

# Policy/Waiver Updates

## July 13, 2022

### Summer 2022 and SY 2022-2023

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TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**

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# Keep Kids Fed Act Overview



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# What's in the Keep Kids Fed Act?

## Summer 2022 Operations

- Continuation of widespread non-congregate, parent pick-up, and meal service time waivers
- TDA given discretion to issue area eligibility waivers
- SFSP Reimbursement for SSO operators through the end of Summer 2022 operations.

# What's in the Keep Kids Fed Act?

## School Year 2022-2023 – through June 30, 2023

- NSLP Lunches receive extra 40 cents per meal. School Breakfasts receive extra 15 cents per meal. Reimbursement added to new rate adjusted for inflation.
- Schools operating CACFP will receive an extra 10 cents for every meal and snack. Reimbursement added to new rate adjusted for inflation.
- Supply chain disruption flexibilities.

# What IS NOT in the Keep Kids Fed Act?

- Universal free meals – School districts must process applications.
- Targeted meal pattern waivers
- Area eligibility waivers in SY 2022-2023.

# Summer Waivers



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## Non-Congregate, Parent Pick-Up, Meal Service Times

Now available to all SSO/SFSP Operators - No longer needs to be tied to a COVID-19 Incident

- All CEs switching to non-congregate feeding MUST submit an opt-in form (located on COVID-19 Intake Forms page of SquareMeals)
- Any changes to meal service times or site type MUST be submitted in the TX-UNPS site application and approved prior to a change in operations

## Non-Congregate, Parent Pick-Up, Meal Service Times

Now available to all SSO/SFSP Operators - No longer needs to be tied to a COVID-19 Incident

- A switch to Grab-n-Go can occur immediately, but CEs MUST submit the opt-in form located at:  
<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>
- Available until end of Summer 2022 operations



## Non-Congregate, Parent Pick-Up, Meal Service Times

If switching to meal bundling:

- All children served must have the same access to the same number and type of meals within a given week.
- Site applications must reflect the days meals are to be claimed and the complete timeframe of meal service per day.

## Non-Congregate, Parent Pick-Up, Meal Service Times

If switching to meal bundling:

- CEs must clearly identify when the non-congregate meal service occurs each week in its outreach materials.
- Maintain documented procedures that detail meal distribution plans as well as methods to prevent duplicative meal service and service of more than the maximum number of allowable meals per day.

# Offsite Monitoring

Available to all SFSP and SSO operators through end of Summer:

- No longer needs to be tied to a COVID-19 incident
- All CEs conducting offsite monitoring **MUST** submit an opt-in form (located on COVID-19 Intake Forms page of SquareMeals)
- Available until end of Summer 2022 operations.

# Area Eligibility

- Case-by-case basis per an approved request documenting how the site targets populations in need.
- SFSP and SSO CEs must submit this form, even if approved in previous summers.
- Form will be available on COVID-19 Intake Forms page:  
<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>

# Traditional Summer Waivers

- First week site visit waived for experienced sponsors.
- Closed Enrolled sites in eligible areas do not need to have a roster of 50% free/reduced children
- Meal service times
- Non-SFAs and SFAs can serve OVS using the SFSP meal pattern.

Please refer to SquareMeals Summer Waivers page for more information.

# Waivers in School Year 2022-2023



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# COVID Response Waivers

- Non-congregate feeding
- Parent pick-up
- Meal Service Times
- OVS in Senior High Schools

# COVID Response Waivers

- Waivers only approved on a case-by-case basis
  - Closure of school due specifically to a COVID-19 outbreak.
  - Mandated quarantine of an entire classroom/select population due to COVID-19 exposure
  - Nutrition staffing issues caused by a specific COVID-19 outbreak.



# COVID Response Waivers

- TDA is developing a request form.
- Waivers will apply to Special Milk Program and Fresh Fruit and Vegetable Program

# Offsite Monitoring

Available to all NSLP operators through June 30, 2023:

- No longer needs to be tied to a COVID-19 incident
- All CEs conducting offsite monitoring **MUST** submit an opt-in form (opt-in form coming soon)

# Supply Chain Disruptions

- Not a meal pattern waiver!
  - CEs should make every effort to plan for supply chain disruptions, including preparation of alternate menus and plans for component substitutions.
- For ideas, refer to Navigating Supply Chain Issues SY 2022-23:  
<https://squaremeals.org/Portals/8/files/NSLP%20Resources/MP%20Procurement%20Challenges%20Resource%20for%20CEs-%20final.pdf>

# Supply Chain Disruptions

In the event of a supply chain disruption:

- Emergency procurement is an option.
- If no option for procurement or substitution exists, maintain all documentation for why the meal pattern could not be met.
- Resource available: Monthly Record of Meal Pattern Deviations Due to Supply Chain Disruptions Form
- Notify ESCs/TDA.

# Local Wellness Policy (LWP) Triennial Assessment Extension

- Extended to June 30, 2023 (including for CEs that have used this extension in previous years).
- Deadline for second triennial assessment is June 30, 2026.
- **SUBMIT NOW IF NEEDED!!**  
<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>

# 30-Day Carryover Flexibilities

- SFAs operating NSLP in SY 2021-2022 must use SY 2021-2022 eligibility data.
- SSO operators that processed and conducted verification on applications school wide in SY 2021-2022 must use SY 2021-2022 eligibility data.

## 30-Day Carryover Flexibilities

SSO operators that processed **any** applications in either SY 2021-2022 or SY 2020-2021 for P-EBT or other purposes but did not conduct schoolwide application processing in either of those two years:

- Option 1 - Use only data from the last year applications were processed in their entirety.

## 30-Day Carryover Flexibilities

SSO operators that processed **any** applications in either SY 2021-2022 or SY 2020-2021 for P-EBT or other purposes but did not conduct schoolwide application processing in either of those two years:

- Option 2 - Use **last documented eligibility for each student**, which may include applications processed in different years.
- SFAs using this option must use the student's most recent status and not choose an earlier year's status, even if that appears to be more beneficial to the student.



# 30-Day Carryover Flexibilities

CEs can submit notification now using the request form on:

<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>

# Paid Lunch Equity Exemptions

- CEs with a negative fund balance are exempt from raising paid meal prices in accordance with PLE requirements.
  - Must inform TDA via online form - <https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>
- CEs with a zero or positive fund balance are already exempt from raising paid meal prices
  - No notification required.

# Paid Lunch Equity Exemptions

For those calculating PLE this year:

- SY 2022-2023 PLE Tool released and posted to SquareMeals on May 24
- CEs should use the price last charged students (for many CEs this will be SY 2019-20 prices)

# Severe Need Eligibility



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# Severe Need Breakfast and Lunch Eligibility

- CEs/sites with at three months of NSLP claims during SY 2020-2021 will have the data needed to qualify for SY 2022-2023 severe need.
  - Any CE meeting this criterion that did not operate NSLP in 21-22 will use 22-23 data to qualify for severe need in 23-24.

# Severe Need Breakfast and Lunch Eligibility

- CEs that switched to SFSP or SSO in SY 20-21 prior to submitting three months' NSLP claims:
  - Use the total number of lunches claimed free or reduced-price under NSLP for the time the CE operated NSLP in SY 2019-2020; OR
  - Use the total number of lunches claimed free or reduced-price under NSLP during the first three months of SY 2022-2023.

# Severe Need Breakfast and Lunch Eligibility

- CEs that operated NSLP in SY 21-22 but did NOT have adequate NSLP claims data in SY 2020-21:
  - Use the total number of lunches claimed free or reduced-price under NSLP in SY 2021-22.

# Transitional Resources



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# Transitional Resources

- New FAQs!
- New Media Release Prototype and One-Pager explaining return to Free/Reduced/Paid Model  
(<https://squaremeals.org/Programs/NationalSchoolLunchProgram/BacktoStudentMealRates.aspx> )
- Transitional Meal Pattern Resources  
(<https://squaremeals.org/Programs/NationalSchoolLunchProgram/MealPatternSupportforSY2223.aspx> )

# Outstanding Items



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# Outstanding Items

- Reimbursement rates – targeted for “mid-July” per USDA. Will include information about the KKFA additional reimbursement.
- Spanish versions of applications and household letters.
  - Still awaiting new Spanish version of the NDS
  - USDA says “coming soon” but no timeframe

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