



TEXAS DEPARTMENT OF AGRICULTURE  
COMMISSIONER SID MILLER

March 20, 2023

RE: Universal Breakfast Waiver for School Year (SY) 2023-2024 per Education Code §33.901

Dear Superintendent or Child Nutrition Director:

Texas law requires public school or charter school campuses to provide breakfast at no cost to all students if 80 percent or more of the enrolled students are eligible for free or reduced-price meals in the National School Lunch Program (NSLP).

All Texas schools affected by this requirement can be found by clicking the link below; you may filter the list to show the schools in your district or charter organization. These schools must provide breakfast at no cost to the students for SY **2023-2024** or seek a waiver. If you have trouble identifying schools that must meet this state regulation or believe you have received this email in error, please contact your local Education Service Center for further assistance.

To start the waiver process, the district or charter organization must notify the Texas Department of Agriculture (TDA) through an online form that is available in TX-UNPS. You can find instructions on how to request the waiver at the end of this letter. The waiver request form is available **March 15, 2023** until **June 30, 2023**.

To obtain a waiver, the district or charter organization must ensure the following:

- The request to submit a waiver is approved (1) at a regular school board meeting or (2) by the governing body during an annual budget approval meeting.
- The decision to apply for a waiver must be a separate line item on the agenda for the meeting described above.
- The school board or governing body must provide an opportunity for public comment before the decision is made at the school board meeting or the governing body annual budget approval meeting.

If the district or charter organization intends to offer breakfast at no cost to all students, no action is necessary; the intent to offer breakfast at no charge must be indicated in the NSLP application, which opens on **May 1, 2023**.

There are federal provisions available to help each district or charter organization offer breakfast at no charge. Federal regulations include alternatives to the requirements for annual determinations of eligibility and daily meal counts by type. This includes the Special Assistance Provision 2 and the Community Eligibility Provision (CEP) that allow schools to offer meals to students at no charge. These provisions reduce application burdens and simplify meal counting and claiming procedures. Schools must receive approval from TDA before participating in Provision 2 or CEP. Information on both programs can be found on [SquareMeals.org](https://SquareMeals.org) under the special provisions page of NSLP.

For more information, visit the [Universal Breakfast Waiver](#) page at [SquareMeals.org](https://SquareMeals.org). Please contact your education service center if you have questions about the programs, this requirement, or the options outlined in this letter.

Thank you for your continued commitment to ensuring students have access to the nutrition they need to succeed. A healthy breakfast can affect classroom achievement and our partnership in this effort helps build a healthier future for the Lone Star State.

Sincerely,

A handwritten signature in black ink that reads "Laura Benavidez". The signature is written in a cursive style with a large, stylized initial "L".

Laura Benavidez  
Administrator  
Food and Nutrition