Summer Option: Providing Multiple Meals at a Time During the COVID-19 Pandemic](#)¹ and [Summer Food Service Program: Providing Multiple Meals at a Time During the COVID-19 Pandemic](#)¹.

27. If I distribute meals over multiple days, may I serve individual components in bulk?

Bulk food items for multiple meal distribution are 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. 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. **Note that pre-plated, unitized meals are not bulk packaged food.**

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

- Submit the applicable Program intake form indicating the non-congregate waivers the CE intends to use ([see above for more information](#)). 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 only need to complete and submit this form once**, even if providing bulk food components in multiple programs.
- TDA will provide notification of bulk food distribution approval.



Frequently Asked Questions

School Year 2020-2021 Operations

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.
- Students must be provided information that identifies the items that when bundled together meet the requirements of a reimbursable 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.
- 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](#).^{xxii} Additional information on [Bulk Packaged Food for Multiple Meals](#) is provided on SquareMeals.org.^{xxiii}



Frequently Asked Questions

School Year 2020-2021 Operations

28. What is the maximum number of meals that can be distributed for consumption on a single day? May I serve supper?

The maximum number of single day meals that may be distributed under a single program **at each site** is:

- **NSLP/SBP:** Up to three (3) approved meals may be served each day (breakfast, lunch, and/or snack).
- **SSO:** Up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper;
- **SFSP:** Up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper;
- **CACFP At-risk:** Up to one snack and one supper, per child, per day.

While the above parameters do not allow for any single site to distribute a full three meals to a child on a given day under a single program, there are options that allow for a student to receive a full day's meals:

- In districts operating **NSLP**, children may receive afterschool snack via the NSLP ASCP or a snack/supper via the CACFP At-risk program. CEs operating both NSLP and an afterschool care program may bundle a full day's meals together as long as those meals are claimed to the applicable program.
- In districts operating **SSO/SFSP**, the SFA may operate the CACFP At-risk program or the SFA may **partner** with a non-school entity to operate the CACFP At-risk program at the school's distribution site. This will allow children to receive an additional meal and may bundle a full day's meals together as long as those meals are claimed to the applicable program.
- In districts serving breakfast and lunch via SFSP or SSO, non-school entities may be approved to serve supper and snack outside school hours via SFSP. In this instance, the non-school entity must be operating from a different physical address from the school site.

Information on providing multiple meals, including distribution for multiple days of meals at one time, [is provided above](#).



Frequently Asked Questions

School Year 2020-2021 Operations

Schools that operate a CACFP At-risk program should refer to the [CACFP FAQ](#) document posted on SquareMeals.org for additional guidance. ^{xxiv}

29. May I submit a claim for reimbursement for meals served on the weekend or a holiday?

In **NSLP/SBP**, meals may be claimed for reimbursement only if it is a normal school day. **SSO and SFSP** operators may submit a claim for meals served on a holiday or during the weekend if that site is approved to operate during those times.

To claim meals for reimbursements, CEs must update their site application in TX-UNPS to reflect the days they plan to serve meals.

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

CEs must first obtain written consent from households of eligible children (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 children 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 children and their households throughout this process.



Frequently Asked Questions

School Year 2020-2021 Operations

For information on additional resources or benefits that may be available to other members of the household, please visit the [Benefits.gov webpage](#).^{xxv}

31. 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 program.

32. If I am delivering meals to a child's home, must the child be present at the delivery?

No. If the CE has obtained the household's written consent to deliver meals and has verified the current address, the child does not need to be present at the time of delivery. If the meals are shelf-stable, no one needs to be present if the address has been verified. Please consider State and local food safety requirements and best practices.

33. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

34. 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 children 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.



Frequently Asked Questions

School Year 2020-2021 Operations

COUNTING AND CLAIMING

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

During SY 2020-2021, for schools **not** choosing to operate SSO or SFSP, 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 (except for schools participating in Provision 2 and the Community Eligibility Provision). CEs must have a process to manage meal costs due based on eligibility. For example: the \$.40 lunch cost and \$.30 cost for reduced-priced meals.

Schools that choose to operate SSO or SFSP through December 31, 2020, may keep a count of all meals served to track and claim by meal type. These meals will be reimbursed at the rate established for SSO or SFSP.

36. Do CEs need to use a point of service (POS) system for counting meals served under the COVID-19 waivers?

NSLP

CEs operating NSLP/SBP 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.



Frequently Asked Questions

School Year 2020-2021 Operations

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. More information on [how to update Attachment B forms for SY 2020-2021 can be found below under "NSLP-Specific Questions."](#)

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.^{xxvi}

[Refer to this question for an allowable method for counting meals when distributing meals for multiple days.](#)

SFSP/SSO

CEs operating SSO/SFSP 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. A CE may use its normal POS system, or a system developed specifically for the circumstances. This includes a manual counting method.



Frequently Asked Questions

School Year 2020-2021 Operations

37. How do I claim multiple meals distributed for multiple days within NSLP?

NSLP 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.



Frequently Asked Questions

School Year 2020-2021 Operations

38. My district has enrolled students participating in remote learning at a child care provider 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.
- **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, SFSP, or SSO, depending on the program the school district has elected to use. 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:
 - For meals claimed under NSLP, students must be claimed by the child's eligibility status as determined by their home school.
 - Both facilities must ensure that a process is in place to prevent duplicate meal service.



Frequently Asked Questions

School Year 2020-2021 Operations

- 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 in tandem with NSLP or SFSP/SSO 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.

Schools that operate a CACFP At-risk program should refer to the [CACFP FAQ](#) document posted on SquareMeals.org for additional guidance. ^{xxvii}



Frequently Asked Questions

School Year 2020-2021 Operations

NSLP-SPECIFIC QUESTIONS

39. 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.

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 prior to January 1, 2021, the CE might consider switching its operations from NSLP to SFSP/SSO per the instructions in this FAQ. After December 31, 2020, 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 or SSO during the closure.



Frequently Asked Questions

School Year 2020-2021 Operations

40. If my school opts to continue serving NSLP, what kind of meal service options do I have?

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

School Operation	Student Attendance Scenario	Congregate/ Non-Congregate Meal Service	Meal Service Method
Traditional School Operation	All students attend school onsite each day.	Congregate	All meals are consumed onsite (cafeteria or meal in classroom).
Remote Learning	Students attend school offsite each day.	Non-congregate	Meals are consumed offsite (grab-and-go or home delivery).
		Congregate	Remote students consume meals onsite at a designated time.
Shortened Day Traditional School Operation	All students attend school onsite for a shorter school day and leave the campus.	Non-congregate	All meals are consumed offsite (grab-and-go or home delivery).
		Congregate	All meals are consumed onsite.
		Non-congregate	All meals are consumed offsite (grab-and-go or home delivery).
Hybrid Traditional School Operation and Remote Learning	All students attend school onsite each day in shifts and leave campus when not in class (i.e., half in morning, half in afternoon).	Blended congregate and non-congregate	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).
		Congregate	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.
		Non-congregate	All meals are consumed offsite (grab-and-go or home delivery).
Hybrid Traditional School Operation and Remote Learning	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.	Blended congregate and non-congregate	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).
		Congregate	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.



Frequently Asked Questions

School Year 2020-2021 Operations

The above examples show how to implement non-congregate feeding in various scheduling scenarios.

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.

Schools should consult with the Texas Education Agency (TEA) to determine the scheduling options available to them.

41. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

42. 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/curbside 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. 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*.^{xxviii}

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

Yes. However, the school must be operating the NSLP/SBP districtwide across all campuses, and 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.

44. Are NSLP 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 if it accurately



Frequently Asked Questions

School Year 2020-2021 Operations

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.

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

In NSLP/SBP, children ages 18 years and younger and a student who continues to be enrolled at the school, is past the age of 18 but is under the age of 21, and is identified as mentally or physically disabled through a special education program or the 29 U.S.C § 70, Section 504, Rehabilitation Act of 1973. If this is the case, the student is eligible through age 21.

Only enrolled students participating in NSLP/SBP are eligible to receive meals.

46. 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.**



Frequently Asked Questions

School Year 2020-2021 Operations

47. 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.

48. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

49. 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.

50. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

51. 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*.^{xxix}

52. 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^{xxx} and in the [Administrator's Reference Manual](#)^{xxxi} (ARM), Section 29, *Local Wellness Policy, Stakeholder Engagement*.



Frequently Asked Questions

School Year 2020-2021 Operations

53. Have the Local Wellness Policy triennial assessment dates changed?

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.org](https://www.squaremeals.org)^{xxxii} and in the [Administrator's Reference Manual](#)^{xxxiii} (ARM), Section 29, *Local Wellness Policy, Stakeholder Engagement*.



Frequently Asked Questions

School Year 2020-2021 Operations

SFSP/SSO-SPECIFIC QUESTIONS

54. If the school qualifies the site as area eligible by a school's attendance zone, would all other schools that are feeder schools in the qualifying site's attendance feeder pattern also be eligible?

Yes. If one school in the feeder pattern is area eligible, then any school in the feeder pattern is area eligible. See [Administrator's Reference Manual \(ARM\)](#), Section 12, *Seamless Summer Operation*, for more detailed guidance on area eligibility.^{xxxiv} SFSP policy guidance may be found on [SquareMeals.org](#).^{xxxv}

55. Who may receive a meal?

In SSO and SFSP, children ages 18 years and younger and any person who continues to be enrolled in school and is identified as mentally or physically disabled through a special education program or the 29 U.S.C § 70, *Section 504, Rehabilitation Act of 1973*. If this is the case, the person is eligible through age 21.

Meals served to adults are not reimbursable by USDA; however, the cost of meals served free to adults working directly with the meal service at the site as either volunteers or paid employees is an allowable cost to the program.

CACFP operators should refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](#).^{xxxvi}



Frequently Asked Questions

School Year 2020-2021 Operations

56. How do I implement Offer versus Serve (OVS) when providing non-congregate meal service in SSO or SFSP during the COVID-19 public health emergency?

Seamless Summer Option:

CEs operating the SSO must use the applicable NSLP/SBP meal pattern. The [Administrator's Reference Manual](#)^{xxxvii} (ARM), Section 11, provides detailed guidance on OVS for SSO.

Summer Food Service Program:

CEs electing to use OVS in SFSP must follow the SFSP OVS meal service parameters outlined below. OVS is designed for congregate feeding, and if used in a non-congregate setting, must be done so with thoughtful planning and consideration. The conditions under which CEs are operating and their ability to follow appropriate safety measures when providing meals are factors to consider. The OVS waiver remains in effect until **December 31, 2020**.

SFSP OVS Breakfast Parameters:

The following four food items must be offered:

- One serving of fruit/vegetable,
- One serving of bread/bread alternate,
- One serving of fluid milk, and
- One additional serving of fruit/vegetable, bread/bread alternate, or a serving of a meat/meat alternate.

All the food items offered must be different from each other, and a child must take **at least** three of any of the four **food items** offered.



Frequently Asked Questions

School Year 2020-2021 Operations

SFSP OVS Lunch or Supper Parameters:

The following four food components must be offered through at least five different food items:

- One serving of meat/meat alternate,
- Two servings of fruit and/or vegetables (two different food items),
- One serving of bread/bread alternate, and
- One serving of fluid milk.

All the food items offered must be different from each other, and a child must take **at least three food components**. Note that lunch or supper OVS requirements differ from breakfast in that a child must take at least three food components, rather than items, listed above from the five food items offered.

Other general OVS requirements for SFSP include the following:

- Offering two servings of the same food item is not permissible under OVS in SFSP. All food items offered must be different from each other.
- A breakfast menu that includes a serving of milk, a serving of fruit, and two servings of toast is not a reimbursable meal under OVS in SFSP because the toast is two of the same food item.
- If the breakfast menu included two different kinds of cereal rather than toast, it would still not be a reimbursable meal because the cereals, although not identical, are the same food item.
- A larger food item that is worth two servings in weight, such as a two-ounce muffin, counts as only one food item under OVS in SFSP, not two.
- When using OVS in SFSP, servings of all food items must adhere to the serving sizes in the SFSP meal patterns at 7 CFR 225.16(d).



Frequently Asked Questions

School Year 2020-2021 Operations

57. Am I allowed to offer á la carte items during SSO or SFSP meal service?

The sale of á la carte items is permitted during **congregate meal service only** for SSO or SFSP meal service. Sites operating a congregate meal service have established COVID-19 public health and safety practices and precautions in place, including social distancing and enhanced sanitation protocols to mitigate risks to program participants and those associated with payment handling. SFAs operating SSO or SFSP must adhere to the Competitive Food Nutrition Standards (also called Smart Snacks) when selling á la carte items.

For more information on the Competitive Food Standards, please refer to the [Administrator's Reference Manual](#) (ARM), Section 22, *Competitive Foods*.^{xxxviii} Additional guidance on á la carte sales may be found throughout the ARM.

58. Do CEs need to provide SFSP training prior to the start of meal service?

During this emergency, experienced SFSP operators are not required to receive SFSP training prior to the start of SFSP meal service. However, CEs must ensure that all staff have the training needed to perform the activities assigned. New SFSP operators, including districts, must ensure that staff receive SFSP training as required by regulation. [TDA provides access to online SFSP training on SquareMeals.org](#).^{xxxix}

59. Do my volunteers have to have a food handler's certification? Where can I find information about applicable health and safety requirements?

In Texas, local health, safety, and sanitation standards may vary depending on where a site is located and how the site is operating. To assist CEs in identifying their local health department, an interactive map may be found on TDA's Squaremeals.org website under [Summer Feeding Program Food Safety](#).^{xl}

CEs must continue to ensure the safety of meals served. If possible, CEs should consider whether shelf-stable items may be used when utilizing curbside or home delivery methods.

It is the responsibility of the CEs and sites to contact their local health department to ensure that the latest requirements and standards are implemented.



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER



Frequently Asked Questions

School Year 2020-2021 Operations

60. Do I have to collect racial and ethnic data during the COVID-19 public health emergency?

Yes. The requirements related to the collection of racial and ethnic data have not been waived in response to the COVID-19 public health emergency. However, TDA recognizes the challenges that arise in collecting this data while operating under COVID-19 flexibilities. With parents potentially picking up meals without their children present or via drive-thru grab-and-go, along with other social distancing protocols in place, gathering accurate data in every instance may not be feasible.

Note that CEs are only required to count participating children once during a site's operation, so CEs should consider the best time and methods to collect this data based on the circumstances of their operation. Remember that you may use the best information available to determine the racial and ethnic data for the child receiving the meal, including visual identification. A participant may also be included in the group to which he or she appears to belong, identifies with, or is regarded as a member of by the community.

CEs must make the best attempt to collect the data but also document the specific challenges. TDA also encourages CEs to work with their ESC child nutrition specialist to address specific concerns or challenges related to collecting this data.

61. Do I need to notify TDA if I need to temporarily change our meal delivery or meal pickup logistics (e.g., threat of inclement weather)?

Yes. To the extent possible, CEs must inform TDA when the change is made by updating the information in the TX-UNPS site application. If that is not possible, CEs must inform TDA as soon as possible after the temporary change. At a minimum, CEs must document what actions they took as well as when and why.



Frequently Asked Questions

School Year 2020-2021 Operations

FRESH FRUIT AND VEGETABLE PROGRAM

62. Which COVID-19 flexibilities apply when 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 curbside/to-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.

“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](#),^{xli} 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.](#)

NOTE: FFVP foods may only be provided to **enrolled students at elementary schools approved to operate the program.**

Additional information related to the administration of the FFVP during the COVID-19 public health emergency is available on [USDA’s FNS Coronavirus webpage](#).^{xlii}



Frequently Asked Questions

School Year 2020-2021 Operations

63. May I serve FFVP food products in conjunction with programs other than NSLP in circumstances where my district has opted to serve SFSP or SSO? May I serve FFVP food products at a distribution site other than my awarded elementary school?

Approved elementary schools may serve FFVP food products at the same time as NSLP/SBP or SSO/SFSP as follows:

FFVP foods may be served with:	Congregate/Non-Congregate	Open/Closed Enrolled	Students or Community Children	Location
NSLP	Congregate and/or Non-Congregate	Not applicable	Enrolled Students	Approved elementary school, or, with TDA approval, a district serving site with procedures in place to ensure only students from approved schools receive FFVP foods.
SSO/SFSP	Congregate and/or Non-Congregate	Open	Any child or person eligible to receive summer meals	Approved elementary school operating an area eligible, open site serving the community from its own campus, or, with TDA approval, a district serving site serving children from multiple schools, including the approved elementary school.
		Closed Enrolled	Enrolled students	Approved elementary school operating a closed enrolled, congregate meals onsite

In districts operating the NSLP, FFVP foods may only be provided to enrolled students at elementary schools approved to operate the FFVP. If a district operating the NSLP establishes a single non-congregate site serving remote learners from multiple schools, but not all of those schools are approved to operate FFVP:

- TDA must approve distribution of FFVP foods from any site serving children from multiple schools.
- Procedures must be established to ensure only students from eligible schools receive FFVP foods in addition to the other meals being distributed.



Frequently Asked Questions

School Year 2020-2021 Operations

- CEs must maintain documentation that demonstrates that only the eligible students were served FFVP food items.

In districts operating an **SSO or SFSP site**:

- FFVP foods may be served to **any** child receiving a meal at an open site located on the campus of the approved elementary school.
- At a **closed enrolled SSO or SFSP site**, FFVP foods may only be provided to enrolled students of the approved elementary school.
- If remote students from an approved elementary school are receiving non-congregate meals from an SFSP/SSO site serving multiple schools, TDA must approve any distribution of FFVP foods from that site.

FFVP food products must be served **in addition to** the regular NSLP/SBP or SSO/SFSP 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.

64. Has the educational component for FFVP been waived?

Yes. 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
- Providing resources with links to educational/remote activities.



Frequently Asked Questions

School Year 2020-2021 Operations

65. Can we donate FFVP foods?

Yes. 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.

66. How do I change my FFVP site's 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.



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER



Frequently Asked Questions

School Year 2020-2021 Operations

ADMINISTRATIVE REVIEWS

67. Will TDA be completing the School Nutrition Program (SNP) administrative reviews of my SY 2019-2020 operations?

TDA is allowing SY 2020-2021 Administrative, Financial, and Procurement Reviews to be postponed until September 30, 2020. TDA will be providing communication to CEs about revised processes for these reviews very soon.

Detailed information on NSLP/SBP compliance is located on [TDA's SquareMeals.org webpage](https://www.squaremeals.org).^{xliii}



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER



Frequently Asked Questions

School Year 2020-2021 Operations

FINANCIAL CONSIDERATIONS

68. 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.

69. 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.

70. 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.

71. If a CE does not allow employees to receive hazard or premium bonus pay from the 242 account for working during the COVID-19 public health emergency, can the CE pay the hazard or premium bonus from the 240 account?

If the CE is continuing to operate the NSLP/SBP, the pay will come out of the 240 account. If the CE is operating the SFSP, the hazard pay will come out of the 242 account. If the CE is operating SSO, it could come out of either the 240 or 242 accounts. The decision to provide hazard pay is a local decision.



Frequently Asked Questions

School Year 2020-2021 Operations

72. Which program reimbursement rate should the district use for the Teacher Retirement System (TRS) monthly School Nutrition Program calculation?

If the TRS calculation is based on a salary from program reimbursement, the CE will use the reimbursement rate for the program under which the employee is paid. If a staff member is preparing and serving meals at a COVID-19 “CV” site operating SSO or SFSP, and the staff member’s salary is based on reimbursement from these activities, the calculation will use the SSO or SFSP reimbursement, as appropriate. CEs will find the reimbursement rates for submitted claims on the Summary Claims report in Texas Unified Nutrition Programs System (TX-UNPS)/Claims Module. [See below for information on TRS monthly reporting.](#)

Additional information on TRS is available at www.trs.texas.gov or 800-223-8778.

73. 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, SSO, and SFSP. Delivery costs could also be paid with non-program funds such as private donations.



Frequently Asked Questions

School Year 2020-2021 Operations

74. 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.).

75. 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](#), the requirement that potable water be made available to students during NSLP meal service during the COVID-19 public health emergency is not waived.

76. How do I address impacts on my Food Service Management Company (FSMC) contract if my district decides to switch from NSLP/SBP to one of the summer nutrition programs?

FSMC contracts are based on estimated meal counts by program. SFAs utilizing a FSMC must obtain a **legal opinion** that assesses whether changing the program operation during the waiver period will result in a material change that requires additional action.



Frequently Asked Questions

School Year 2020-2021 Operations

77. 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 below in these FAQs](#).

78. 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



Frequently Asked Questions

School Year 2020-2021 Operations

- 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*.^{xliv}

79. 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.

80. 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](#)^{xlv} (ARM), Section 16, *Financial System*.



Frequently Asked Questions

School Year 2020-2021 Operations

REPORTING AND RECORDKEEPING REQUIREMENTS

81. Are documentation and recordkeeping requirements waived in response to the COVID-19 public health emergency?

No. All documentation and recordkeeping requirements must be followed during the COVID-19 public health emergency. Detailed and accurate recordkeeping is critical including food production records.

82. 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 if the food production records provide 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.



Frequently Asked Questions

School Year 2020-2021 Operations

83. What type of information am I required to submit in the COVID-19 Waiver Monthly Data Submission Form?

NSLP

CEs opting into NSLP 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.](#)



Frequently Asked Questions

School Year 2020-2021 Operations

SFSP/SSO

Because CEs operating SFSP/SSO will be using designated “CV” sites to claim non-congregate meals, the meals claimed under these waivers can be tracked in TX-UNPS; therefore, the Monthly Submission Form is not required at this time. TDA will issue further guidance on any additional reporting SFSP/SSO CEs will need to report based on their SY 2020-2021 operations.

84. 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.

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

Yes, however, 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.

86. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

CIVIL RIGHTS

87. 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^{xlvi}](#) (ARM), Section 3, *Civil Rights & Confidentiality*.

TDA also developed a [supplemental Civil Rights document^{xlvii}](#) 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^{xlviii}](#)

88. 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.



Frequently Asked Questions

School Year 2020-2021 Operations

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.

Additional information on [the annual civil rights training requirement](#) is located above.

89. 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](#).^{xlix} 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](#).^l

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Frequently Asked Questions

School Year 2020-2021 Operations

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, audiotope, 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.

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Frequently Asked Questions

School Year 2020-2021 Operations

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<http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/CACFPResources.aspx>

ii <https://www.fns.usda.gov/programs/fns-disaster-assistance/fns-responds-covid-19/child-nutrition-covid-19-waivers>

iii

https://squaremeals.org/Portals/8/files/H1N1/Coronavirus/Duplicate%20Meal%20Poster_Not%20Permitted_All.pdf

iv

https://squaremeals.org/Portals/8/files/H1N1/Coronavirus/Duplicate%20Meal%20Poster_Not%20Permitted_SFSP.pdf

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x

vi <https://form.jotform.com/202546688289067>

vii

[http://www.squaremeals.org/Portals/8/files/H1N1/Coronavirus/Waivers/Meal%20Pattern%20Waiver_Substitution%20Reference%20Guide_FN%20\(1\).pdf](http://www.squaremeals.org/Portals/8/files/H1N1/Coronavirus/Waivers/Meal%20Pattern%20Waiver_Substitution%20Reference%20Guide_FN%20(1).pdf)

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x <https://squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyandARM.aspx>

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xiv <https://form.jotform.com/202234425492147>

xv https://squaremeals.org/Portals/8/files/H1N1/Coronavirus/InstructionsWaiver_200813.pdf

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Frequently Asked Questions

School Year 2020-2021 Operations

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- xxxii
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- xxxiv <http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx>
- xxxv
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- x
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