

Policy/Waiver Updates

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Summer 2022 and SY 2022-2023

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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Fraud Hotline: 1-866-5-FRAUD-4 or 1-866-537-2834 | P.O. Box 12847 | Austin, TX 78711
Toll Free: (877) TEX-MEAL | For the hearing impaired: (800) 735-2989 (TTY)

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Summer Waivers



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Non-Congregate, Parent Pick-Up*

Available to SSO/SFSP Operators under the following circumstances:

- County/local warning of rising/high COVID-19 transmission rates; and/or
- Outbreak affecting child nutrition staff at the site

*Meal Service Time waivers are already approved for SSO and SFSP as part of the “traditional” Summer waiver suite.

Non-Congregate, Parent Pick-Up*

- Notification form will be posted on SquareMeals' COVID-19 Intake Forms page (<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>)
- Requesters must provide justification and attest to meeting one of the criteria.
- Retroactive beginning dates are permitted.
- Maximum length of waiver is 30 days.

Offsite Monitoring

Monitoring waivers are only currently available for SSO Operators. TDA is awaiting response from USDA to issue SFSP offsite waivers on a case-by-case basis.

Offsite Monitoring

Available only under the following circumstances:

- County/local warning of rising/high COVID-19 transmission rates; and/or
- Justification that offsite monitoring is required due to a specific COVID-19 outbreak occurring at the site during the scheduled review.

Offsite Monitoring

- Notification form will be posted on SquareMeals' COVID-19 Intake Forms page (<https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/IntakeForms.aspx>)
- Requesters must provide justification and attest to meeting one of the criteria.
- Retroactive beginning dates are permitted.
- Maximum length of waiver is 30 days.

Non-Congregate Service in Extreme Heat/Weather

- Demonstration project not in effect for Summer 2022
- TDA has requested waiver authority to approve extreme heat waivers on a case-by-case basis
- If USDA:
 - CEs submit form located on COVID-19 Intake Forms page
 - List dates and sites of extreme weather
 - Provide supporting documentation

Non-Congregate Service in Extreme Heat/Weather

- If USDA approves:
 - CEs submit form located on COVID-19 Intake Forms page
 - List dates and sites of extreme weather
 - Provide supporting documentation
 - Retroactive dates are allowed, **BUT** you will be contacted about possible meal disallowances if TDA determines there was not a weather event at the site.
 - Indicating participation in the heat demonstration in site application NOT required.

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.

Age/Grade Waivers for SSO

Age/grade requirements in SSO may be waived by the site if the CE is experiencing challenges implementing the age/grade group requirements due to student safety and access concerns.

- Requests no longer submitted via the meal pattern form
- Access SNP-000 in Download Forms (SNP Module) to access the online request form.

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
- Offsite Monitoring

COVID Response Waivers

- Waivers only approved on a case-by-case basis
- TDA is developing criteria for approval and a waiver request form (Target: July for release)
- Waivers will apply to Special Milk Program and Fresh Fruit and Vegetable Program

Local Wellness Policy (LWP) Triennial Assessment Extension

- First triennial LWP assessment extended to June 30, 2023 (including for CEs that have used this extension in previous years).
- Must inform TDA by July 15 (online form posted soon).
- Deadline for second triennial assessment is June 30, 2026.

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 using data from any other year besides SY 2021-2022 must inform TDA. TDA will have an online request form posted to SquareMeals soon.

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 (online form coming soon).
- 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
- SFAs should use the price last charged students (for many SFAs this will be SY 2019-20 prices)

Reminders

- Meal pattern and area eligibility waivers are no longer in effect once the school year ends.
- SSO sites, even traditional summer sites, will continue to be reimbursed at the SFSP rate through June 30.
- Summer sites should prepare to serve congregate meals in accordance with standard regulations.

Area Eligibility



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Standard Area Eligibility Determination

- Non-CEP school area eligibility based off October claims of the current school year (AE = 50% F/R or greater)
- CEP school area eligibility based off ISP calculated at the end of the previous school year (AE = ISP of 31.25 or greater)
- New sites or sites renewing eligibility using this data are area eligible for five years.
- TDA posts school data area eligibility list by February 15.

Area Eligibility Determination in 2021-2022

- Non-CEP school serving NSLP - eligibility derived from October 2021 claims (AE = 50% F/R or greater) (good for 5 years)
- CEP school, operating either SSO or NSLP - area eligibility based on ISP calculated at the end of the previous school year (AE = ISP of 31.25 or greater) (good for 5 years)
- Non-CEP school serving SSO – eligibility derived from February 2020 claims (AE = 50% F/R or greater) (good only through Summer 2024/SY 2024-2025)

Area Eligibility Determination in 2021-2022

- Updated 2021-2022 School Data for Area Eligibility Report published May 24, 2022
 - SFSP Administration/Forms table
 - CACFP Administration/Forms table
 - TX-UNPS Download Forms (SFSP-102, CACFP-102, SNP-102)
- Contains the list of eligible schools as well as the data source used to derive area eligibility

Using CEP Data for Non-CEP Schools

- Non-CEP schools that served **SSO** will be considered area eligible if their most recent CEP report (submitted March 2022) shows an ISP of 31.25 or higher.
- Area eligibility using this flexibility is only valid for Summer 2022 and SY 2022-2023
- Only available to CEs operating SSO in SY 2021-2022

Additional Day School Year



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NSLP Availability in SY 2022-2023 on Additional School Year (ADSY) Days

TDA **will** allow schools to serve NSLP on ADSY days under the following conditions:

- ADSY days must fall within the beginning and ending dates of a campus' published school calendar.
- Child nutrition staff must prepare the same amount of food as they would on a normal operational day.

NSLP Availability in SY 2022-2023 on ADSY Days

TDA will allow schools to serve NSLP on ADSY days under the following conditions:

- Curriculum must be available to all enrolled children on these additional days.
- The district must communicate to families that attendance is expected on these days, either through explicit communication of this policy, or an implicit policy such as curriculum/testing presented on these days that would affect a child's grading should he or she not be in attendance.

NSLP Availability in SY 2022-2023 on ADSY Days

TDA **will not** allow schools to serve NSLP on ADSY days under the following conditions:

- Only a sub-set of students are targeted for curriculum on the additional days.
- Instructional activities occurring on these additional days are **ever** communicated to families as optional.
- Additional days do not fall between the beginning and end dates of a campus' published school calendar.

Schools operating targeted or optional activities on intersession days may operate CACFP At-risk on these days.

Transitional Resources



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Transitional Resources

- New FAQs!
- SquareMeals updates in the works!
- More statewide calls!

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1. mail:

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

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

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