

Frequently Asked Questions

Program Year 2022-2023 Operations

Guidance Subject to Change – Check dates for the latest version

Contracting Entities (CEs) must understand and adhere to all applicable requirements of the Child and Adult Care Food Program (CACFP), including the guidance set forth in this FAQ document. All program requirements remain in effect unless specifically waived by USDA and as described in this document. Updates since the previous posting will be highlighted. Click on an individual question in the Table of Contents to navigate to the answer. Please contact your local ESC with any questions.

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TEXAS DEPARTMENT OF AGRICULTURE
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Food and Nutrition Division
COVID-19

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1. Are non-congregate, meal service times, and parent pick-up flexibilities available to CACFP operators in Summer 2022 and PY 2023?

Non-congregate service, meal service times, and no child present/parent pick-up flexibilities are **not** immediately available to operators once Summer 2022 operations begin, and **all CACFP operators must serve congregate meals according to standard regulations.**

However, TDA may provide these flexibilities as needed to mitigate COVID-19 outbreaks at day care homes, child care centers, and adult day care home. **NOTE:** Flexibilities for At-risk sites will be available in SY 2022-2023, but criteria for approval and a request form are currently under development.

Approval for non-congregate, meal service times, and parent pick-up waivers (currently only available for day care homes, child care centers, and adult day cares during Summer 2022) will be provided if the CE can meet the following requirements:

- The CE must submit the [CACFP - Summer 2022/Program Year 2023 - Non-congregate, Meal Service Times, and Parent Pick-up Request Form.](#)ⁱ
- Requests must include a start and end date for the waiver. A retroactive start date may be entered.
- Within the form, the CE must provide justification that one of the following COVID-related circumstances is in effect around the site area:
 - Closure of facility due specifically to a COVID-19 outbreak.
 - Mandated quarantine of an entire classroom/select population due to COVID-19 exposure (**NOTE:** If quarantine protocols are not in place, waivers cannot be used to feed individual participants who are absent due to being infected with COVID-19 or other reasons).
 - Justification of non-congregate service based on nutrition staffing issues caused by a COVID-19 outbreak. **NOTE:** Waivers may not be used for routine absences or staff vacancies.
- Requesters must provide a plan of how non-congregate meals will be served according to the regulations of the applicable program and a plan for how the waiver will be implemented.

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- CEs approved for this waiver may only use these waivers for the timeframe requested up to a maximum of 30 days. The CE may resubmit a request after 30 days, but TDA may request more information before approving a second waiver.
- Any meals served under a waiver not approved may be disallowed.

2. If approved for non-congregate and meal service time waivers, may I bundle meals during the waivers' effective dates?

Yes. If operating under both the meal service time and non-congregate waivers as a result of a COVID-19-related incident as described above, CEs may allow children or adult participants to pick up multiple meals at one time, as long as they adhere to the daily maximum number of meals allowed for the Program(s) in which they are participating. CEs may also use a distribution approach that allows children or adult participants to pick up meals for more than one day at a time.

CACFP operators may claim the following meals or snacks for reimbursement per child or adult participant, per day, in the CACFP:

- **CACFP Child and Adult Care:** Up to two meals and one snack, or two snacks and one meal, per child or adult participant, per day.
- **CACFP At-Risk:** Up to one meal and one snack, per child, per day.
- **CACFP Emergency Shelters:** Up to three meals, per resident, per day.

CEs distributing meals for multiple days may not provide meals for more than one operational week at a time. CACFP operators may distribute meals for Saturday and Sunday consumption if they are approved in TX-UNPS to operate on those days.

CEs must ensure that meal production records are completed for each day that meals are intended to be consumed. Additionally, CEs must maintain documentation that demonstrates that it labeled all meals provided and clearly communicated when those meals are intended to be consumed.

USDA posted [CACFP: Providing Multiple Meals at a Time During the COVID-19 Pandemic](#) on its webpage.ⁱⁱ

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3. Under an approved non-congregate waiver, may I distribute meals over multiple days and serve individual components in bulk during the summer and next school year?

Yes. Bulk food items for multiple meal distribution are a COVID-19 flexibility allowed for CEs approved for non-congregate, meal service times, and no child present waivers as a result of a COVID-19-related incident. 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.**

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

- 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 only 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:

- 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.

4. Under the approved non-congregate waiver, can CACFP operators deliver meals directly to children or adult participants' homes?

Yes. If the CACFP operator determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with TDA's approval and adherence to all federal confidentiality requirements. Delivery could be completed by mail or delivery service, or hand delivered by CACFP staff, volunteers, community organizations, or

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others. This option is available only to CACFP operators that provide care for **enrolled** children and adult participants due to confidentiality and logistical requirements. For the At-risk program, home delivery sites require a defined roster of children whose families have agreed to receive home-delivered meals. Only meals delivered to **enrolled** children or adult participants are reimbursable. The CACFP operator must continue to meet all State or local food safety requirements.

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

Under and approved waiver, CACFP operators must first obtain written consent from households of enrolled children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, CACFP operators should confirm the household's current contact information to ensure meals are delivered to the correct location.

It is critical that CACFP operators **protect the confidentiality of children and their households** throughout this process. The National School Lunch Act and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of household contact information for children without first obtaining the written consent of the child's parent or guardian. The CACFP operator must make the first contact about meal delivery with the households of enrolled children, and adult participants, and must notify them if contact information will be shared with an external organization (for example, a local non-profit that will provide meal delivery). Once the CACFP operator receives written consent from the parent or guardian to release contact information, the information may be shared with other organizations involved with meal delivery.

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

No. The type of meal offered will depend on the resources and capacity 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 and local food safety requirements may do so.

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, a [health inspector locator tool](#) may be found under "Summer Feeding Program Food Safety" on SquareMeals.ⁱⁱⁱ

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CEs must continue to protect 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.

7. Does the child or adult participant need to be present for home meal delivery?

No. If the CACFP operator has obtained the household's written consent to deliver meals and has verified the current address, the child or adult participant 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.

8. 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 CACFP?

Yes. In the event the site meets the criteria described above for requiring a non-congregate waiver, 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.

CEs utilizing a non-congregate waiver must submit a request to TDA that provides adequate justification that a COVID-19 outbreak in the area meets the criteria for non-congregate waiver implementation.

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

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

When providing multiple meals, each meal must be recorded on the meal production record on the day of intended consumption. The information recorded on the meal production record must demonstrate the total meal servings planned, served, and leftover. It is not acceptable to complete one meal 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 meal production records that demonstrate compliance with the meal pattern and the quantity of food prepared.

10. With an approved waiver, what are the guidelines for parent/guardian pick-up without a child present?

If the CE meets the criteria for a parent pick-up waiver, per TDA-established guidelines, when a parent or legal guardian arrives to pick up a meal without a child, the parent or guardian must show proof of guardianship. Preferred methods of proof of guardianship include:

- 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)

Parents/guardians picking up meals at child care centers or day care homes without the child(ren) present may only pick up meals for the child(ren) enrolled at the site. Any meal provided to a parent/guardian for a child not enrolled at one of the above sites may not be claimed for reimbursement. At open At-risk sites where there is no pre-defined enrollment, parents must provide sufficient proof of guardianship as described above.

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Legal guardians may also pick up meals for adult participants in CACFP Adult Day Care programs. If the adult participant is not present to pick up the meal, the person who enrolled the adult participant in the program (presumably the legal guardian) may pick up the meal. The legal guardian picking up the meal must show identification that matches their name on the enrollment form that was filled out for the adult participant.

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.

To maintain program integrity, sites must inform parents/legal guardians that participants may not receive the **same** meals from another federally supported feeding site.

11. Are offsite monitoring waivers available for CACFP operators beginning Summer 2022 and into PY 2022-2023?

CACFP operators must revert to conducting all reviews onsite unless a specific COVID-related event affects the safety of the reviewer. In these cases, CACFP operators must notify TDA via the [CACFP Offsite Monitoring Waiver Request Form](#) located on the SquareMeals.org Intake Forms page located at:

<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>. The CE must meet the following requirements:

- Requests must include a start and end date for the waiver. A retroactive start date may be entered.
- To qualify for waiver usage, CEs must document at least one of the following:
 - An increase in transmission of COVID-19 in the area. For example, CEs may provide links to county health bulletins and warnings.
 - Justification that offsite monitoring is required due to a specific COVID-19 outbreak occurring at the site during the scheduled review.
- CEs approved for this waiver may only use these waivers for the timeframe requested up to a maximum of 30 days. The CE may resubmit a request after 30 days, but TDA may request more information before approving a second waiver.

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- Requesters must document within this request how offsite monitoring will remain in compliance with the regulations of the applicable program, along with a plan for how the waiver will be implemented.

12. How does a sponsor conduct a desk audit in place of the onsite monitoring review of a new site?

If granted an offsite monitoring waiver per the criteria above, 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 practicable, CEs should continue to use the applicable TDA Review form (H1602 – Adult Day Care; H1606 – Child Care Center; H1606-AT – At-Risk Afterschool Care Center; H1607 – Day Care Home) or alternate, during each 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 at no cost.

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: All findings will require technical assistance and corrective actions.

13. How are the meal pattern flexibilities going to change beginning Summer 2022?

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. 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 and adults.

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^v](#) within 30 days of the requested start date.

Beginning July 1, 2022, CEs must abide by all meal pattern requirements.

14. What area eligibility flexibilities are available beginning Summer 2022?

Through **June 30, 2022**, all day care homes previously classified as Tier II will be treated as a Tier I site **for the purpose of reimbursement**. Sponsors should continue to correctly identify provider sites by the correct tier on the site application. Day care home providers, regardless of tier, must adhere to the requirement that sites can only claim meals to residential children if those children qualify for free or reduced-price meals.

Beginning July 1, 2022, **all CACFP sites** dependent on area eligibility to operate, including CACFP At-risk sites operating in SY 2022-2023, must establish area eligibility according to standard regulations.

15. How can school data be used to establish area eligibility for Summer 2022 and School Year 2022-2023?

Day care homes and At-risk sites in the attendance area of a school that qualifies as area eligible will also qualify as area eligible. TDA has recently updated its [School Data – Area Eligibility Report^{vi}](#) to indicate the list of area eligible schools.

Normally, new sites or sites renewing their area eligibility status using this school data can establish area eligibility for five years. However, given the lack of eligibility data obtained during SY 2021-2022 due to the pandemic, many schools on the School Data Report relied on **February 2020** data to determine area eligibility.

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Therefore, for any sites using this year's School Data Report to establish area eligibility, if the school you are near shows a data source of "**Feb 2020 NSLP FRP**," area eligibility based on that school will only be valid for three years, through Summer 2024 or SY 2024-2025. Area eligibility determination using any other school on the report is valid for the standard five years.

16. If a school is not listed on the School Data – Area Eligibility Report, are there any additional flexibilities available for determining area eligibility?

Yes, for **Summer 2022 and SY 2022-2023 only**, schools that operated the Seamless Summer Option in SY 2021-2022 and did not operate under the Community Eligibility Provision (CEP) can use CEP data to establish area eligibility. Specifically, schools with an Independent Student Percentage (ISP) of 31.25 or greater are considered area eligible for Summer 2022 and SY 2022-2023 only. These schools are not listed on the School Data Report. If you believe a school in your area meets this criterion, please contact your Education Service Center. Note: Any area eligibility determination based on proximity to a school under this flexibility is only valid during Summer 2022 and SY 2022-2023, as applicable.

17. Are there any flexibilities in place for sites experiencing a disruption to the supply chain as a 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 to 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](#)^{vii} for more information on emergency procurement options.

Second, USDA issued guidance to TDA to allow discretion before finding any CEs seriously deficient for failing to meet meal pattern requirements because of a pandemic-related supply chain disruption. During an administrative review, CEs will have to provide documentation 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](#),^{viii} 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.

18. In SY 2022-2023, are there any additional flexibilities for At-risk operators other than those described above?

No. At-risk sites must operate according to all regulations once SY 2022-2023 begins. Only in the event of a specific COVID-19 event will At-risk sites be approved to use non-congregate, meal service times, parent pick-up, and/or offsite monitoring waivers. Criteria for approval of such waivers are under development. Further information will be posted in this FAQ closer to the beginning of the school year.

19. The schools in my district have different start dates for SY 2021-2022. When is my district allowed to start CACFP At-risk operations?

In districts with different school start dates, the CACFP At-risk operations can begin the earliest date a school in the district begins instruction.

20. Can I still claim CACFP meals served to young adults at the emergency shelter I operate?

The American Rescue Plan Act authorized the reimbursement of CACFP operators of emergency shelters for meals and snacks served to young adults during the COVID-19 public health emergency. Beginning March 11, 2021, reimbursement at the free rate could be claimed for:

- All reimbursable meals and snacks served to young adults, ages 18 through 24, who reside in an emergency shelter participating in CACFP; and
- All reimbursable meals and snacks served to young adults, ages 18 through 24, who receive services from an emergency shelter participating in CACFP as an at-risk center.

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Reimbursement is authorized until the date the COVID-19 public health emergency is lifted, **which is expected to occur in July**. Please check these FAQs for updates.

21. 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 to support 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.).

22. 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. Note: Milk must be served as part of each reimbursable meal, and potable water may not be provided as a substitute for milk.

23. Am I required 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 are not 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. Recent federal policy changes prohibit visual observation as an allowable practice for gathering this data; the preferred method is self-identification and self-reporting. 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, TDA understands that gathering accurate data in every instance may not be feasible. CEs must document their efforts to collect this data.

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In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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: (833) 256-1665 or (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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ⁱ <https://app.smartsheet.com/b/publish?EQBCT=ee31a884bfb34987b84acc37cdecf4b2>

ⁱⁱⁱ <http://squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingProgramFoodSafety.aspx>

^{iv} <https://app.smartsheet.com/b/publish?EQBCT=f31afa9dc39449bd8d451cca538d39e7>

^v <https://form.jotform.com/211664018015143>

^{vi} <https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/School%20Data%202021%20-%202022.pdf>

^{vii} <https://www.fns.usda.gov/cn/sp23-cacfp18-2021>

^{viii}

https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/Documentation_of_Supply_Chain_Disruption_211116.doc