Frequently Asked Questions

Guidance Subject to Change – Check for Latest Version

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Nationwide Waivers

1. Will TDA elect to participate in the USDA nationwide waivers?

TDA has notified USDA that the agency will implement the following national waivers to increase flexibility in operating the Child and Adult Care Food Program (CACFP):

- **COVID-19: Child Nutrition Response #27** — Extension of Waiver of Monitoring Requirements for CACFP Sponsors (expired August 31, 2020)
- **COVID-19: Child Nutrition Response #28** — Extension of Onsite Monitoring Requirements for State Agencies in the CACFP
- **COVID-19: Child Nutrition Response #33** — Extension of Non-congregate Meal Service
- **COVID-19: Child Nutrition Response #34** — Extension of Flexibility Meal Service Times
- **COVID-19: Child Nutrition Response #36** — Extension of Meal Pattern Flexibilities through June 30, 2021
- **COVID-19: Child Nutrition Response #39** — Waiver of Onsite Monitoring Requirements in CACFP

TDA will provide additional guidance on the implementation of these waivers and other flexibilities in the questions and answers below. Note that unless waived, all other requirements in the CACFP remain in place and still apply.

A complete list of nationwide waivers pertaining to the COVID-19 public health emergency is located on USDA’s FNS Coronavirus webpage. This includes waivers that have expired and/or do not apply to CACFP operations.
2. May I serve meals in a non-congregate setting?

Yes. In accordance with the nationwide waiver, USDA is allowing CACFP operators, including At-risk, to provide meals in a non-congregate setting during the COVID-19 public health emergency. This waiver enables approved CEs to allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing. Unless waived, all other requirements for the CACFP remain in place.

Children 18 years and younger residing in emergency shelters do not have to consume their meals in a group setting during the COVID-19 public health emergency. They may take meals off-site or to their individual rooms.

CEs wishing to use this waiver must notify TDA of their intent. Note that the process for indicating use of this waiver has changed. CEs that plan to operate under this waiver after July 1, 2020, and into the next Program Year beginning October 1, click here for information on how your waiver usage will be tracked by TDA.

If a CACFP operator elects to use this waiver to provide non-congregate meals to any of the children enrolled in care, then access to meals must be offered to every enrolled child, whether they attend in-person or remotely. The operator has the discretion to choose how non-congregate meals will be offered. This also applies to day care homes.

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

The COVID-19 nationwide non-congregate feeding waiver is located on USDA’s FNS Coronavirus webpage.

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

No. TDA opted into the USDA-issued nationwide waiver that allows all CEs to waive mealtime restrictions to support streamlined access to nutritious meals. During the COVID-19 public health emergency, approved operators are not required to serve meals at a certain time or to allow a certain amount of time to elapse between meals.
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NOTE: This meal time 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. For example, during the school week, the At-risk program cannot be used to serve a congregate lunch. At-risk meals, when not bundled with NSLP meals, cannot be distributed during school hours. See below for new important guidelines about At-risk operations during School Year 2020-2021.

Note that the process for indicating the use of this waiver has changed. CEs that plan to operate under this waiver after July 1, 2020, and into the next Program Year beginning October 1, click here for information on how your waiver usage will be tracked by TDA.

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

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

4. I operate a CACFP At-risk site. Am I required to offer an enrichment or educational activity if I am offering non-congregate meals?

The enrichment and education requirements for 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.

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

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

USDA also provides a variety of online games, books, and nutrition education activities for children on its Team Nutrition webpage.

If distributing meals over multiple days, enrichment activities need to be included for each day of intended meals.
Note that CACFP At-risk may only operate under non-congregate and meal service time waivers *once school resumes for SY 2020-2021*. This flexibility is effective for SY 2020-2021 and is retroactive for At-risk programs where school has already resumed.

5. Are the meal pattern requirements waived during school closures in response to COVID-19?

USDA issued a nationwide waiver granting State Agencies the ability to waive CACFP meal pattern requirements on a *justified and targeted basis* during the COVID-19 public health emergency.

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

If the waiver is granted, the CE should continue to attempt to procure the item from alternative sources and notify TDA if the waiver is no longer needed. CEs must track the number of meals served that do not meet the meal pattern and will be required to document all meal component substitutions and any efforts to procure the missing component.

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

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

Per USDA, the meal pattern waiver remains in effect through June 30, 2021.

As a reminder, Federal procurement regulations at 2 CFR 200.320(f) allow procurement by noncompetitive proposals when there is a public emergency.

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

6. May I provide a meal to a parent or legal guardian when the child or adult participant is not present?

Yes. TDA opted into the USDA-issued nationwide waiver that allows operators offering approved non-congregate meal service at CACFP sites to distribute meals to a parent or legal guardian to take home to their children or adult participant during the COVID-19 public health emergency. Refer below for more information on guidelines regarding this waiver.

Note that the process for indicating use of this waiver has changed. CEs that plan to operate under this waiver after July 1, 2020, and into the next Program Year beginning October 1, click here for information on how your waiver usage will be tracked by TDA.

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

The COVID-19 nationwide parent/guardian meal pickup waiver is located on USDA’s FNS Coronavirus webpage. In addition, USDA posted Best Practices for Parent Pick Up of Meals and Snacks on its webpage.
7. As a CACFP sponsoring organization, do I have to continue to conduct monitoring during the COVID-19 public health emergency?

During Program Year (PY) 2021, CACFP operators must complete all required monitoring activities. However, CACFP sponsoring organizations may conduct these reviews offsite via a desk audit during PY 2021 which ends on September 30, 2021.

The COVID-19 nationwide waivers of child nutrition monitoring are located on USDA’s FNS Coronavirus webpage.

8. 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 onsite 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.

The COVID-19 nationwide waivers of child nutrition monitoring are located on USDA’s FNS Coronavirus webpage.

This waiver remains in effect through September 30, 2021.
Background Information

9. Who may receive a meal?

Participants enrolled in an approved:

- Child Care Center or Day Care Home who are age 12 and younger, or age 15 and younger with migrant worker parents, or who have a mental or physical disability as defined by the State and are enrolled at a site serving a majority of persons age 18 and younger.

- At-Risk Afterschool Program who are age 18 and younger, or who turned age 19 during the current school year, or who have a mental or physical disability as defined by the State. Refer below to important new information about At-risk operations during School Year 2020-2021.

- Adult Day Care who are age 60 and older, or who have a mental or physical disability as defined by the State.

- Emergency Shelter residents who are 18 years and younger.

Additionally, parents or legal guardians of enrolled children and adults may receive a meal to take home to those participants as described above.

10. Where can I find information about Governor Abbott’s Executive Order impacting child day care operations?

On March 31, 2020, Governor Abbott issued Executive Order GA-14 implementing Essential Services and Activities Protocols for the entire state of Texas. The Order encourages child care operators to remain open to serve essential service employees and children receiving protective daycare services authorized by the Department of Family & Protective Services. Those centers remaining open must register with HHSC. On June 26, 2020, Governor Abbott issued Executive Order GA-28 relating to the targeted response to the COVID-19 disaster as part of the
reopening of Texas. Executive Order GA-28 includes information related to the occupancy requirements of child care services in Texas. Before operating child care services, TDA encourages operators to ensure that they are adhering to the latest HHSC requirements and following all applicable guidelines. HHSC also issued an emergency rule “HHSC-20-0047 – Ongoing Requirements for Certain Day Care Operations in Response to COVID-19 Emergency Rule.” Additional information may be found on the Texas Health and Human Services website.

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

The Texas Department of State Health Services (DSHS) is the lead agency in the state’s preparedness efforts and provides many resources on its website. As CE’s weigh operational decisions related to COVID-19, they should work with their local public health organization. A list of local public health organizations may be found on the DSHS website.
Application

12. How do I get new sites approved to operate CACFP during the COVID-19 public health emergency?

The site application process for CACFP operations under the COVID-19 flexibilities has changed. Prior to July 1, 2020, CACFP operators adding new centers and day care homes that were providing non-congregate food service during the COVID-19 public health emergency were required to set up separate “CV” designated sites for each type of non-congregate service. Effective July 1, 2020, designated “CV” sites are no longer required (see below if you are currently operating an approved “CV” site). This means that both congregate and non-congregate meals can be claimed to one site. However, TDA requires CEs to separately track the number of meals being claimed in a non-congregate fashion. TDA will provide more guidance and best practices on how sites may track this data.

Additionally, TDA is requiring CEs operating under the COVID-19 waivers to indicate intent to TDA by submitting a new intake form. Instructions regarding this new intake form are provided below.

Note that all sites must adhere to standard CACFP regulations and any approved modification to requirements as specifically described in this FAQ. CACFP operators should assess whether they have the capacity to add centers and facilities based on their available resources during this time.

Please check the CACFP Dashboard in TX-UNPS for information.

13. I have approved “CV” sites through the end of this Program Year that are set to roll over into the next Program Year. Am I still required to claim meals to these sites?

CEs are required to track the number of meals served under the non-congregate waivers. Continuing to claim meals served at the “CV” sites is one interim mechanism for accomplishing this until your sites establish a method for tracking these meals. However, TDA will phase out “CV” sites near the beginning of the Program Year. If you have an approved non-“CV” site and wish to claim congregate meals
and non-congregate meals at those sites, you may do so as long as you are able to separately track the number of non-congregate meals. TDA is developing guidance and a timeline related to the phase-out of “CV” sites.

Additionally, CEs who have previously submitted Intake Forms for non-congregate service and no child present/parent pick-up prior to August 12 are required to submit the new Intake Form indicating intended waiver usage from July 1, 2020, through September 30, 2021. Instructions regarding this new intake form are provided below.

14. How do I notify TDA that my site is opting into the nationwide waivers?

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

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

CEs previously approved to operate these waivers by submitting one or more intake forms prior to August 12, 2020, must submit this form again to be approved to operate under these waivers for the next Program Year. When submitting the form, please include any waiver usage from July 1, 2020 onward.

CEs who opt into these waivers must report changes to waiver use and the number of meals served through congregate and non-congregate service options. Refer to the request form instructions for information about the additional actions that may be required after submission, including submission of the COVID-19 Waiver Monthly Data Submission Form to indicate continued or updated use of the waiver(s). This form is also used to provide required information on the CE’s implementation of the waivers. TDA will provide each CE a URL in the email response to the submittal of the COVID-19 Meal Distribution Waiver Usage Intake Form. Additional information on the monthly submission requirements is located below.
15. How long am I authorized to operate my CACFP site with the nationwide flexibilities during the COVID-19 public health emergency?

CACFP operators, including At-risk, may operate approved sites under modified requirements and additional flexibilities during the COVID-19 public health emergency as described in this FAQ document. The COVID-19 nationwide waivers that have been extended through June 30, 2021 include the following:

- Non-Congregate Feeding
- Parent/Guardian Pick-Up
- Meal service Time Restrictions
- Meal Pattern

Note that CACFP At-risk can only operate under non-congregate and meal service time waivers once school resumes for SY 2020-2021 as outlined below.
Site and Location Information

16. 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 accurate information is provided on the monthly intake forms submitted indicating meal distribution methods and waiver usage for that month. More information on these monthly reports is coming soon.

17. 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 will no longer be 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.

18. Can I increase my At-risk site, center, or provider’s estimated 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 review and approval prior to claim submission. Documentation must be provided to confirm an increase need and that there are no duplicate coverage impacts.
Meal Service

19. My site is closed due to the COVID-19 public health emergency. What are my non-congregate meal service options under CACFP?

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
  - See below for additional information on the home delivery option for CACFP operators.
At-Risk:

**NOTE:** The parameters for At-risk operations have changed based on the new availability of Summer Food Service Program Option (SFSP) and the Seamless Summer Option (SSO). [Please click here for more information.]

- **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 or remote feeding option method

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

- At-risk operators should 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.

20. **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 in order 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 still 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.

Childcare operators that have closed a center to general enrollment may continue to serve meals on site to the children of essential service workers.

21. **Can I distribute multiple meals at one time?**

Yes. If operating under both the meal service time waiver and the non-congregate feeding waiver, CEs may 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; or
- CACFP Emergency Shelters: Up to three meals, per resident 18 years and younger, per day.

**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.
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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.

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 were intended to be consumed.

USDA posted CACFP: Providing Multiple Meals at a Time During the COVID-19 Pandemic on its webpage.

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

Additional information on meal distribution for CACFP At-risk operators is provided below.
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22. If I distribute meals over multiple days, may I serve individual components in bulk?

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

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

- Submit the [Program Year 2020-2021 Meal Distribution Waiver Usage Intake Form](#).
- If you select the option for **Bulk Food Components for Multiple Meal Distribution**, you will be directed to the [Bulk Food Components for Multiple Meal Form](#) when the [Meal Distribution Waiver Usage Intake Form](#) is submitted. In case you cannot complete both forms in one session, you will receive a separate email with a link to the [Bulk Food Components for Multiple Meal Form](#). You must complete and submit this form.
- TDA will provide notification of bulk distribution approval.

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

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

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

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.*

The instructions on completing the *Meal Distribution Waiver Usage Intake Form* includes guidance on *completing the Bulk Food Components for Multiple Meal Form.* Additional information on *Bulk Packaged Food for Multiple Meals* is provided on SquareMeals.org.
23. What changes to At-risk operations have occurred due to the new availability of SFSP and SSO operations through December 31, 2020?

School districts now can opt into operating SFSP or SSO in lieu of NSLP through December 31, 2020, or federal funding runs out. To preserve program integrity and the risks of duplicate meal service, TDA has issued the following guidance pertaining to At-risk operations:

- No afterschool programs, including At-risk, will be allowed to operate in areas where a school district has decided to implement SSO or SFSP.
- School districts that continue to operate NSLP may also operate an At-risk program under the flexibilities and guidelines described in this FAQ.
- Non-school entities may also operate At-risk in areas where the school district has opted to continue serving NSLP (note that the district’s decision applies districtwide, not on a site-by-site basis).
- If at any point prior to December 31, 2020, the school district switches from NSLP to SFSP/SSO operations, the district and any non-school entities operating At-risk in the area must cease all afterschool feeding programs. TDA will notify operators should this circumstance occur. Operations must cease on the day of notification.
- At-risk operators must not serve or distribute non-congregate meals during school hours unless they have partnered with a school to bundle a day’s worth of meals at one time.

24. Where can I find additional guidance on implementing non-congregate feeding options in CACFP?

TDA has posted additional CACFP resources on SquareMeals that address non-congregate feeding options as well as other operational concerns for childcare centers/adult day care centers and day come homes in CACFP.
25. What guidelines must I follow to allow parents or legal guardians to pick up meals when the children or adult participants are not present?

USDA has recognized that under the circumstances caused by the COVID-19 public health emergency, parents or legal guardians of CACFP participants may need to pick up meals without that participant present. When picking up a meal for a child, the parent will need to present reasonable proof of guardianship, which may include, but is not limited to, one of the following items:

- Official Letter/email from facility or school listing children enrolled
- Individual student report cards
- Attendance record from parent portal of facility or school website
- Birth certificate for children not in school
- ID cards issued by the facility or school

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.

CEs must notify TDA of their intent to use this waiver in accordance with 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. xxii

The COVID-19 nationwide parent/guardian meal pickup waiver is located on USDA’s FNS Coronavirus webpage. xxii TDA has posted additional information on its Coronavirus webpage on SquareMeals.org. xxiii In addition, USDA posted Best Practices for Parent Pick Up of Meals and Snacks xxiv on their webpage.

26. 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 or over are now enrolled, TDA will not approve that application.

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

- Important considerations under these types of agreements include:
Meal Service

- Students must be claimed at the child’s eligibility status as determined by their home school.
- Both facilities must ensure that a process is in place to prevent duplicate meal service.
- In order to provide meals to children that are not of eligible age to receive CACFP meals, the provider **must** enter into a written agreement with a school to provide meals. **The provider may not use CACFP At-risk to serve breakfast or lunch since At-risk meals must be consumed outside of school hours.**

  **However,** it is possible that a school that already operates an At-risk program and enters into an agreement with a child care provider to provide meals may provide an At-risk supper at the same time the lunch meal is distributed, with the idea that the child will consume the At-risk meal later outside of school hours.

27. **Can Head Start programs deliver meals to children enrolled in a Head Start program?**

Head Start programs **may only distribute meals to children who were already receiving meals through CACFP or the NSLP.** The non-congregate meal waiver may be utilized. For additional information on Head Start programs, please refer to the [CACFP Handbook, Section 4000 – Managing the Program](#).

28. **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.
Frequently Asked Questions
Home Delivery

29. 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 only available to CACFP operators that provide care for enrolled children and adult participants due to confidentiality and logistical requirements. Only meals delivered to enrolled children or adult participants will be reimbursable. The CACFP operator must continue to meet all State or local food safety requirements.

30. 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
Frequently Asked Questions

Home Delivery

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.

31. 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 or local food safety requirements may do so. Home-delivered meals must meet all applicable CACFP meal pattern requirements.

32. 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.
Frequently Asked Questions
Allowable Cost, Documentation, Procurement, and Recordkeeping

Allowable Cost, Documentation, Procurement, and Recordkeeping

33. Are documentation and recordkeeping requirements waived during the COVID-19 public health emergency?

No. Documentation and recordkeeping requirements must be followed. Detailed recordkeeping is critical, including meal production records. If you need additional guidance, please refer to TDA’s CACFP guidance.

34. 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.
35. What type of information am I required to submit in the COVID-19 Waiver Monthly Data Submission Form?

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

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

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

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

36. May we use electronic signature or other similar methods to confirm delivery of vended meals?

CE’s may obtain and/or provide signature by electronic means or text confirmation during the COVID-19 public health emergency.
37. How do I conduct an emergency procurement?

Emergency noncompetitive procurement requires TDA approval.

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

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

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

TDA will provide written notification of approval or disapproval.

38. If I deliver meals directly to participants’ homes or distribute from a community site, are my transportation and labor costs allowable expenses in CACFP?

Yes. Transportation costs related to the delivery of meals is an allowable cost during the COVID-19 public health emergency. 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. All costs must be documented and adhere to the cost principals in 2 CFR Part 200 (reasonable, necessary etc.).

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 during the COVID-19 public health emergency. Delivery costs could also be paid with non-program funds such as private donations.
39. 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.).

40. 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. xxvii

41. May I charge non-refundable costs to the applicable Child Nutrition Program for events and activities that were canceled due to the COVID-19 public health emergency?

If the CE spent funds prior to June 16, 2020, for an approved and otherwise allowable program cost (e.g., travel, meeting registration, supplies) for an event or activity that was cancelled due to the COVID-19 public health emergency, and those costs were not refunded by the vendor, the CE may use program funds. CEs must keep records of the original expense, and documentation of their attempt to obtain refunds. CEs must ensure that any materials of value, such as travel vouchers, supplies, materials, etc., that can be repurposed or used at a later date, are used for the operation of the child nutrition program. This flexibility is granted per OMB.
Memo, M-20-17, “Administrative Relief for Recipients and Applicants of Federal Assistance Directly Impacted by the Novel Coronavirus, Due to the Loss of Operations.” This flexibility expired on June 16, 2020, and was not extended by OMB Memo, M-20-26.

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 between March 19, 2020 and June 30, 2020, may delay the completion and submission of their single audit for up to 6 months beyond the normal due date. Audits with due dates from July 31, 2020 through September 30, 2020, have been extended up to three months beyond the normal due date.

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

Note the Single Audit requirements apply to CEs that expend $750,000 or more during their fiscal year in Federal awards. For more information on the Single Audit requirements, please refer to the Administrator’s Reference Manual (ARM), Section 16, Financial System, and TDA’s SFSP Supplemental Handbook.
**Miscellaneous**

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

USDA did not waive the requirement that at least one review be made during each new facility’s first four weeks of CACFP operations; however, during the COVID-19 public health emergency, sponsoring organizations are allowed to review new CACFP facilities through a **desk audit**.

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.
MISCELLANEOUS

44. Am I held to the same temperature restrictions on food items when doing home delivery of meals? Where can I find information about applicable health and safety requirements?

In Texas, local health, safety, and sanitation standards may vary depending on where a site is located and how the site is operating. To assist CEs in identifying their local health department, a health inspector locator tool may be found under “Summer Feeding Program Food Safety” on SquareMeals. 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.

45. 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. Additional information on civil rights requirements is located in the CACFP Handbooks, Section 6000, Civil Rights.

TDA also developed a supplemental Civil Rights document that may be used by frontline staff and volunteers to familiarize themselves with basic Civil Rights requirements and concepts. Note that neither the above referenced USDA nor TDA documents serve as a replacement for the annual Civil Rights training requirement. CEs should make every effort to ensure that staff receive proper training as soon as possible.

The annual civil rights training is available on SquareMeals.org.
46. Do I have to display the “And Justice for All…” poster at my sites established in response to the COVID-19 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. 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.
47. 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.
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

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

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.
Child and Adult Care Food Program

Summer Food Service Program

Frequently Asked Questions

Endnotes

17. https://squaremeals.org/FandNResources/Training/OnlineEducationandSelfStudy.aspx
23. https://squaremeals.org/Programs/ChildandAdultCareFoodProgram/CACFP_policy_and_handbook.aspx