Frequently Asked Questions
Program Year 2021-2022 Operations

Guidance Subject to Change – Check dates for the latest version

CEs must understand and adhere to all applicable requirements of the 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.

TABLE OF CONTENTS

OPERATIONAL FLEXIBILITY OVERVIEW

1. What operational flexibilities will remain in effect for CACFP through PY 2021-2022?
2. Meal Pattern - How are the meal pattern flexibilities going to change in SY 2021-2022?
3. Area Eligibility – What area eligibility flexibilities are available beginning Summer 2021?

FLEXIBILITY NOTIFICATION OR REQUEST

4. Am I required to notify TDA if I want to use any of the flexibilities for my Summer 2021 or SY 2021-2022 operations?
5. Am I required to notify TDA if I do not plan on using any flexibilities?
6. 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?
7. Targeted CACFP Meal Pattern Waiver Request - How do I request a waiver of CACFP whole grain, ounce equivalents, and flavored milk requirements?
8. Area Eligibility Waiver Request Form – Do CACFP At-risk sites need to submit this form to operate a site in a non-eligible area?
OPERATIONAL QUESTIONS

9. What are the guidelines for non-congregate service?
10. May I serve non-congregate meals if my center or day care home is still open?
11. Does my site have to provide curbside meals or another method of non-congregate service?
12. What are the guidelines for parent pick-up without a child present?
13. Do the extended waivers allow bundling of multiple meals to continue?
14. If I distribute meals over multiple days, may I serve individual components in bulk during the summer and next school year?
15. May I submit a claim for reimbursement for meals served during a holiday or weekend during the COVID-19 public health emergency?
16. Are there any flexibilities in place for sites experiencing a disruption to the supply chain as result of COVID-19?
17. Under the non-congregate waiver, can CACFP operators deliver meals directly to children or adult participants’ homes?
18. What are the requirements for initiating home meal delivery for a household?
19. Do home-delivered meals need to be shelf stable?
20. Does the child or adult participant need to be present for home meal delivery?
21. 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?
22. 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?
23. Are CEs required to provide meal modifications for participants who have a medical statement during the COVID-19 public health emergency?
24. Can unused food be donated to another child nutrition program operator?
25. Do I need to notify TDA if I need to temporarily change our meal delivery or meal pickup logistics (e.g., threat of inclement weather)?

26. What steps do I need to take to add, remove, or relocate a meal pickup site?

27. Can I increase my At-risk site, center, or provider’s estimated participation (average daily participation) in my site application in anticipation of increased number of participants?

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

29. Will TDA be conducting onsite administrative reviews of my operations during the COVID-19 public health emergency?

AFTERSCHOOL PROGRAM CONSIDERATIONS

30. How are CACFP At-risk operations affected if a school district chooses to operate SSO instead of NSLP during SY 2021-2022?

31. During SY 2020-2021, non-school entities were required to demonstrate an unmet need to operate an At-risk summer program. Are those requirements in place for Summer 2021 operations or PY 2021-2022 operations?

32. Have the enrichment activity requirements for CACFP At-risk been waived?

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

34. If bundling At-risk meals with another CE serving NSLP or SSO to enrolled students at a school, do I still need to maintain a roster of children who received At-risk meals?

35. What meal time restrictions are in place for CACFP At-risk operations during School Year (SY) 2020-2021?

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

CLAIMING CONSIDERATIONS
37. Under the new waivers allowing for all Tier II sites to be claimed at the Tier I rate, can any residential child at a day care home provider be claimed for reimbursement?

38. If students enrolled at a nearby school are participating in remote learning at a child care provider offering CACFP meal service, would the meals served at that provider be claimed by the child care facility or the school?

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

FINANCIAL CONSIDERATIONS

40. 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?

41. 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?

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

CIVIL RIGHTS

43. Is the annual civil rights training requirement waived during the COVID-19 public health emergency?

44. Am I required to collect racial and ethnic data during the COVID-19 public health emergency?

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

1. **What operational flexibilities will remain in effect for CACFP through PY 2021-2022?**

   - **Non-congregate Meal Service** - Meals are distributed for off-site consumption. Non-congregate meals may be provided via grab-and-go or curbside pickup locations, or home delivery.

   - **Alternative Meal Service Times** – In addition to allowing meal service outside of standard times, this waiver allows for distribution of multiple meals at one time.

   - **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.

The above flexibilities, except for off-site monitoring, expire **June 30, 2022** for CACFP, including At-risk. The off-site monitoring waiver expires 30 days after the public health emergency is declared over by U.S. Department of Health and Human Service. TDA will notify CACFP CEs when this declaration is announced.

Note that TDA 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 children can safely return to a center for onsite care, the center would no longer need the non-congregate or parent pick-up waivers.

Additionally, At-risk sites may not operate in close proximity to a congregate public event/site not affiliated with an afterschool program (for example, flea market or rodeo) unless all At-risk site requirements are met, including onsite enrichment and congregate feeding. CEs operating grab-and-go service next to a congregate public event must cease serving non-congregate meals or risk being issued corrective action.

See below for more information on how to opt into these flexibilities.
2. **Meal Pattern** - How are the meal pattern flexibilities going to change in SY 2021-2022?

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.

3. **Area Eligibility** – What area eligibility flexibilities are available beginning Summer 2021?

- **Afterschool Snack Programs** - Effective the beginning of SY 2021-2022, CACFP At-risk 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.

- **Tier I Day Care Homes** – Effective July 1, 2021, through June 30, 2022, all day care homes previously classified as Tier II will be treated as Tier I sites for the purpose of reimbursement. Sponsors should continue to correctly identify provider sites by the correct tier in the site application. Additionally, 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. **Additional information on reimbursement at the Tier I level is provided below.**

**NOTE:** Normally, when school or census data is used to classify a day care home as Tier I based on area eligibility, the classification is for 5 years. Day care homes that had been classified as Tier I based on area eligibility data, prior to July 1, 2021, would continue to receive Tier I reimbursement through the end of the previously determined 5-year period.
FLEXIBILITY NOTIFICATION OR REQUEST

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

Yes. CEs will need to go to SquareMeals.org to either opt into specific flexibilities or submit specific requests. Each form will be discussed in more detail in this section.

5. Am I required to notify TDA if I do not plan on using any flexibilities?

Yes. For the purposes of establishing an accurate compliance profile for TDA's Administrative Reviews, all CEs operating in Summer 2021 and/or PY 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 located on SquareMeals.org. Instructions for completing the form can be found here.

6. 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 Summer 2021 and/or SY 2021-2022 must notify TDA of their intent to use the following waivers, as applicable:

- Non-congregate Meal Service
- Alternative Meal Times
- No Child Present, Parent Pick-Up
- Offsite Monitoring

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.

### 7. 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
- 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 within 30 days of the requested start date.

### 8. Area Eligibility Waiver Request Form – Do CACFP At-risk sites need to submit this form to operate a site in a non-eligible area?

As mentioned above, during SY 2021-2022, CACFP At-risk 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.
OPERATIONAL QUESTIONS

9. What are the guidelines for non-congregate service?

Child Care Centers, Day Care Homes, and Adult Day Care:

- Meals may be provided as a **grab-and-go** option to children or adult participants **enrolled** in the childcare or adult day care facility:
  
  - The CE must notify parent/guardian and/or adult participants about the time of the meal service and the grab-and-go site location.
  
  - Grab-and-go meals may be given to the parent or legal guardian of the enrolled participant in accordance with the guidelines provided in this document.

- Meals may be **delivered to the homes** of children or adult participants enrolled in the childcare or adult day care facility:
  
  - This option is only available to CACFP operators that provide care for enrolled children and adult participants due to confidentiality and logistical requirements.
  
  - Home delivered meals require written consent from the household prior to implementation.

At-Risk:

- **At-Risk Sites Open** to All Children in the Community
  
  - Meals can be provided as a grab-and-go option to children that visit an At-Risk site.
  
  - Meals may be provided at a mobile curbside site.

- **At-Risk Sites with Pre-Defined Enrollment**
  
  - Meals can be delivered to the home of children **enrolled** in the At-Risk program provided the home delivery requirements are met (written authorization and confidentiality processes). Home delivery is to a
specific unit or home not a centralized complex where students have to go to a designated location to acquire a meal.

  o Meals can be provided as a grab-and-go option to children (or their parent/guardian) enrolled in the At-risk program.

• At-risk operators must follow the guidance for non-congregate meal service.

• At-risk sites should continue operations with the enrollment type (open vs. pre-defined enrollment) in place prior to COVID-19.

• At-risk sites operating at a school operating under 100% onsite attendance requirements must operate a traditional onsite congregate meal service outside of school hours and provide onsite enrichment. Non-congregate meals will not be permitted.

NOTE: All documentation requirements for At-risk operations still apply. You must document the names of children receiving At-risk meals, even at open, non-congregate sites that are bundling meals with other programs. All daily rosters must be maintained and accessible for review upon request.

• At-risk sites may not operate in close proximity to a congregate public event/site not affiliated with an afterschool program (for example, flea market or rodeo) unless all At-risk site requirements are met, including onsite enrichment and congregate feeding. CEs operating grab-and-go service next to a congregate public event must cease serving non-congregate meals or risk being issued corrective action.

The operator has the discretion to choose how non-congregate meals will be offered. This also applies to day care homes.

10. May I serve non-congregate meals if my center or day care home is still open?

Yes. The center or day care home does not have to be closed to its enrolled participants due to the COVID-19 public health emergency to provide non-congregate meals or use the meal service time flexibilities under the COVID-19 nationwide waivers. Under these waivers, day care homes and centers that are open may provide meal service on site to participants in attendance. They can also arrange for non-congregate meal service options for participants temporarily not in attendance. If the CACFP operator determines
there is a need and it is logistically feasible to implement these serving options, it may do so for all or some of its participants.

Please note that CACFP operators may provide meal delivery only to enrolled children and adult participants, due to confidentiality and logistical requirements.

11. Does my site have to provide curbside meals or another method of non-congregate service?

CEs are not required to provide non-congregate meals. CEs may determine their local needs and whether to opt into any of the available nationwide waivers in PY 2021-2022.

12. 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:

- 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 picking up meals at child care centers or day care homes without their children present may only pick up meals for children enrolled at the site. Any meal provided to a parent 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.

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, then 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 they 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.

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

To maintain program integrity, sites must inform parents/legal guardians that participants may not receive the same meals from another federally supported feeding site. Sites must display the Duplicate Meals Poster that explains the prohibition of receiving duplicate meals. To obtain a Duplicate Meals Poster, refer to the CACFP Resources page on SquareMeals.

This waiver is effective throughout Summer 2021 through June 30, 2022 for all Programs authorized to operate during that time period.

13. 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 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, with TDA approval, that allows children or adult participants to pick up meals for more than one day at a time. CEs wishing to use these flexibilities must complete TDA’s Intake Form process as described in this FAQ.

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 24 years and younger, per day. Note the inclusion of 18-24 year-old emergency shelter residents is a nationwide flexibility during the public health emergency as part of the American Rescue Plan Act. Refer below for more information.

**NOTE:** Per regulation, CEs operating both a child care center and an At-risk site at the same location may only claim a total of two meals and one snack or one meal and two snacks, per child per day, including the afterschool snack or meal.
CEs may also provide multiple days of non-congregate meals at one time to children not in attendance onsite. CEs choosing this method of distribution must adjust the number of days per week that it provides non-congregate meals accordingly. For example, a site wishing to serve three days of meals on one day and two meals on another to account for a five-day week could have the following schedule:

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

Under the above multi-day scenario, CEs may continue to provide daily congregate meals to children attending child care in person. CEs may serve both congregate and non-congregate meals under one site application.

CEs distributing meals for multiple days may not provide meals for more than one operational week at a time.

Note that 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. Additional information on meal production record requirements is located below. 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.iv

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

14. If I distribute meals over multiple days, may I 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 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.

Meal production records must be completed for each day that meals are intended to be consumed. [Additional information on meal production record requirements is located below.](#)

15. **May I submit a claim for reimbursement for meals served during a holiday or weekend during the COVID-19 public health emergency?**

Yes. CEs may submit a claim for meals served on a holiday or during the weekend if that site is approved to operate during those times. In order to claim meals for reimbursement, CEs must update their site application in TX-UNPS to reflect the days they plan to serve meals.
16. **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 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](#) 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 proving that the meal pattern deviations resulted from a pandemic-related supply chain issue.

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.

17. **Under the 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 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.

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

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.

19. **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 are able to 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.vii

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.
20. **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.

21. **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. 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.

22. **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 be used to 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.
In instances where a meal pattern waiver has been granted, the CE must document this information on the meal production record.

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

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

24. Can unused food be donated to another child nutrition program operator?

Yes. Consistent with USDA guidance and State and local food safety requirements, leftover foods may be donated to “eligible local food banks or other charitable organizations” such as a tax exempt CACFP day care home provider. Note that “eligible local food banks or charitable organizations” means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

Detailed information on this topic is found in USDA Policy Memo SP 11-2012, CACFP 05-2012, SFSP 07-2012, Guidance on the Food Donation Program in Child Nutrition Programs (February 3, 2012).viii

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

Yes. CEs must inform TDA when the change is made by updating the information in the TX-UNPS site application. If that is not possible, CEs must inform TDA as soon as possible after the temporary change. At a minimum, CEs must document what particular action they took, as well as when and why. CEs must also ensure that changes to waiver usage is submitted via the Declare or Decline COVID-19 Meal Service Waiver Options form.
26. **What steps do I need to take to add, remove, or relocate a meal pickup site?**

CEs must update their site applications in TX-UNPS with any site changes, including adding new sites or closing sites. Note that if you wish to establish a home delivery method or grab-and-go site for meals normally served to your enrolled students, a separate site application for those services is not required. You can claim those meals as if they were served onsite. However, you must be able to report separately a count of meals served in a non-congregate fashion.

27. **Can I increase my At-risk site, center, or provider’s estimated participation (average daily participation) in my site application in anticipation of increased number of participants?**

No. TDA will not approve large participation increases and will continue to follow normal processes for initial site participation estimates. If the actual participation increases, the CE can make the adjustment in TX-UNPS for TDA’s review and approval prior to claim submission. Documentation must be provided to confirm an increased need and that there are no duplicate coverage impacts. This may include, but is not limited to, the following information for consideration by TDA:

- Meal types and details related to food preparation for each site
- Confirmation that required rosters are maintained (i.e., children’s names and ages)
- If applicable, information about enrichment activities and assurances that sites are not operating in conflict with the area school district(s)
- For non-SFAs, information related to the operations of the nearest school district(s) (e.g., remote or hybrid instruction)

Based on the information received, TDA may require additional information including, but not limited to:

- Revised management plan and other processes and procedures updated in anticipation of increased participation
- Verification of the notice sent to the health department with jurisdiction over the site(s) and, if applicable, copies of the most recent health inspection(s) and
documentation of approval related to the number of meals served at each location

Note: If the CE is using a food production facility, proof of health inspection or permitting for the facility

- Information related to staff training, outreach, duplicate meal prevention, sample menus, revised service logistics (e.g., staffing, food storage, Point of Service documentation)

Additionally, TDA may conduct a site visit (virtual or in-person) prior to making a final determination.

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

USDA’s nationwide waiver allows monitoring activities to occur offsite to the extent practicable (e.g., through a desk audit). **USDA did not waive the actual monitoring requirements;** however, during the COVID-19 public health emergency, sponsoring organizations are allowed to review new CACFP facilities through a desk audit. In addition, CEs may conduct pre-operational visits remotely.

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 free.

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

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

Note: All findings will require technical assistance and corrective actions.

USDA issued “Off-site Monitoring Fact Sheets for Child Nutrition Programs” that provide best practices for off-site monitoring activities during the COVID-19 public health emergency.

29. **Will TDA be conducting onsite administrative reviews of my operations during the COVID-19 public health emergency?**

USDA waived the requirement that CACFP State agency administrative reviews (AR) be conducted **on site** during the COVID-19 public health emergency. Instead, to ensure program integrity during this time, **TDA will continue its monitoring activities offsite through a desk review**. However, in certain, limited circumstances, TDA may conduct aspects of the AR “in person” such as driving to a site to confirm that meals are being served consistent with the times indicated in the TX-UNPS site application. This can be done from the vehicle or at a safe distance thereby allowing for social distancing.

For desk reviews during the COVID-19 public health emergency, TDA Community Operations will follow its existing policy and process. All documents required for review should be uploaded into TX-UNPS. CEs identified to have a desk review will be notified in writing with instructions and contacted by the assigned TDA Community Operations staff person.

CEs should email TDA Community Operations at Community.Ops@TexasAgriculture.gov if they have questions about their administrative review or desk audit.

This waiver expires 30 days after the public health emergency is declared over by U.S. Department of Health and Human Service. TDA will notify CACFP CEs when this declaration is announced.
AFTERSCHOOL PROGRAM CONSIDERATIONS

USDA issued a nationwide waiver allowing school districts the option to operate the Seamless Summer Option or the National School Lunch Program (NSLP) during School Year (SY) 2021-2022. TDA has implemented additional guidelines on how CACFP At-risk Afterschool Care Program can operate in conjunction with SSO to preserve program integrity and reduce the risk of duplicate meal service. Note that CACFP At-risk can only operate under the relevant waiver flexibilities once instruction starts for the 2021-2022 school year.

This section provides detailed information about At-risk operations during SY 2021-2022.

30. How are CACFP At-risk operations affected if a school district chooses to operate SSO instead of NSLP during SY 2021-2022?

SFAs and non-school entities may operate CACFP At-risk in conjunction with SSO as well as NSLP during SY 2021-2022. 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. 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.

Unless waived as described in this FAQ, all At-risk regulations (for example, maintaining a roster of all participants receiving meals) will apply during SY 2021-2022.

31. During SY 2020-2021, non-school entities were required to demonstrate an unmet need to operate an At-risk summer program. Are those requirements in place for Summer 2021 operations or PY 2021-2022 operations?

No. At-risk site applications will be reviewed based on standard proximity requirements and any other eligibility requirements outside of the waived area eligibility requirements.

32. Have the enrichment activity requirements for CACFP At-risk been waived?

No. The enrichment and education requirements for CACFP At-risk have not been waived by USDA. However, when providing non-congregate meal service, At-risk...
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 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. CEs must maintain documentation that demonstrates how they met the enrichment or educational activity requirement.

Note that when providing **congregate meal service**, At-risk operators must offer an onsite enrichment activity.

33. **May I bundle At-risk 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 their 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-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.

34. **If bundling At-risk meals with another CE serving NSLP or SSO to enrolled students at a school, do I still need to maintain a roster of children who received At-risk meals?**

Yes. Documentation requirements for CACFP At-risk have not been waived. You must document the names of children receiving At-risk meals each day, even at open, non-congregate sites that are bundling meals with other programs. All daily rosters must be maintained and accessible for review upon request.

35. **What meal time restrictions are in place for CACFP At-risk operations during School Year (SY) 2020-2021?**

While USDA granted a meal time waiver for CACFP, this waiver does not supersede the regulations that define the intent of the At-risk program, which state that meals must be consumed outside school hours. However, At-risk operators may use the waiver to implement one of the following options:

- SFA CEs or non-school entities partnering with an SFA may bundle At-risk meals with an SSO or NSLP breakfast and lunch at a non-congregate service during school hours.

- If operating a non-congregate At-risk service during school hours at a school site, SFA CEs or non-school entities partnering with an SFA must also offer daily congregate At-risk service to the school's onsite students after school
ends. CEs operating an onsite service under this hybrid model must ensure that:

- Students who picked up non-congregate meals during school hours do not also receive an At-risk meal at the afterschool service.
- The onsite service occurs after school ends for the day.
- Meals are intended to be consumed onsite.
- Enrichment activities must occur onsite.

- Non-school entities approved to operate At-risk but **not** partnering with an SFA must ensure that meals are distributed outside of school hours. Note that this distribution can include enough suppers and/or snacks for multiple days.

- At-risk programs may operate on weekends and holidays and may utilize the meal time restriction waiver to serve meals at any time. Non-school entities serving weekend meals on a school site must have a written agreement with the school to serve meals onsite outside of school hours.

**36. 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, CACFP At-risk operations can begin the earliest date a school in the district begins instruction.

**CLAIMING CONSIDERATIONS**

**37. Under the new waivers allowing for all Tier II sites to be claimed at the Tier I rate, can any residential child at a day care home provider be claimed for reimbursement?**

No. Federal regulations state that payment can be made for meals served to the provider’s own children only if

- the children are enrolled and participating in the daycare during the time of meal service,
- there is at least one non-resident child also enrolled in the program receiving the same meals during the same meal service, and
• the children are eligible to receive free or reduced-price meals. These requirements are not waived. Therefore, any day care home provider, regardless of location or Tier I designation, who wants to claim meals served to their own children must meet the above criteria, including maintaining the proper documentation demonstrating that the children meet the income eligibility requirements for free or reduced-price meals. Children that meet these criteria will have their meals reimbursed at the Tier I rate.

Note that a family day care home’s ability to claim their own child may be re-determined based on the provider’s income from the past month.

38. If students enrolled at a nearby school are participating in remote learning at a child care provider offering CACFP meal service, would the meals served at that provider be claimed by the child care facility or the school?

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

- If a student is paying enrollment fees to the provider while participating in remote learning and is eligible for CACFP meals, the child care provider may claim those meals in accordance with all CACFP regulations and eligibility guidelines. No agreement is required with the school.

  NOTE: Child care providers must abide by all licensing requirements to be approved as a CACFP site. For example, if the licensing information submitted to TDA stipulates that the age of enrolled children must not exceed 12, and the site application now indicates that children 13 years or over are now enrolled, TDA will not approve that application.

- A child care provider and school may enter into a written agreement for the schools to claim the meals. Such agreements must stipulate how costs and claiming information will be handled between the two entities as well as how those specific meals are to be provided.

- Important considerations under these types of agreements include:
  
  o If the school is operating NSLP, students must be claimed at the child’s eligibility status as determined by their home school.
39. Can I claim CACFP meals served to young adults at the emergency shelter I operate?

The American Rescue Plan Act authorizes 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 may 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.

Reimbursement is authorized from March 11, 2021 until the date the COVID-19 public health emergency is lifted. Retroactive reimbursement is available to CACFP operators that have documentation to support the service of reimbursable meals and snacks to eligible adults. Valid retroactive claims for meals and snacks served by to March 11, 2021, will be paid without regard to the normal 60-day time limit on submission of claims if they are submitted prior to June 1, 2021.

For more information on implementation of this flexibility, please see this Question and Answer document provided by USDA.\textsuperscript{xi}

\section*{FINANCIAL CONSIDERATIONS}

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

Yes. PPE (e.g., gloves and face masks) as well as cleaning and sanitary supplies are allowable costs during the COVID-19 public health emergency if the purchases are made in support of Child Nutrition Program operations. This also includes items such as floor markers and other related products that promote social distancing and other
behaviors to reduce the spread of COVID-19. All costs must be documented and adhere to the cost principals in 2 CFR Part 200 (reasonable, necessary, etc.).

Please visit TDA's SquareMeals.org Coronavirus webpage for free resources including printable “Social Distancing Floor Decals” and “Handwashing Reminders.”

41. 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 that milk must be served as part of each reimbursable meal, and potable water may not be provided as a substitute for milk.

The CACFP Handbook, Section 4000, Managing the Program provides guidance on serving water with meals.\textsuperscript{xii}

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

Yes. CEs that have not yet filed their single audit with the Federal Audit Clearinghouse by March 19, 2021, and with fiscal year-ends through June 30, 2021, are permitted to delay the completion and submission of their single audit for up to 6 months beyond the normal due date.

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

Note the Single Audit requirements apply to CEs that expend $750,000 or more during their fiscal year in Federal awards.

\textbf{CIVIL RIGHTS}

43. 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. CEs must ensure that all staff who perform key CACFP activities and all sponsored sites, if applicable, are trained in civil rights requirements prior to program participation and annually thereafter.

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

44. 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.

45. 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 prominently displayed at all serving sites. It is acceptable to attach a poster to a table, cooler, or on the side of vehicle while distributing meals in a non-congregate setting. The AJFA poster does not need to be displayed on vehicles making door-to-door deliveries.

During the COVID-19 public health emergency, if the CE does not have enough of the 2019 AJFA posters, the CE may substitute paper copies, as necessary, and may use the 2015 AJFA poster.

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

Additional information on the AJFA posters is available on SquareMeals.org.xv
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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Frequently Asked Questions
Program Year 2021-2022 Operations

https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
https://form.jotform.com/211664219115147

http://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/CACFPResources.aspx


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

https://squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingProgramFoodSafety.aspx
https://fns-prod.azureedge.net/sites/default/files/cn/SP11_CACFP05_SFSP07-2012os.pdf


https://www.fns.usda.gov/tn/digital-nutrition-resources-kids

https://squaremeals.org/Programs/ChildandAdultCareFoodProgram/CACFPolicyampHandbook.aspx
https://squaremeals.org/FandNResources/Training/OnlineEducationandSelfStudy.aspx


http://squaremeals.org/News/tabid/945/Article/2914/-And-Justice-for-All-Poster.aspx