Guidance Subject to Change – Check dates for the latest version

This FAQ document covers operations for School Year (SY) 2021-2022. It was created based on input from contracting entities (CEs) and Education Service Center staff, USDA policy guidance specific to COVID-19 operations and flexibilities, and existing USDA and TDA guidance from the previous school year and summer operations.

This document is the primary source of COVID-19-related guidance for SY 2021-2022 operations. TDA will continue to provide more detailed guidance over the coming months. Please read each question and response carefully and thoroughly as each question covers a very specific topic; you should not mix responses from multiple questions to arrive at an answer for any questions you may have. Please contact your ESC with any questions.

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

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OPERATIONAL FLEXIBILITY OVERVIEW

1. During School Year (SY) 2021-2022, which Child Nutrition Programs (CNPs) can operate?

During SY 2021-2022, and per USDA nationwide waiver, schools may elect to operate the Seamless Summer Option (SSO) or the National School Lunch Program (NSLP)/School Breakfast Program (SBP). A decision to operate NSLP or SSO must have been made district-wide by September 30, 2021. The choice made as of September 30, 2021 will be effective for all campuses throughout the program year – until June 30, 2022. CEs may switch Programs from NSLP to SSO or vice versa prior to September 30.

2. How will meal reimbursements differ for SSO in SY 2021-2022?

Beginning July 1, 2021, all SSO operators were reimbursed for meals at the combined SFSP reimbursement rates for rural or self-prep sites, regardless of location. On January 1, 2022, SFSP rates were adjusted annually for inflationary changes. The current rates valid through December 31, 2022 are $2.6050 for breakfast, $4.5625 for lunch, and $1.0775 for snack.

These reimbursements at the SFSP rates will continue throughout SY 2021-2022 and expire June 30, 2022. Note that SSO operators who begin more traditional summer operations after the school year ends without the availability of non-congregate waivers will still receive the higher reimbursement rate through June 30.

3. May School Food Authorities (SFAs) operating SSO in SY 2021-2022 also receive additional reimbursement amounts tied to NSLP/SBP operations, including the NSLP 7 cents performance-based reimbursement and 2 cents differential, and SBP severe need payments?

No. School Food Authorities (SFAs) that opt into SSO for SY 2021-2022 will not be eligible to receive supplemental reimbursements such as severe need or the 7-cent performance-based cash reimbursement as these only apply to the NSLP and School Breakfast Program (SBP) base reimbursement rates.
4. Will schools operating SSO in SY 2021-2022 be eligible to receive State matching funds?

Yes. Schools operating SSO in SY 2021-2022 are eligible to receive State matching funds, as SSO is an extension of NSLP operations.

5. If my district chooses to operate SSO and receives an Administrative Review (AR) in SY 2021-2022, will this review count as a full review in my normal NSLP review cycle?

Yes, an SSO AR conducted in SY 2021-2022 will count as a full review in the NSLP review cycle.

6. What existing operational flexibilities will remain in effect for both NSLP/SBP and SSO in SY 2021-22?

- **Non-congregate Meal Service** - Meals are distributed for offsite consumption. Non-congregate meals may be provided via grab-and-go or curbside pickup locations, or home delivery. Note that if opting into the non-congregate waiver, all enrolled students at the applicable school site, including remote students, must be provided access to all meals served.

- **Alternative Meal Service Times** – In addition to allowing meal service outside of standard times, this waiver allows for the distribution of multiple meals at one time. Note that weekend/holiday meal service for SSO will not be allowed once SY 2021-2022 begins.

- **Parent Pick-up of Meals with No Child Present** – Parents or legal guardians may pick up meals without their children present if they can provide adequate proof of guardianship.

- **Offsite Monitoring** - USDA’s nationwide waiver allows monitoring activities to occur offsite to the extent practicable (e.g., through a desk audit). Note that the monitoring requirements themselves have not been waived. All CEs must assess the activities they normally do while onsite and document which of those activities are not possible as a desk audit.

- **Offer versus Serve in Senior High School** - Consistent with Centers for Disease Control and Prevention recommendations, this waiver provides
schools with the flexibility to serve individually plated or pre-packaged, non-congregate meals that contain all five required food components.

Except for the offsite monitoring waiver, which expires 30 days after the declared end of the COVID-19 public health emergency, the above flexibilities expire June 30, 2022, for NSLP/SBP, SSO, and CACFP. However, non-congregate, meal service time, and parent pick-up waivers are not currently intended for use during traditional summer service; CEs operating traditional SSO after the end of the 2021-2022 school year but prior to June 30 must operate under standard regulations pertaining to congregate feeding and meal service times.

TDA also expects schools and child care providers to use the meal service flexibility waivers only for the duration and extent that they are needed. For example, when all students at a school can safely return to the school cafeteria for breakfast and lunch, the school would no longer need the non-congregate meal service waiver.

See below for more information on how to opt into these flexibilities.

7. Meal Pattern - What meal pattern flexibilities are available in SY 2021-2022?

- **NSLP/SBP and SSO meal pattern flexibilities** – Beginning July 1, 2021, through June 30, 2022, School Food Authorities (SFAs) may request waivers for whole grains, sodium, flavored milk, vegetable sub-groups, milk variety, and age/grade requirements. Waivers will be reviewed and approved on a case-by-case basis. Click the links above for more detailed information.

- **CACFP meal pattern flexibilities** – Beginning July 1, 2021, through June 30, 2022, CACFP operators may request waivers for whole grains, ounce equivalents, and flavored milk requirements. Waivers will be reviewed and approved on a case-by-case basis. Click the link above for more detailed information.

8. Area Eligibility – What area eligibility flexibilities are available in SY 2021-2022?

- **SSO** - During SY 2021-2022, SSO operators are granted statewide approval to operate open and closed enrolled sites without having to comply with the standard area eligibility requirements. Submittal of an Area Eligibility Request form is not required. This flexibility is only available through the end
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of SY 2021-2022. Once traditional summer service begins, all standard area eligibility requirements apply.

• **Afterschool Snack Programs** - Effective the beginning of SY 2021-2022, both CACFP At-risk CEs and NSLP Afterschool Care Program (ASCP) CEs are granted statewide approval to operate without having to comply with standard area eligibility requirements. **Submittal of an Area Eligibility Request form is not required.** This flexibility will continue through the end of instruction for SY 2021-2022 or June 30, 2022, whichever occurs first.

FLEXIBILITY NOTIFICATION OR REQUEST

9. **Am I required to notify TDA if I want to use any of the flexibilities for my SY 2021-2022 operations?**

Yes. CEs will need to go to [SquareMeals.org](http://SquareMeals.org) to either opt into specific flexibilities or submit specific requests. **This applies for CEs who were previously operating under similar waivers during SY 2021-2022.** Each form will be discussed in more detail in this section.¹

10. **Do I need to notify TDA if I will not use any flexibilities during Summer 2021?**

Yes. To establish an accurate compliance profile for TDA’s Administrative Reviews, all CEs operating in SY 2021-2022 must indicate their intentions to either use or not use the available flexibilities. CEs that do not plan to use any waivers will indicate this in the [Declare or Decline COVID-19 Meal Service Waiver Options form](http://SquareMeals.org) located on SquareMeals.org. Instructions for completing the form can be found [here](http://SquareMeals.org).³

11. **Operational Flexibility Opt-In – Which flexibilities require CE notification to TDA before usage? If I have already submitted an Intake Form for existing flexibilities, do I need to notify TDA again?**

Regardless of any previous intake forms you may have submitted for SY 2020-2021, **all CEs operating in SY 2021-2022 must notify TDA of their intent to implement or continue using the following waivers, as applicable:**

- Non-congregate Meal Service
- Alternative Meal Times
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- No Child Present, Parent Pick-Up
- Offsite Monitoring
- OVS in Senior High Schools

TDA has posted a new form, the Declare or Decline COVID-19 Meal Service Waiver Options form, where all CEs must indicate which flexibilities they intend to use. While approval is not required to use these flexibilities, all CEs will be required to answer a short series of multiple-choice questions to provide data, if known, about the intended implementation of these flexibilities.

As with previous versions of this Intake Form:

- Only CE-level information is required. If any of the CE’s sites are using any of the above flexibilities, the CE must complete this form. Note that CEs must also indicate via this form if they intend not to use any flexibilities.
- CEs must submit this form any time flexibility usage changes. If at any point a CE is no longer using a particular flexibility or chooses to implement a flexibility at any of its sites, the CE must notify TDA so the CE’s compliance profile may be updated. TDA expects schools and child care providers to use these flexibilities only for the duration and extent that they are needed.

12. Targeted NSLP/SBP and SSO Meal Pattern Waiver Request – How does my school district request a waiver of sodium, whole grain, flavored milk, and/or vegetable sub-group requirements?

At the beginning of SY 2020-2021, SFAs that could not meet the reinstated meal pattern requirements for sodium, whole grains, and flavored milk were granted a grace period of one year to implement these requirements under the existing meal pattern waiver. Beginning July 1, 2021, CEs must submit a waiver request to TDA if they cannot meet any of the following requirements:

- Target 2 specifications for sodium
- All grains offered are whole grain-rich
- Preschoolers receive at least one whole grain-rich serving per day
- All low-fat milk must be unflavored (current flexibility allowing low-fat, flavored milk in the NSLP and SBP is available through February 18, 2022, without the need for a waiver)
Additionally, CEs may submit a waiver request if they are unable to offer a variety of vegetables from the vegetable subgroups.

These new request options are now available via the [COVID-19 Targeted Meal Pattern Flexibility Options Form](SquareMeals.org).

While waiver requests of sodium targets will be approved without requiring justification through June 30, 2022, all other meal pattern waivers listed above will require substantial justification prior to approval. Waiver requests must be submitted within 30 days of the requested start date.

13. **Milk Variety Waiver Request for NSLP/SBP and SSO – How has the process changed for requesting this waiver?**

Per recent USDA guidance, TDA must process milk variety waiver requests on a case-by-case basis. CEs may submit these requests via the [COVID-19 Targeted Meal Pattern Flexibility Options Form](SquareMeals.org) beginning July 1, 2021. Waiver requests must be submitted within 30 days of the requested start date.

14. **Age/Grade Waiver Request for NSLP/SBP and SSO – How do I request an age/grade waiver for SSO or NSLP?**

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

The process for requesting an age/grade waiver is the same as in SY 2020-2021. CEs may request this flexibility by selecting the “Age/Grade Group Meal Pattern Waiver (NSLP/SBP and SSO Only)” in the [COVID-19 Targeted Meal Pattern Flexibility Options Form](SquareMeals.org) and completing the required information. Approvals will be granted through June 30, 2022.

15. **Targeted CACFP Meal Pattern Waiver Request - How do I request a waiver of CACFP whole grain, ounce equivalents, and flavored milk requirements?**

Beginning July 1, 2021, meal pattern waiver requests for CACFP operators will only be considered for the following requirements:

- At least one serving per day must be whole grain-rich
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- Crediting of grains by ounce equivalents be fully implemented by October 1, 2021
- Low-fat milk (1%) must be unflavored for ages 6 and up

The CACFP meal pattern requirements listed above will require substantial justification and will be granted on a case-by-case basis. For example, a CE must justify why serving non-fat flavored or non-fat unflavored milk are not viable options for children 6 and up before being approved to serve low-fat flavored milk. Waiver requests must be submitted via the COVID-19 Targeted Meal Pattern Flexibility Options Form within 30 days of the requested start date and will only be granted for 30 days at a time.

16. If I opt in to SSO for SY 2021-2022, will I need to submit an Area Eligibility Waiver Request form to operate a site in a non-eligible area?

As mentioned above, in SY 2021-2022, SSO, CACFP At-risk, and NSLP ASCP CEs are not required to submit an Area Eligibility Request Form. If all other eligibility requirements for a site are met, it can be approved to operate regardless of location.

17. I did not complete the triennial assessment of the Local Wellness Policies last summer. Did USDA extend the deadline again for completion?

Yes. USDA issued a nationwide waiver that allowed NSLP/SBP CEs to complete their first triennial Local Wellness Policy assessment by June 30, 2022. However, CEs electing to use the new deadline must have informed TDA by June 30, 2021 if they intended to use this waiver.

CEs that elected to use the June 30, 2022, deadline must complete the second triennial assessment by June 30, 2025. Second assessments for operators that completed their triennial assessments by the original extended date of June 30, 2021, will be due June 20, 2024.

18. Do I need to continue to complete and submit the Monthly Site and Meal Count Data Form?

No. TDA has removed this form from SquareMeals.org. TDA is evaluating whether site level data will be required in the future and if so, a new streamlined form will be provided.
PROGRAM IMPLEMENTATION FOR SY 2021-2022

19. How do I indicate my intention to operate SSO during SY 2021-2022?

SFAs that did not operate SSO this summer that wished to start in August at the beginning of the school year must have indicated their intentions to operate SSO within their NSLP 2020-2021 application packets. This allowed SFAs to operate SSO during August through September 30, 2021.

For SSO operations after September 30, 2021, SFAs must have submitted an NSLP 2021-2022 application packet and submitted their intention to operate SSO from October 1, 2021, through the end of the school year.

20. Are there additional instructions I need to know when filling out my site application for SY 2021-2022?

Sites serving non-congregate meals under a summer meals program must have a “CV” naming designation within the site application.

- Site names must start with CVHD for sites using home delivery and CVGG for sites utilizing a grab-and-go method, followed by the Site Name:
  - For example: CVGG Smith El. This means that Smith Elementary is distributing meals using grab-and-go.

- Sites operating a bus route with multiple stops serving kids directly at those stops can submit a single CVGG site, with the site address corresponding with the address where the meals are prepared or the intersection of the first stop. Note that meals distributed via this method are considered grab-and-go and not home delivery. Home delivered meals must be delivered to an individual residence.

- Both open and closed enrolled SSO sites may operate a joint congregate and non-congregate meal service; in these cases, CEs are not required to submit separate site applications for the congregate and non-congregate service. Instead, CEs should submit one site application using the appropriate non-congregate CV site designation (“CVGG” or “CVHD”) in their application, as applicable. See below for more guidelines related to joint congregate and non-congregate feeding.
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- If a CE is operating both “CVGG” and “CVHD” from the same site, the CE must submit two separate site applications for each type of non-congregate meal service.

CEs planning to operate under standard regulations, including adherence to congregate feeding and standard meal times, do not need to use the “CV” naming convention – the site name is entered as normal.

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

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

SSO policy guidance may be found in Section 11, Summer Meals, of the Administrator’s Reference Manual (ARM). SFSP policy guidance may be found on SquareMeals.org.

21. If I am operating SSO in SY 2021-2022, do I need to enter meal pricing information in my NSLP application packet even though I am feeding children for free this year?

Yes. In order for an SSO application to be approved, the 2021-2022 NSLP application must be completed and approved, and that includes pricing information. If the district typically operates a pricing program where students pay for meals, the district should enter the meal prices last charged, which may mean entering prices as far back as the 2019-2020 school year for districts that operated a summer meal program in SY 2020-2021. Districts should not select the non-pricing program option unless they qualify as a special provision school.

22. During SY 2021-2022, what are the requirements for operating a closed enrolled SSO site?

During SY 2021-2022, SFAs may utilize closed enrolled SSO sites at school locations to serve enrolled students, regardless of the location of that school. A corresponding open site for the community is not required.
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23. **Does my school have to provide curbside meals or another method of non-congregate service for virtual students or students required to quarantine temporarily?**

No. CEs are not required to provide non-congregate meals, though TDA encourages schools to identify methods for feeding any remote learners or students required to quarantine, as applicable, during the school year. Note that if opting into the non-congregate waiver, all enrolled students at the applicable school site must be provided access to all meals served (for example, a school serving congregate meals to onsite students Monday through Thursday but intending to use the non-congregate waiver to send meals home with those students on Friday must ensure that any remote students also have access to the same number of meals served to onsite students throughout the week).

24. **If my school also operates a day care service for children of staff during the day, and the day care center is not participating in CACFP, can those children be fed under SSO?**

At the SFA’s discretion, non-school age children can be added to a closed enrolled roster for an SSO feeding site and receive meals, even if they are not enrolled at the school. However, the school must be able to document why the enrollment roster for the feeding site does not align with the roster of children enrolled at the school. All meals claimed will be compared to the feeding site’s enrollment roster during an Administrative Review.

**NOTE:** Schools may not establish a closed enrolled SSO site feeding only non-school age kids at a school-run day care center. Schools that wish to claim day care students separate from the students at the school must operate either an open site for the community or consider participating in CACFP. It is the SFA’s decision on the most appropriate method to feed children under this scenario.

25. **May my school continue to serve the community at an open SSO site?**

Schools with remote students may continue to operate open sites that also serve the community. Once a school returns to 100% onsite attendance, any non-school open sites can continue to operate for the community but must operate traditionally without any flexibilities. Any CE that switches from remote learning to 100% onsite learning district-wide must ensure that its change in waiver usage is updated via the Declare or Decline COVID-19 Meal Service Waiver Options form.
26. If my school must shut down temporarily due to a COVID-19 outbreak or other unanticipated event, and no virtual instruction is provided, can we continue to serve meals to students?

If a school closes due to an unanticipated event without plans to offer instruction, the school can serve meals under “unanticipated school closure” (USC) requirements as follows:

- **Operate an SSO site under USC requirements.** TDA will approve school sites to serve meals under SSO during a USC. Additionally, USDA has issued a waiver allowing schools to serve SSO meals at the school site during a USC. CEs in this situation must adhere to the following:
  
  o CEs not already operating SSO must ensure their NSLP application packets are updated to show SSO operations. If the CE has not previously operated SSO, then form SNP-005, Permanent Agreement Contracting Entity Specific Amendment must be completed and submitted to TDA via email: NSLP-SBP.bops@TexasAgriculture.gov. The form is located in TX-UNPS under the application tab, download forms.
  
  o Any new sites created to serve during a USC must be submitted via TX-UNPS. Schools already approved to operate SSO that are intending to serve non-congregate meals from the school while it is closed do not need to submit a new site application, even if the school was not previously serving non-congregate meals. Information regarding meal service will be collected in the forms as described below.
  
  o CEs must submit the [Unanticipated School Closure Notification Form](#) located on SquareMeals.org informing TDA of timeframes and locations of USC operation (Note that while submittal of this form is required when operating during a USC, it is for notification purposes only. Operation of SSO during a USC does not require prior approval from TDA).
  
  o CEs previously operating as a closed enrolled site may serve the community via SSO during the unanticipated school closure without having to update their site applications. Closed enrolled service must resume after the school reopens, and the CE must indicate whether the service is closed enrolled or open within the [Unanticipated School Closure Notification Form](#).
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- If operating NSLP/SBP prior to the closure, the CE must return to serving breakfast and lunch under SBP/NSLP once the CE and/or site reopens.

- **Operate CACFP At-Risk.** The school may offer a lunch and snack that meet all CACFP At-Risk regulations, including roster and enrichment activity requirements. These sites can be located at the school.

Under either option, the site may provide non-congregate meals and utilize any other meal service flexibilities. The CE must indicate which flexibilities they intend to use or not use at the site via the Declare or Decline COVID-19 Meal Service Waiver Options form located on SquareMeals.org.

27. **Can residential child care institutions (RCCIs) operate SSO under the Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022?**

Yes. In order to safely serve nutritious meals during COVID-19, SFAs are permitted to operate the SSO at RCCIs.

28. **How do I address impacts on my Food Service Management Company (FSMC) contract if my district decides to switch from NSLP/SBP to SSO?**

FSMC contracts are based on estimated meal counts by program. If the current FSMC contract does not indicate operation of SSO or SFSP in Section B, Scope and Purpose, of the RFP, emergency procurement is required to add the SSO option for SY 2021-2022.

SFAs utilizing a FSMC that includes the SFSP/SSO option must obtain a written legal opinion from the SFA’s legal representative that assesses whether changing the program operation from NSLP/SBP to SSO during the waiver period will result in a material change that requires additional action. A determination by the SFA legal representative of a resulting material change to the FSMC contract would be a basis to conduct emergency procurement to amend the existing FSMC contract. If the legal opinion deems that there is no material change, emergency procurement is not required. Legal opinions must be submitted to TDA for view at School.Operations@TexasAgriculture.gov.

In all instances where emergency procurement is required, the term is one year. CEs must competitively procure a new FSMC vendor for the subsequent year for continued access to options outside of the original RFP. Any CE approved emergency
procurement for SY20-21 should confirm that they completed the RFP process for SY21-22 to avoid unallowable costs.

29. Do the Professional Standards requirements still apply for schools operating SSO?

Professional Standards training required normally required as part of NSLP are not applicable to SFAs that operate SSO during SY 2021-2022. Although training is not required, school nutrition professionals are encouraged to complete in-person or online training. Note that per regulation, any training completed during SY 2021-2022 may be applied to the requirements for SY 2022-2023. Note also that Professional Standards hiring requirements are still applicable.

30. Do the food safety inspection requirements apply to schools operating SSO?

Yes. The standard food safety inspection requirements apply in SY 2021-2022. Schools are required to obtain two food safety inspections annually from State or local authorities, regardless of the Child Nutrition Program they are operating in SY 2021-2022.

OPERATIONAL QUESTIONS

31. Are schools that participate in SSO required to complete the public announcement of eligibility criteria for SY 2021-2022?

Yes. As in a normal NSLP year, at the beginning of the school year, schools operating SSO must provide public notification regarding the availability of free meals via SSO. TDA has developed two media release templates that CEs operating SSO may utilize to satisfy this requirement – one for CEs that do not intend to process household applications in SY 2021-2022 and one for CEs that do. Refer to SquareMeals to access the templates. Click here for more information on processing applications in SY 2021-2022.

NOTE: CEP schools that choose to operate SSO must also submit a media release. CEP schools may modify either the existing CEP media release template available on SquareMeals or the new SSO template referenced above.
32. **What are the guidelines for parent pick-up without a child present?**

Per TDA-established guidelines, when a parent or legal guardian arrives to pick up a meal without a child at a school, the parent or guardian must show proof of guardianship. Preferred methods of proof of guardianship include, but are not limited to, the following:

- Official Letter/email from a school listing the children enrolled at the campus
- Student ID cards
- Individual student report cards
- Attendance record from parent portal of the 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](#) or [SSO version](#)) that explains the prohibition of receiving duplicate meals. To obtain a Duplicate Meals Poster, refer to the [TDA's SquareMeals.org Coronavirus webpage](#).

CEs must notify TDA whether they will utilize this waiver [per the guidance in this FAQ](#). While this waiver is effective through **June 30, 2022**, for all Programs authorized to operate during that period, CEs must cease using the waiver once there is no longer a need. **SSO operators must also cease using this waiver once traditional summer service begins at the end of the school year.**

33. **Do the extended waivers allow bundling of multiple meals to continue?**

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 number of meals allowed. **CEs distributing meals for multiple days may not provide meals for more than one operational week at a time. Note that SSO operators may not serve on weekends/holidays once SY 2021-2022 begins. Refer to this question below for more information on switching from summer weekend service to a standard 5-day schedule.**
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 two 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 (the site must not distribute meals on Tuesday and Wednesday)
- On Thursday, the CE would distribute meals for Thursday through Friday (the 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 meals are provided. 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.

34. **May I bundle multiple days of meals to remote learners while feeding hot, plated meals to students daily onsite?**

Yes, a site may operate two points of service under one site application – one service designated for bundled, non-congregate meals and one for congregate feeding. The meals served at each point of service can be from a different menu as long as all meal pattern requirements are met. Onsite students may be served daily while remote learners can receive multiple days of meals per the parameters described above. It is important to remember:

- All children served at the site have the same access to the same **number** and **type** of meals within a given week.

- Site applications must reflect the days meals are to be claimed and the complete timeframe of meal service per day. Meal service for both breakfast and lunch should reflect the same timeframe. For example, if onsite meals are served from 7 a.m. to 8 a.m. and 12 p.m. to 1 p.m., and non-congregate meals are distributed from 10 a.m. to 11 a.m., the time of service documented for both breakfast and lunch in the site application will reflect a range of 7 a.m. – 1 p.m.

- In their outreach and promotion, CEs must clearly identify when the non-congregate meal service occurs each week.

- All sites are expected to maintain documented procedures that detail their meal distribution plans, including meal service times for congregate meals and
methods to prevent duplicative meal service. Food production documentation for separate menus and points of service must also be maintained per regulation. Sites that fail to maintain this documentation may receive a finding in an Administrative Review.

- Sites operating a joint congregate and non-congregate service at the same location are not required to submit a single site application. If for any reason the logistical differences between the two services are too complicated to document in the site application as described above, schools may submit a CV site application for non-congregate service and a non-CV site application for traditional onsite meal service.

35. If I distribute meals over multiple days, may I serve individual components in bulk during the school year?

Yes. 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/guardian 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. CEs should complete the new [Declare or Decline COVID-19 Meal Service Waiver Options form](#) to access the approval form for bulk distribution.

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 adding water and warming to be served. Microwaving prepared food with room temperature water is acceptable.
- 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 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.

36. What meal 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.

37. May I serve meals on weekends and holidays if I’m operating SSO?

With the exception of RCCIs that typically serve meals on weekends, schools operating SSO may not serve meals on weekends and holidays during SY 2021-2022. Please ensure weekend meals are not checked in your site applications.

Note that CACFP At-risk 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. Note that NSLP and NSLP ASCP meals may not be claimed on weekends.

38. My district is operating an intersession calendar (for example Additional Day School Year (ADSY) calendar as defined by the Texas Education Agency (TEA)). Can we serve SSO or NSLP meals to students attending schools on those additional days?

No. Intersession days that are non-compulsory and considered separate from the required traditional calendar days for which attendance is required follow the regulations.
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for weekends and holidays, meaning SSO and NSLP meals cannot be claimed on those days. Schools on an intersession calendar may consider CACFP At-risk as an option to feed students attending school on those additional days.

39. What is the maximum number of meals that can be distributed for consumption on a single day during School Year 2021-2022? May I serve supper?

During SY 2021-2022, the maximum number of single-day meals that may be distributed under a single program at each site is:

- **NSLP/SBP:** Up to two (2) approved meals may be served each day (breakfast and lunch).
- **SSO:** Up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper.
- **NSLP ASCP:** Up to one snack per child per day.
- **CACFP At-risk:** Up to one snack and one supper, per child, per day.

While the above parameters do not allow for any single program to distribute a full three meals to a child on a given day, in districts operating NSLP or SSO, children may receive afterschool snack via the NSLP ASCP or a snack/supper via the CACFP At-risk program. CEs operating both NSLP or SSO and an afterschool care program may bundle a full day’s meals together if those meals are claimed to the applicable program.

40. What are the guidelines related to home delivery?

CEs may deliver meals to children’s homes, but they must receive consent from each household and ensure that the meals are delivered directly to those individual residences. The school must be the entity that makes the first contact about meal delivery with the household of eligible children and must notify the household if contact information will be shared with an external organization (for example, a local non-profit that will provide meal delivery). Once the school receives written consent from the parent or guardian to release contact information, the schools may share the information with other organizations involved with meal delivery.

Schools must ensure data is handled appropriately at all times and by all organizations involved with meal delivery to safeguard household confidentiality. If the school is using a private vendor, NSLP regulations require the school to have a memorandum of understanding (MOU) with the vendor specifying 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 use and disclosures, and penalties for unauthorized disclosure.

As long as 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, especially if delivering meals that are not shelf-stable.

CEs must have a mechanism for validating the number of children at an individual residence to ensure that no duplicate meals are distributed or that no ineligible participants receive a meal. Schools must follow appropriate reporting and recordkeeping requirements and account for all meals served.

**NOTE:** A bus route that delivers to children at the curb is not an HD site. It should be designated as a CVGG site.

**41. If I deliver meals directly to children’s homes or distribute them 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. Delivery costs could also be paid with non-program funds such as private donations.

**42. When counting meals at an SSO site, do I have to connect each meal with a particular student? May I use a tally sheet to document the number of meals served?**

When counting meals served at an SSO site, a tally sheet may be used to count meals as they are served. At closed enrolled sites, sites are not required to match a meal with a specific child on the enrollment roster; however, the number of meals claimed may not exceed the total number of enrolled children in attendance for that day.
Note if utilizing a Point-of-Service (POS) system to count SSO meals, and there is a
generic identifier key to document meals served to children who might not be
documented in the POS (for example, onsite children in a school-run day care), you
must ensure that this generic identifier is keyed for each meal at the time of service and
that the POS can report each individual meal keyed under this identifier. A report listing
only the total number of meals served under this generic identifier on a given day fails to
show compliant meal counting at the point of service.

43. Am I allowed to offer á la carte items during SSO meal service?

Yes. The sale of á la carte items is permitted during **congregate and non-congregate meal service** for SSO meal service. SFAs operating SSO on the school campus during the school day **must adhere to the Competitive Food Nutrition Standards** (also called Smart Snacks) when selling á la carte items.

Sites offering á la carte items should 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.

44. Are there any flexibilities in place for sites experiencing a disruption to the
supply chain as result of COVID-19?

Yes. First, CEs experiencing supply chain issues because of the pandemic, such as
unanticipated cancellation of food and supply contracts and unexpected substitutions of
food products by suppliers, may use emergency procurement processes **without submitting a request** TDA via the online request form on SquareMeals. CEs must
document proof that the emergency procurement resulted from a pandemic-related
supply chain issue and maintain all other supporting documentation usually required
when submitting an emergency procurement request. Please refer to the USDA-
provided **Questions and Answers for Child Nutrition Programs Emergency Procurement Due to Supply Chain Disruptions** for more information on emergency procurement
options.

Second, USDA issued a Nationwide Waiver allowing TDA to waive fiscal action for CEs
that fail to meet meal pattern requirements because of a pandemic-related supply chain
disruption. During an administrative review, CEs will have to show documentation, such
as vendor notification, proving that the meal pattern deviations resulted from a
pandemic-related supply chain issue.
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To assist CEs and sites in these efforts, TDA has developed the Monthly Record of Meal Pattern Deviations Due to COVID-19 Supply Chain Disruptions Form, in which CEs can document instances during the COVID-19 pandemic when required food components were unavailable due to supply chain disruptions. Refer to the form instructions for more information about how this form is to be used.

CEs must follow normal procurement requirements, including capital purchases, for non-pandemic related goods and services.

45. What are the Paid Lunch Equity (PLE) requirements for SY 2021-2022?

Any NSLP CE with a positive or zero balance in its nonprofit school food service account as of December 31, 2020, is exempt from PLE pricing requirements for SY 2021-22. When completing the PLE tool for SY 21-22, if CEs do not have pricing/sales data from October 2020, they can use October 2019 pricing/sales data.

46. How are adult meal prices to be calculated during SY 2021-2022?

Schools should base their adult meal prices on NSLP reimbursement rates, even if operating SSO. Schools can also use the USDA Commodity rate of .3975 rather than the higher estimated Texas rate when calculating its prices. Schools operating SSO that typically calculate the adult meal prices using the Paid reimbursement rate and the student paid charge (Method 1 as described in Administrator’s Reference Manual (ARM), Section 19, Meal Pricing) may continue to use that methodology, using the paid charge rate they last had in place when operating NSLP. However, if operating SSO, schools should not factor in severe need or 7 cent reimbursement when calculating adult meal prices.

47. My district received Emergency Operational reimbursement this year to account for losses incurred at the end of SY 2020, and now we have an excess fund balance. Will this result in a finding in an Administrative Review?

No. If payments would result in excess balances, TDA will provide technical assistance to those program operators to ensure a reasonable and timely expenditure of their excess funds. Note that any excess fund balances not attributed to a receipt of Emergency Operational reimbursement will be handled in accordance with standard NSLP regulations.
48. Has the NSLP/SSO potable water requirement been waived?

USDA has not waived the potable water requirement when serving congregate lunch, including lunches served in the classroom. The requirement to make water available during breakfast only applies when breakfast is served in the cafeteria. For non-congregate service, when lunch or breakfast is consumed outside of school, the requirement that water is 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 mealtimes. There is no requirement that bottled water be purchased or provided. However, the purchase of potable bottled water to supplement meals served in non-congregate settings is an allowable cost.

49. What are the guidelines for serving a second breakfast in SSO in a non-congregate setting?

Second breakfast regulations for SSO and SBP were designed for implementation in a congregate setting for situations when a child onsite requests a second breakfast after eating the first breakfast and the site has reasonably determined that there will be excess breakfasts available at the end of service. Second breakfasts served under these parameters may be claimed for reimbursement. Sites may not prepare excess breakfasts in anticipation of serving second breakfast and will have those meals disallowed if it is determined that is what is happening.

In a non-congregate setting, where meals are taken offsite for consumption, the parameters described above for serving second breakfast will be difficult to meet in most instances. Because an operator must plan for and prepare one breakfast meal per child, operators should not prepare meal bundles that contain a second breakfast. Additionally, a second breakfast cannot be provided on request for most of the meal service to ensure there are enough meals for all children.

However, given that fluctuation in attendance at breakfast can make it difficult to precisely estimate the number of meals needed, if near the end of non-congregate service it is clear that there will be excess breakfasts left over, operators may distribute a second breakfast on request to children and/or parents guardians picking up non-congregate meals. If second breakfasts are served, the CE must count and record these meals separately on daily meal count forms.
50. **Am I required to complete any of the onsite monitoring forms provided by TDA now that onsite monitoring has been waived? If so, which onsite monitoring form should I use if I'm operating SSO?**

While the requirement that reviews be conducted onsite has been waived by USDA, the monitoring requirements themselves, as described in the TDA-developed onsite monitoring form, have not been waived. **All CEs** must, to the maximum extent practicable, continue monitoring activities of operations **offsite** (e.g., through a desk audit) and document those activities.

CEs can continue to use the TDA-developed onsite monitoring forms available on Squaremeals.org **that are applicable to the Program you are operating** (SSO or NSLP) to capture this information. Alternatively, CEs may develop a **similar tool** to document observations conducted offsite. If any requirements cannot be completed via an offsite review, the CE **must document** the reasons why. Note that if operating NSLP, each CE must at a minimum review each school in its jurisdiction at least one time prior to February 1, 2022. If operating SSO, all sites need to be reviewed annually; however, TDA encourages all CEs to have their SSO site reviews completed by February 1, 2022, as a best practice.

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.

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.

**FRESH FRUIT AND VEGETABLE PROGRAM**

For additional information not covered in this sub-section, please refer to USDA Memo SP 19-2021, *Fresh Fruit and Vegetable Program Operations for SY 2021-2022 during COVID-19*. xxii
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51. Which COVID-19 flexibilities apply when operating the Fresh Fruit and Vegetable Program (FFVP) during SY 2021-2022?

In SY 2021-2022, non-congregate feeding, parent pick-up, and alternative meal service times can be used when distributing FFVP foods.

52. May I serve FFVP food products in conjunction with 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 as follows:

<table>
<thead>
<tr>
<th>FFVP foods may be served with:</th>
<th>Congregate/Non-Congregate</th>
<th>Open/Closed Enrolled</th>
<th>Students or Community Children</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSLP</td>
<td>Congregate and/or Non-Congregate</td>
<td>Not applicable</td>
<td>Enrolled Students</td>
<td>Approved elementary school.</td>
</tr>
<tr>
<td>SSO</td>
<td>Congregate and/or Non-Congregate</td>
<td>Open</td>
<td>Any child or person eligible to receive summer meals</td>
<td>Approved elementary school operating an area-eligible, open site serving the community from its own campus.</td>
</tr>
<tr>
<td></td>
<td>Closed Enrolled</td>
<td>Enrolled students</td>
<td>Approved elementary school operating a closed enrolled, congregate meals onsite</td>
<td></td>
</tr>
</tbody>
</table>

FFVP foods may only be served at participating FFVP elementary schools. In districts operating the NSLP, FFVP foods may only be provided to enrolled students at elementary schools approved to operate the FFVP. In districts operating an SSO site:

- FFVP foods may be served to any child receiving a meal at an open SSO site located on the campus of the approved elementary school.

- At a closed enrolled SSO site, FFVP foods may only be provided to enrolled students on the campus of the approved elementary school.

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

53. **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.

54. **Can we donate FFVP foods?**

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

55. **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.

**AFTERSCHOOL PROGRAM CONSIDERATIONS**

56. **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. If distributing meals over multiple days, enrichment activities must be included for each day of intended meals.

Examples of how ASCP and At-risk operators may meet the enrichment or 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.xxiii CEs must maintain documentation that demonstrates how they met the enrichment or educational activity requirement.

57. How are the NSLP Afterschool Care Program operations affected during SY 2021-2022?

SFAs have the flexibility to operate the ASCP in conjunction with SSO or NSLP. Per USDA’s latest guidance, the ASCP can operate in both eligible and non-eligible areas, ensuring that all students attending the program, regardless of location, are served at the free rate.

For children onsite, ASCP snacks must be provided at the end of the local school day with an onsite enrichment activity. Operators must maintain a daily attendance record to ensure that snacks claimed do not exceed the number of children present.

Non-congregate ASCP snacks can be bundled with meals for remote learners picking up meals. Note the following parameters for open SSO sites:

- **Snacks must be distributed at the school site that intends to claim the ASCP meals.** Open, non-school sites serving children from multiple schools, even if those schools are approved to operate ASCP, may not serve ASCP snacks due to the logistical complications of determining which school will claim any community children receiving meals.

- ASCP snacks may be distributed to children who do not attend the school, but a roster listing the name of every child receiving a snack must be maintained.
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- A remote enrichment activity must be provided for each non-congregate snack distributed.

- If a school is operating under 100% onsite attendance requirements, the ASCP must operate a congregate meal service with onsite enrichment. Grab and go meals will not be permitted.

If multiple schools are participating in a single ASCP program, in either congregate or non-congregate environments, all schools must be approved to operate ASCP in their NSLP site applications, and processes must be in place to ensure that snacks served are properly claimed to the respective schools (for example, separate rosters per participating school).

58. How are CACFP At-risk operations affected during SY 2021-2022?

SFAs may operate CACFP At-risk in conjunction with NSLP or SSO, either as an At-risk CE or in conjunction with a non-school entity. In addition to operating the At-risk program at school sites, if approved by TDA, SFAs may provide At-risk snacks and meals at non-school sites operated by the SFA. Per USDA’s latest guidance, At-risk sites can operate in both eligible and non-eligible areas during SY 2021-2022 without requesting an area eligibility waiver from TDA.

Note that unless waived as described in this FAQ and the PY 2021-2022 CACFP COVID-19 FAQ, all At-risk requirements (for example, maintaining a roster of all participants receiving meals) will apply during SY 2021-2022.

59. Am I allowed to switch from NSLP ASCP to CACFP At-Risk or vice versa during the school year?

Yes. As in a standard operational year, CEs may switch between afterschool programs. CEs must ensure all application packets and site applications are submitted and/or updated according to standard processes for the respective programs.

60. May I bundle At-risk and/or ASCP meals for remote learners and operate a congregate, afterschool meal service after the school day ends?

Yes. SFAs operating a hybrid model may provide CACFP At-risk and/or ASCP meals to both its in-person and remote students. SFAs or non-school entities partnering with an SFA may bundle afterschool meals with an SSO or NSLP breakfast and lunch at a non-
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congregate meal service for remote students not receiving in-person instruction. SFAs must adhere to the following requirements:

- For schools operating the hybrid model, if remote students are provided access to non-congregate, afterschool snacks and/or meals, the school or private non-profit partner must offer an onsite afterschool program for its in-person students on that same campus.

- If operating a non-congregate and congregate service, the CE must ensure that remote students picking up non-congregate meals during school hours do not also receive a meal at the afterschool service.

- Schools operating the hybrid model but are choosing to operate only a standard onsite afterschool program are not required to offer a non-congregate afterschool meal to remote students as long as those remote students are allowed access to the onsite afterschool program.

- If a school is operating under 100% onsite attendance requirements, the afterschool program must operate a traditional onsite congregate meal service outside of school hours and provide onsite enrichment. Grab and go meals will not be permitted.

**NOTE:** A non-school site such as a central distribution site for the school district that is not affiliated with a specific campus may provide non-congregate, At-risk meals for remote students; the campuses those students normally attend would not be required to offer an onsite afterschool program for in-person students because the non-congregate snacks and/or meals are distributed from a different location.

**REPORTING AND ELIGIBILITY CONSIDERATIONS**

61. **What is the latest guidance regarding the Community Eligibility Provision (CEP) Report?**

TDA requested that SFAs submit their CEP Report to TDA by June 5, 2021, to allow TDA time to prepare the required reports. SFAs electing CEP or conducting a grace year in SY 2021-2022 were allowed to calculate identified student percentage (ISP) using a date drawn any time during the prior school year (July 1, 2020, through June 30, 2021). SFAs that intend to elect CEP for SY 2021-2022 must notify TDA by September 30, 2021.
62. **How does participating in a summer meal program during SY 2020-2021 or 2021-2022 affect my CEP or Provision 2 cycle? Am I eligible for a gap year for the years my district did not participate in NSLP?**

CEs are not eligible for a gap year if they operate a summer meals program during SY 2020-2021 or 2021-2022. The year(s) will count as part of the CEP or Provision 2 cycle. However, schools are not required to re-validate data in those years unless it is the last year of the cycle and the school wishes to reapply for the applicable program.

63. **If a CE intends to participate in the SSO in SY 2021-2022 and will not claim meals through CEP until SY 2022-2023, may the LEA still elect CEP in SY 2021-2022 using SY 2020-2021 data?**

Yes. USDA encourages CEs that are interested in participating in CEP to review their SY 2020-2021 identified student percentage data and consider electing CEP beginning in SY 2021-2022. Schools electing CEP, even if they are not claiming meals through CEP, will be able to ensure their students are able to receive other benefits during SY 2021-2022. Also, electing CEP earlier may help CEs transition to NSLP/SBP in SY 2022-2023. CEs that elect CEP or renew participation using current data must count SY 2021-2022 as a year in the four-year CEP cycle. As always, CEs would have the option to recalculate the ISP and begin a new four-year CEP cycle using SY 2021-2022 data.

64. **Are CEs participating in SSO in SY 2021-2022 still required to complete the CEP notification requirements for SY 2021-2022?**

Yes. CEs are still required to complete the CEP notification requirements for SY 2021-2022 even if they are participating in SSO.

65. **Are CEs that participate in CEP required to conduct data matching with the Supplemental Nutrition Assistance Program (SNAP) if they are operating SSO?**

Yes. Regardless of operational status, CEs participating in CEP are required to conduct data matching with SNAP at a minimum, once annually. USDA encourages CEs to prioritize and refine direct certification and data matching throughout the school year to determine if electing CEP or establishing a new ISP for SY 2022-2023 would be beneficial. LEAs may begin matching for SY 2021-2022 on July 1, 2021, and are encouraged to start matching early and to work to build their ISP throughout the year.
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66. **May schools that were planning to conduct a Provision 2 base year during SY 2021-2022 and then elected to operate SSO calculate their NSLP/SBP claiming percentages and still use SY 2021-2022 as their Provision 2 Base Year?**

No. Schools that operate SSO for all or a portion of SY 2021-2022 will not have complete base year counting and claiming data needed to establish monthly or annual percentages of meal counts by type.

67. **How will SY 2021-2022 carryover eligibility be affected if I did not complete the household application process in SY 2020-2021?**

Based on USDA guidance, SFAs operating NSLP in SY 2021-2022 that were unable to complete the household application process due to operating a summer program in SY 2020-2021 will utilize the latest data available to apply carryover eligibility status to its students in SY 2021-2022 once the 30-day carryover period resets. For example:

- For any students with applications submitted and processed in SY 2020-2021, the SY 2021-2022 carryover eligibility for those students will be based on the status determined from the processed applications.

- For any students that did not submit an application in SY 2020-2021, their carryover eligibility status will be based on SY 2019-2020 data.

**NOTE:** If operating SSO in SY 2021-2022, carryover does not apply as all students are approved to eat for free.

68. **Am I required to collect household income applications or complete verification activities if I choose to operate SSO in SY 2021-2022? If I choose to process applications anyway, will the costs associated with that processing be allowable?**

Schools are not required to process applications if operating SSO during SY 2021-2022. Additionally, just as in a standard operational year, CEP schools **must not** process household applications at all, even if operating SSO. Schools not processing applications do not have to upload notification letters to TX-UNPS via the Attachment B document upload.

However, per the latest verbal guidance from USDA, non-CEP schools may use child nutrition funds to process household applications for child nutrition purposes, including
establishing SY 2022-2023 30-day carryover status per the requirements outlined in 7 CFR 245, including:

- Applications and household letters must be distributed to all households of enrolled students. **TDA has developed a new notification template** that explains why households are receiving the application in a year when the school is operating SSO and states that any data submitted on an application will not affect the student receiving free meals in 2021-2022.

- Verification must occur using a sample size based on the number of approved applications on file as of October 1, 2021. **See below for more information on verification requirements for SSO operators.**

- Schools must issue a media release about the application process. **TDA has developed a new media release template** specifically for schools operating SSO that are choosing to process applications in 2021-2022.

- Schools must notify families of the eligibility determination. **TDA has developed a new notification template** for schools operating SSO in 2021-2022 explaining how this determination will be used (for example, establishing carryover status for SY 2022-2023).

- All required notification documents should be uploaded to TX-UNPS via the Attachment B uploads.

**69. What are the verification requirements if I am operating SSO during SY 2021-2022?**

Verification activities for SFAs have not been waived. Any SFAs that processed applications, **even if just for P-EBT purposes**, should proceed with determining their verification samples based on the number of approved applications **as of October 1, 2021. TDA has developed new verification letter templates** that explain how verification results may affect student eligibility at the beginning of SY 2022-2023 but will not affect the student’s eligibility to receive free meals in SY 2021-2022.

All SSO operators, **even those that did not process applications**, must still complete reporting activities as described below:

- If CEs operating SSO have not collected any applications, they will indicate “0” for the number of applications received when submitting their verification data.
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- Community Eligibility Provision (CEP) schools, Provision 2 non-base year schools, and Residential Child Care Institutions should continue to report as outlined in the Administrator’s Reference Manual.xxviii

- CEs must use direct certification and categorical information to complete and submit to TDA the Preliminary Verification Report no later than November 15, 2021. This report is accessed in TX-UNPS under Applications and Download Forms – SNP-123.

- CEs must report their verification results to TDA in the Mandatory Annual Verification Report, FNS-742 no later than February 1, 2021. This report is accessed in TX-UNPS under Applications and Verification Report.

- CEs may begin submitting verification data to TDA as early as the beginning of November 2021.

The eligibility verification process is outlined in the Administrator’s Reference Manualxxix (ARM), Section 6, Verification of Eligibility.

70. Will P-EBT funding be available in SY 2021-2022?

Yes, USDA has issued guidance that P-EBT funding will be available in SY 2021-2022.

71. I am not planning on processing applications. How can our students qualify for P-EBT in SY 2021-2022?

Students enrolled in a school that is not actively accepting and processing household applications due to the school’s operation of SSO may be qualified for P-EBT benefits based on free and reduced-price eligibility data from the most recent prior year for which such data is available, including SY 2019-2020, if applicable. The state may not issue P-EBT benefits to students who graduated or are no longer enrolled in an eligible school.

NOTE: Student eligibility at schools processing applications to establish 30-day carryover in SY 2022-2023 (as described above) must rely on those results for P-EBT eligibility in SY 2021-2022. The start of student eligibility for P-EBT benefits in this case will be based on the date the application was submitted and not retroactive to the beginning of the school year.
Additionally, schools must provide an opportunity for newly income-eligible students to establish their eligibility in SY 2021-2022. Similarly, schools must certify eligible children who are newly enrolled in school (kindergarten, transfers, etc.). When processing household applications for P-EBT purposes only, the school must:

- Provide and process the household application if requested.
- Conduct required verification activities on any applications processed in this manner using a sample size based on the number of approved applications on file as of October 1, 2021. See above for more information.
- Notify the household of the application result.

Schools do not have to:

- Provide applications to all households of enrolled students.
- Contain in its required media release any information about application availability.
- Upload the eligibility notification letter to TX-UNPS via the Attachment B document upload.

All costs associated with processing an application for P-EBT purposes are allowable. If socioeconomic data is required for other purposes, and your school is not using that data for child nutrition purposes, schools must use an alternate method/form to obtain that data.

72. In SY 2020-2021, we were able to qualify students for P-EBT using the Texas Education Agency (TEA) socioeconomic form. Will this continue in SY 2021-2022?

No. USDA has confirmed that eligibility for P-EBT is based on a student qualifying for free or reduced price meals, and the TEA socioeconomic form does not meet the criteria for establishing free/reduced price eligibility. Only schools new to CEP in SY 2021-2022 were allowed to use the TEA socioeconomic form after July 1 to qualify students for Summer P-EBT due to those schools no longer being allowed to process household applications after July 1.
73. **Will SFAs operating SSO in SY 2021-2022 be required to continue direct certification activities?**

Yes. Regardless of the program being operated during SY 2021-2022, all SFAs that normally operate NSLP are required to use the direct certification component in Texas ELMS to identify SNAP, TANF, Medicaid Free, and Medicaid Reduced eligibility once a month when school is in session, and with new student enrollment when appropriate, as outlined in the *Administrator's Reference Manual (ARM)*, Section 4, *Eligibility Determination*.

As in a standard operational year, CEP schools, even if operating SSO, are not required to send Direct Certification eligibility letters to households. However, pending further guidance from USDA, all other schools, even if operating SSO, are required to notify households of Direct Certification eligibility results. However, for CEs not processing applications in SY 2021-2022, TDA is not requiring those CEs to upload the Direct Certification letters to TX-UNPS via the Attachment B Document Upload. TDA has developed **new Direct Certification eligibility letter templates** for schools operating SSO containing language that explains why households are receiving a letter in a school year when all students are already eligible for free meals.

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

Yes. The Financial Report is due **March 31, 2022**. Note that the Financial Report will not return to TX-UNPS this year and will be completed via JotForm. A JotForm link will be available beginning March 1, 2022 and close on March 31, 2022. CEs will receive an email with the JotForm link. It will also be available, along with additional information, on the **Financial Report page located on SquareMeals**.

**CIVIL RIGHTS**

75. **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.
Note that civil rights training is not limited to school nutrition staff. The 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.

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.

The annual civil rights training is available on SquareMeals.org.xxxiii

76. 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 the bus while distributing meals. The AJFA poster does not need to be displayed on vehicles making door-to-door deliveries.

77. Will meal pattern waivers affect a program operator's responsibility to make meal modifications for participants with disabilities?

During this public health emergency, program operators are not relieved of their obligation to provide meal modifications for participants with disabilities. When planning a non-congregate meal service, State agencies and program operators should consider how individuals who require meal modifications will be identified and served.
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint, 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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i https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
ii https://form.jotform.com/211223411637040
iv https://form.jotform.com/211223411637040
v https://form.jotform.com/211664219115147
vi https://form.jotform.com/211664219115147
vii https://form.jotform.com/211664219115147
viii https://form.jotform.com/211664219115147
ix https://squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicy;amp;ARM.aspx
x https://squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingPolicy;amp;Handbooks.aspx
xi https://form.jotform.com/211223411637040
xii https://form.jotform.com/212864686040054
xiii https://form.jotform.com/212864686040054
xiv https://form.jotform.com/211223411637040
xvii http://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/CACFPResources.aspx
xviii https://form.jotform.com/211223411637040
xx https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/Documentation_of_Supply_Chain_Disruption_211116.doc
xxi https://squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicy;amp;ARM.aspx
xxiii https://www.fns.usda.gov/tn/digital-nutrition-resources-kids
xxiv https://squaremeals.org/Programs/NationalSchoolLunchProgram/EligibilityandVerification/SSOTemplatesandResources.aspx
xxv https://squaremeals.org/Programs/NationalSchoolLunchProgram/EligibilityandVerification/SSOTemplatesandResources.aspx