

## **Frequently Asked Questions (FAQs): Child Nutrition Program Meal Service During the COVID-19 Public Emergency**

Updates since the previous posting are **highlighted**. Click on an individual question in the Table of Contents to navigate to the answer. CACFP operators should also refer to the CACFP FAQs posted on the [SquareMeals Coronavirus webpage](#).

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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 National School Lunch Program (NSLP) (including Seamless Summer Option (SSO) and Afterschool Care Program (ASCP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP):

1. COVID-19: Child Nutrition Response #1—Flexibility of meal service times
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8. COVID-19: Child Nutrition Response #10 – Onsite Monitoring Requirements for SFSP Sponsors
9. COVID-19: Child Nutrition Response #12 – 60 Day Reporting Requirements for January and February 2020 (claims for reimbursement deadline extension)

TDA will provide additional guidance on the implementation of these waivers and other flexibilities in the questions and answers below.

### **2. My school is closed because of the COVID-19 public health emergency. Do I have to serve meals in a group (congregate) setting?**

No, districts determine their local needs and whether to participate in alternate meal service during the COVID-19 public health emergency. But regardless of local decisions, in accordance with the nationwide waiver, USDA is allowing all NSLP/SBP, SSO, SFSP, and CACFP operators to provide meals during the COVID-19 public health emergency **in a non-congregate setting**. 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 these Child Nutrition Programs remain in place.

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 has opted into the USDA-issued nationwide waiver that allows Child Nutrition Programs (NSLP/SBP, SSO, SFSP, and CACFP) to waive mealtime restrictions to support streamlined access to nutritious meals. The waived regulations are 7 CFR 210.10(l), 220.8(l), 225.16(c)(1) and (2). Refer to the CACFP FAQ on SquareMeals.org for information on how this waiver affects CACFP operators serving non-congregate meals.

The COVID-19 nationwide afterschool activity waiver is located on [USDA's FNS Coronavirus webpage](#).

**4. I operate a CACFP at-risk or NSLP afterschool care program. How does USDA's nationwide waiver impact this program?**

USDA has temporarily waived the educational or enrichment requirements for eligible schools and at-risk afterschool care centers. Meals can be served in a non-congregate setting **without providing the structured and supervised environment with an educational or enrichment activity**. This recognizes that in this public health emergency, waiving these requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements. The waived regulations are 7 CFR 210.10(o)(1)(ii) and 7 CFR 226.17a(b)(1)(ii) and (iii).

The COVID-19 nationwide afterschool activity waiver is located on [USDA's FNS Coronavirus webpage](#).

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

TDA opted in to the USDA-issued nationwide waiver that allows State Agencies to waive meal pattern requirements on a justified and targeted basis for the Child Nutrition Programs (NSLP/SBP, SSO, SFSP, and CACFP) during the COVID-19 public health emergency.

TDA has developed a [COVID-19 Meal Pattern Flexibilities Intake Form](#) for CEs to request this waiver. Requests will be analyzed on a case-by-case basis to determine if individual CEs are experiencing a disruption to the availability of food products resulting from the impacts of the COVID-19 public health emergency. CEs approved for this waiver must comply with the instructions provided by TDA.

TDA expects and strongly encourages CEs to maintain and meet the nutrition standards for each Program to the greatest extent possible. TDA stands ready to provide technical assistance and to offer alternatives to help CEs meet meal patterns.

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 when the child is not present?**

Yes. TDA opted in to the USDA-issued nationwide waiver that allows operators offering approved non-congregate meal service at SSO/SFSP, CACFP, or SBP/NSLP sites to distribute meals to a parent or guardian to take home to their children during the COVID-19 public health emergency. Refer to [FAQ #25](#) below for more information on the guidelines regarding this waiver.

The COVID-19 nationwide parent/guardian meal pickup waiver is located on [USDA's FNS Coronavirus webpage](#).

**7. What is the latest guidance regarding the Community Eligibility Provision (CEP) report due on Friday, March 20?**

On March 25, 2020, USDA established **new regulatory deadlines due to the COVID-19 public health emergency** as follows:

- For SFAs electing CEP or conducting a grace year in SY 2020-21, the identified student percentage (ISP) may be calculated using data drawn any time between **April 1, 2020, and June 30, 2020**. This allows the CE to extend the identification of eligible students to June 30, 2020.
- SFAs must submit the required CEP Report (normally due by March 20) to State agencies by **June 15, 2020**.
  - **TDA requests that SFAs submit their CEP Report to TDA by June 5, 2020 to allow TDA time to prepare required reports.**
- TDA must notify SFAs of district-wide and site eligibility for CEP by **June 15, 2020**.
- TDA must post the list of possible CEP eligible districts and sites on SquareMeals.org by **June 30, 2020**:
- SFAs that intend to elect CEP for SY 2020-21 must notify TDA by **August 31, 2020**.

The COVID-19 nationwide CEP deadline extensions waiver is located on [USDA's FNS Coronavirus webpage](#).

**8. I am operating sites during the COVID-19 public health emergency. Do I have to conduct the required onsite monitoring?**

**National School Lunch/School Breakfast Programs**

USDA issued a nationwide waiver of onsite monitoring requirements of school meals served under NSLP/SBP.

**Summer Food Service Program**

USDA issued a nationwide waiver of onsite monitoring requirements for all SFSP CEs as follows:

- First week site visit (7 CFR 225.15(d)(2))
- Food service operations review at least once during the first four weeks of operations (7 CFR 225.15(d)(3))

NOTE: For SFSP CEs who operate the program during normal summer operations (May – August), SFSP CEs may also postpone required site visits until summer 2020.

To ensure Program integrity during this time, **all CEs** should, to the maximum extent practicable, continue monitoring activities of SFSP operations offsite (e.g., through a desk audit). **All CEs** must document all offsite monitoring activities conducted during the COVID-19 public health emergency.

CACFP operators should refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](#).



The COVID-19 nationwide waivers related to monitoring are located on [USDA's FNS Coronavirus webpage](#).

**9. Will TDA be conducting onsite School Nutrition Program (SNP) administrative reviews of my operations during the COVID-19 public health emergency?**

USDA waived the **onsite portion** of the administrative review requirements for School Nutrition Programs (SNP) during the COVID-19 public health emergency. At the time the COVID-19 public health emergency occurred, TDA was in different stages of completing 2019-2020 administrative reviews (ARs). TDA is completing its ARs when necessary information has been provided after the onsite review, and the information satisfies all requirements. If the CE has not received its onsite AR, the review is on hold. The state agency will be providing information on the future of ARs as information is available.

The COVID-19 nationwide waivers related to monitoring are located on [USDA's FNS Coronavirus webpage](#).

**10. What is the deadline to submit my claims for January and February 2020?**

USDA issued a waiver granting a 30-day extension to the 60-day timeframe deadline for program operators to file January and February 2020, reimbursement claims for meal service. The submittal deadlines are now:

- **January 2020 claims** for reimbursement must be submitted no later than **April 30, 2020**.
- **February 2020 claims** for reimbursement must be submitted no later than **May 29, 2020**.

Note: This waiver only applies to claims covering operations in the months of January and February 2020.

The COVID-19 nationwide 60-day reporting waiver is located on [USDA's FNS Coronavirus webpage](#).

## **Background Information**

**11. Are schools required to serve meals during an unanticipated school closure?**

No. Contracting Entities (CEs) are not required to serve meals during the COVID-19 public health emergency. This is a local decision.

**12. If the district has not historically operated a summer feeding program, may the district begin a program to serve meals during the COVID-19 public health emergency?**

School Food Authority (SFA) sponsors that do not currently operate a summer program are encouraged to operate under SSO during emergency school closures.



**13. I am an SFA and submitted a waiver for the Summer Mandate. Am I eligible to serve meals during an unanticipated school closure in response to the COVID-19 public health emergency?**

Yes. If you are an SFA that submitted a waiver for the Summer Mandate, you may apply to serve meals in SSO or SFSP during school closures during the COVID-19 public health emergency.

**14. If additional emergency measures are implemented, such as shelter-in-place orders, are schools permitted to continue with curbside meal programs?**

Absent a nationwide or statewide order, the answer to this question may vary by jurisdiction within the state of Texas. TDA recommends that CEs in areas with a shelter-in-place or other similar order check with their local authorities.

Additional information on essential businesses described by the U.S. Department of Homeland Security may be found in [CISA's Guidance on the Essential Critical Infrastructure Workforce](#).

**15. Who may receive a meal?**

For NSLP/SBP, SSO, and SFSP:

- Children ages 18 years and younger and
- Persons over 18 years of age who are determined by the State or local educational agency as having a mental or physical disability and who participate during the school year in a public or private non-profit school program established for the mentally or physically disabled may be served a meal.

Meals served to adults are not reimbursable by USDA; however, the cost of meals served free to adults working directly with the meal service at the site as either volunteers or paid employees is an allowable cost to the program.

CACFP operators should also refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](#).

## **Applications**

### **16. How do I get approved to operate SSO or SFSP during school closures in response to the COVID-19 public health emergency?**

#### **Seamless Summer Option**

TDA recommends and encourages School Food Authorities (SFAs) to operate the SSO during school closures in response to the COVID-19 public health emergency. On March 17, an email blast via TX-UNPS was sent to the following SFA Contracting Entities (CEs):

- CEs that participated in SSO last year
- CEs that did not participate in SSO or SFSP last year

The emailed guidance is also posted to the SSO Dashboard in TX-UNPS.

- Schools may get guidance on how fill out the application by emailing: [NSLP-SBP.BOps@TexasAgriculture.gov](mailto:NSLP-SBP.BOps@TexasAgriculture.gov)
- SSO policy guidance may be found in Section 12 of the [Administrator's Reference Manual \(ARM\)](#).

#### **Summer Food Service Program**

SFA CEs already operating the NSLP/SBP may start meal service without an approved SFSP application during the COVID-19 public health emergency. Follow these steps to get started:

- Create new sites for the disaster feeding.
  - Disaster feeding sites must start with **CV** and then **Site Name**
    - For example: CV Smith El.
- Complete the entire application and submit in TX-UNPS.

Please check the SFSP Dashboard in TX-UNPS as additional application guidance will be posted there.

- SFSP policy guidance may be found on [SquareMeals.org](https://www.squaremeals.org).

## **Site and Location Information**

### **17. Where can I find sites in my area that are providing meals to children?**

Beginning Friday, March 20, an easy-to-use meal site locator will be available on the Texas Education Agency (TEA) website and on TXSchools.gov. The information available will include the address of the feeding sites and the dates and times of meal service. This information will be displayed on a searchable map at:

- <https://tea.texas.gov/>
- <https://txschools.gov/>

The Share Our Strength Texting Tool may also be used to help families find meal sites during the COVID-19 public health emergency. The texting tool is currently only reporting open COVID-19 sites, not traditional summer sites. Information about the texting tool is on [SquareMeals on the Public Resources tab](#).

**18. My school is closed because of the COVID-19 public health emergency. Am I allowed to operate SSO or SFSP at a school site?**

Yes. USDA has allowed TDA to approve SSO and SFSP CEs, in good standing to provide meals during an unanticipated school closure due to the COVID-19 public health emergency **at both school and non-school sites.**

**19. If my school is closed, where do I serve the meals?**

CEs may determine the best distribution method to meet their community needs. Some possible suggestions include home delivery of meals, Grab-and-Go at select locations, curbside pick-up, mobile feeding, etc.

**Curbside/Grab-and-Go Service**

- The CE provides the meal at the Curbside/Grab-and-Go site. Students may consume the meal offsite.
- The CE must notify households about the time of the meal service and the Curbside/Grab-and-Go site locations.
- Curbside/Grab-and-Go locations must be recorded as serving sites in TX-UNPS. TDA will provide additional guidance on how to name these sites.

**Mobile Pick-Up**

- The CE provides meals at the Mobile Pick-Up site (as described in the [Administrator's Reference Manual](#) (ARM), Section 12, Seamless Summer Operation, [USDA Administrative Guide for SFSP Sponsors](#), and [TDA's SFSP Supplemental Handbook](#)). Children leave the site and consume the meal offsite.
- The CE must notify households about the time of the meal service and Mobile Pick-Up locations.
- TDA will instruct CEs on how to record mobile site locations in TX-UNPS.

**Home Delivery**

- The CE delivers reimbursable meals to the homes of children. To implement a home delivery meal service method, CEs must use the guidance provided in FAQs below under “Home Deliveries of Meals.”
- The preparation site must be recorded as the serving site in TX-UNPS when the CE uses this method.

**20. If the school qualifies the site by a school's attendance zone, would all other schools that are feeder schools in the qualifying site's attendance feeder pattern also be eligible?**

Yes, any school in the feeder pattern is area eligible if one school in the feeder pattern is area eligible. See [Administrator's Reference Manual](#) (ARM), Section 12, Seamless Summer Operation, for more detailed guidance on area eligibility.

**21. Can I operate a mobile site?**

Yes, the same guidance for operating a mobile site during regular summer operation applies in this situation.

**22. 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)?**

To the extent possible, 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 actions they took as well as when and why.

**23. 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.

**24. If a site is not area eligible, can meals still be served and claimed under SSO/SFSP?**

If the site is **not** area eligible, schools may operate SSO or SFSP as a **closed enrolled site**. At a closed enrolled site, all participants may be claimed for free if at least 50% of all participants on the site's roster are eligible to receive free or reduced-price meals. It is the responsibility of the school to confirm the eligibility of each participating child. NOTE: The siblings of eligible students may be included on the enrollment roster.

Participants not on that roster may be served, but their meals cannot be claimed. To reduce non-reimbursable meal service at a closed enrolled site, TDA suggests sending correspondence to the families of the targeted children with guidance that only children from that household should show up to receive a meal. This approach also ensures that eligible households are not overtly identified.

**EXAMPLE:** If a school is not area eligible but there exists an identified pocket of lower-income housing in the area, such as a Section-8 apartment complex with known eligible students, the school may operate a closed enrolled site at the apartment complex. By utilizing a roster that only includes those resident students, the school can effectively restrict site access and thereby qualify the site as closed enrolled.

Note that at each meal service, a meal count and a list of students served should be documented. Following each meal service, the meal count and student list should be validated to identify which "enrolled" students received meals and which students received a non-reimbursable meal.

For schools that plan home delivery of meals as part of a closed enrolled site, please refer to the FAQs below under "Home Deliveries of Meals."

TDA encourages private nonprofits operating SFSP and using the non-congregate waiver to operate as an open site. At this time, TDA anticipates that only SFAs operating SSO or SFSP will be able to successfully operate as a closed enrolled site because they are better positioned to target low-income children qualifying for free or reduced priced meals without overtly identifying the households.

## **Meal Service Requirements**

### **25. What guidelines must I follow to allow parents or guardians to pick up meals when their children or adult participants are not present?**

USDA has recognized that under the current circumstances caused by the COVID-19 public health emergency, parents or guardians participating in all Child Nutrition Programs may need to pick up meals for participants in their guardianship who are not present. TDA has established guidelines for the implementation of this waiver as follows:

Regardless of Program, when a parent or guardian arrives to pick up a meal without a child, they will need to present one of the following items:

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

At SSO/SFSP Closed Enrolled Sites, CACFP Child Care Centers or Day Care Homes, or sites operating NSLP/SBP, in addition to providing proof of having a child as described above, parents picking up meals 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.

NOTE: Any meal served to a parent or guardian without a participant present **must** be documented.

Refer to the CACFP FAQ for more information on how this flexibility applies to those Programs.

### **26. Is the process for requesting an Age/Grade waiver in SSO the same for COVID-19 sites?**

TDA streamlined the process to request the SSO Age/Grade waiver as part of the application process for SSO. The exemption form located in TX-UNPS is not required under the COVID-19 flexibilities. If a CE plans to implement an Age/Grade group waiver, the CE will indicate its intent on the intake form that is used as part of the program application process for SSO operation under the COVID-19 flexibilities.

Specifically, a question addressing the age/grade group exemption is included on the intake form that TDA asks schools to complete when they update their program application to provide meals under the COVID-19 flexibilities. To use the age/grade group exemption, check the box indicating “Yes” for the following questions on the intake form: Is your district electing to offer one age/grade group meal pattern related to portion size for open sites and open restricted sites?

**27. How many meals per child may be offered each day? May I serve supper? May meals be distributed for more than one day and/or meal type at the same time?**

CEs may distribute multiple meals at the same time; however, the maximum number of meals that may be offered remains the same in each program. For example, under SFSP or SSO requirements, CEs may provide the allowable meal combinations summarized in the table below. Note that lunch and supper is not an allowable combination in SSO or SFSP. CEs may also operate non-congregate meal service and programs in combination with one another and distribute multiple meals at the same time.

There are several distribution options available to CEs in addition to distributing one meal at each meal service to each student. CEs may distribute:

- up to two meals at one time each day to each student, or
- meals for multiple days, up to one school week (5 days), in allowable meal combinations. (see below for allowable combination suggestions if participating in multiple programs).
- NSLP/SBP meals for multiple days, up to one school week (5 days) at a time, for SFAs conducting classes remotely or online.

<b>Allowable Meal Combinations SSO/SFSP (Open, Restricted Open, and Closed Enrolled Sites)</b>
Breakfast only
Lunch only
Lunch and snack
Breakfast and lunch
Breakfast and supper
Snack only
Supper only
Breakfast and snack
Supper and snack
Two snacks

**USDA has not approved multiple day meal issuance for CACFP.**

If a CE provides multiple meals at one time, the CE must adjust the number of days the site is open. For example, if the CE is open Monday and Thursday, the CE must distribute meals as follows:

- On Monday, the CE would distribute meals for Monday, Tuesday, and Wednesday
- On Thursday, the CE would distribute meals for Thursday and Friday

**School Food Authority CEs may operate non-congregate meal service and programs in combination with one another and distribute multiple meals at the same time.**

The most common operational combinations are identified below:

**SSO or SFSP and CACFP At-risk**—this allows an SFA to distribute breakfast and lunch (SSO or SFSP) and a snack and supper (CACFP At-risk). However, if the SFA is not already approved to participate in CACFP At-risk, they will have to apply to participate. While awaiting approval of their application, children should be served under SSO or SFSP and ASCP.

**SSO & ASCP**—this allows an SFA to distribute breakfast and lunch (SSO) and an afternoon snack (ASCP)

**SFSP and ASCP**—this allows an SFA to feed children breakfast and lunch (SFSP) and an afternoon snack (ASCP)

For **non-SFA CEs** that want to provide children with the maximum number of meal types, TDA suggests operating the following programs in combination:

**SFSP & CACFP At-risk**—this allows a CE to distribute breakfast and lunch (SFSP) and a snack and supper (CACFP At-risk).

The above are examples of possible options available to CEs. CEs should choose a method of meal service that best suits the needs of the community while maintaining the integrity of the Program(s) operated.

If meals are provided in more than one program, the CE must claim the meals under the correct program. For example, breakfast and lunch are claimed for reimbursement under SFSP and the snack and supper are claimed under CACFP At-risk. **USDA has not approved multiple day meal issuance for CACFP.**

**28. May CEs serve and claim meals for seven (7) days of meal service per week?**

TDA is currently awaiting guidance from USDA on this issue.

**29. What preparation methods can be used? Must I still maintain food production records?**

CEs may provide cold, hot, frozen, or shelf-stable reimbursable meals. In all cases, CEs must retain food production records that demonstrate compliance with the meal pattern and the quantity of food prepared. If a CE is providing multiple meals at one time, the CE must provide instructions on how to safely store and reheat meals (if applicable). Meal preparation and meal service practices must meet all applicable local and state food safety standards. In instances where a meal pattern waiver has been granted, the CE must document this information on the food production record.

**30. Do CEs need to use a point of service (POS) system for counting meals serviced under the COVID-19 waiver?**

CEs must have an accurate method for counting and claiming meals. The method must ensure that only one meal for each meal type is claimed for each child each day. A CE may use its normal POS system, or a system developed specifically for the circumstances. This includes a manual counting method.

**31. May I submit a claim for reimbursement for meals served during a school holiday during the COVID-19 public health emergency or on a “make-up” day for closures due to bad weather?**

TDA is expecting clarifying guidance on this issue from USDA soon. Please contact TDA for additional guidance on this issue.

SFAs may serve meals to students during a school **holiday** but may **not** claim those meals for reimbursement. However, funds from the school’s nonprofit food service account may be used to cover the costs of serving those meals to students. Child Nutrition funds may not be used to subsidize adult meals.

TEA requires that all Texas public school districts and charter schools include sufficient time in their school calendars to cover at least two days of unexpected school closures. These are



usually called “make-up” days. If the school is closed unexpectedly for weather or safety reasons, the school must use the make-up days to replace instructional hours lost due the event. Therefore, because of the unexpected school closures during the COVID-19 public health emergency, schools may serve meals on **scheduled make-up days** and claim those meals for reimbursement.

### **32. In summary, what does meal service during a school closure look like?**

As noted above, USDA has allowed TDA to approve SSO and SFSP CEs, in good standing, to provide meals during the COVID-19 public health emergency at both school and non-school sites. Additionally, the congregate meal service waiver enables approved CEs to allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing. Unless subject to a waiver addressed in this document, all other requirements for SSO and SFSP, as well as the other CNPs, remain in place.

Please keep in mind the following considerations about meal service under the current situation:

- The applicable SSO or SFSP meal pattern must be followed
- The meal may be hot, cold, or frozen.
- Boxes of nonperishable foods are not considered to be a reimbursable meal unless it meets the SSO or SFSP meal pattern, including milk. Fluid shelf-stable milk and USDA commodity foods may be used.
- All health, sanitation, and safety standards must be followed.
- Children ages 18 years and younger and persons over 18 years of age who are determined by the State or local educational agency as having a mental or physical disability and who participate during the school year in a public or private non-profit school program established for the mentally or physically disabled may be served a meal.
- Meals served to adults (other than in CACFP adult day cares) are not reimbursable by USDA; however, the cost of meals served free to adults working directly with the meal service at the site as either volunteers or paid employees is an allowable cost to the program.
- Documentation and recordkeeping requirements must be followed.
- Claims must be submitted monthly through TX-UNPS. Note: USDA extended the deadlines for submitting claims by 30 calendar days from their original required date of submission for the months of January and February 2020.

Please be sure to check the [Coronavirus webpage on SquareMeals.org](https://www.squaremeals.org) frequently as updated information is posted as it becomes available.

## **Home Deliveries of Meals**

### **33. May schools that have been approved for non-congregate feeding through SSO or SFSP deliver meals directly to students' homes?**

Yes. If the SFA 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 with adherence to all federal confidentiality requirements. Delivery could be completed by mail or delivery service, or hand-delivered by school staff, volunteers, community organizations, or others. This option is only available to SFA sponsors of school sites due to student confidentiality and logistical requirements. Schools electing to deliver meals may serve only children who are in area eligible locations or who are eligible for free or reduced-price meals, as discussed below in these FAQs. Schools must continue to establish the estimated number and types of meals to be served and the times of service (7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A)).

### **34. Who is eligible to receive home-delivered meals under SFSP and SSO?**

CEs operating an **open SSO or SFSP site** in an area eligible location may deliver meals to all children within the eligible area.

Schools operating a **closed enrolled site** may enroll children who are certified as eligible for free or reduced-price meals and deliver meals only to the enrolled, eligible children. It is the responsibility of the school to confirm the eligibility of each participating child. All children attending Provision 2 or Community Eligibility Provision (CEP) schools are considered eligible for delivered meals.

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

Schools must first obtain written consent from households of eligible children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, schools should confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

It is critical that schools **protect the confidentiality of students and their households** throughout this process. The National School Lunch Act (NSLA) 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 school must be the entity that makes the first contact about meal delivery with the households of eligible children, and must notify the household if contact information will be shared with an external organization (for example, a local non-profit, delivery, or mail service that will provide meal delivery).

Once the school receives written consent from the parent or guardian to release contact information, the schools may share the information with other organizations involved with meal delivery. If the school is using a private vendor, then under the regulations implementing the NSLA, they must have a memorandum of understanding (MOU) with the vendor concerning the confidentiality requirements. The MOU should include information such as what will be disclosed, how the information will be used, how the information will be protected from unauthorized uses and disclosures, and penalties for unauthorized disclosure. For further

requirements, see 7 CFR 225.15(k)(1)-(2). The school must ensure data is handled appropriately at all times and by all organizations involved with meal delivery to safeguard household confidentiality.

**36. Do home-delivered meals need to be shelf-stable?**

No. The type of meal offered will depend on the resources and capabilities 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 meal pattern requirements of the SSO or SFSP.

**37. If I am delivering meals to a child’s home, must the child be present at the delivery?**

No. If the school has obtained the household’s written consent to deliver meals and has verified the current address, the student does not need to be present at the time of delivery. If the meals are shelf-stable, no one need be present as long as the address has been verified. Please consider state and local food safety requirements and best practices.

**Allowable Costs, Documentation, Procurement, and Recordkeeping**

**38. Are documentation and recordkeeping requirements waived during school closures in response to the COVID-19 public health emergency?**

No. Documentation and recordkeeping requirements must be followed. Detailed recordkeeping is critical including food production records. If you need additional guidance, please refer to TDA’s summer meal guidance on [SquareMeals.org](https://www.squaremeals.org).

**39. How do I do emergency procurement?**

Emergency noncompetitive procurement requires TDA approval.

Submit requests in writing to TDA via email to [CE.ProcurementReviews.BOps@TexasAgriculture.gov](mailto:CE.ProcurementReviews.BOps@TexasAgriculture.gov) (NSLP/SBP and SSO) or [Community.Ops@TexasAgriculture.gov](mailto:Community.Ops@TexasAgriculture.gov) (SFSP or CACFP). 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
- Supplier, distributor, or manufacturer from which the product and/or services will be procured
- Period of time the CE plans to use the noncompetitive method for the emergency

TDA will provide written notification of approval or disapproval.

**40. If I deliver meals directly to children’s homes or distribute from a community site, are my transportation and labor costs allowable expenses in SSO or SFSP?**

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 under the SSO or SFSP. Delivery costs could also be paid with non-program funds such as private donations.

**41. Can districts receive electronic bid submissions for Requests for Proposals (RFP)?**

Yes. Districts may receive proposals electronically by the time and day listed in the Legal Notice and the RFP. However, companies should still send hard copies/thumb drives of their proposals to the address noted on the Legal Notice and RFP as soon as feasible.

**42. Are pre-bid meetings required for FSMC RFPs during the COVID-19 public health emergency?**

No. Pre-bid meetings are not mandatory, and the decision will be left with each district. For districts deciding to cancel pre-bid meetings, an announcement should be sent to all companies listed on the TDA-approved vendor list in addition to [Teresa.Cornett@TexasAgriculture.gov](mailto:Teresa.Cornett@TexasAgriculture.gov) and [Lena.Wilson@TexasAgriculture.gov](mailto:Lena.Wilson@TexasAgriculture.gov).

**43. Are there provisions for electronic filing?**

TDA has provided guidance for electronic filing at [www.SquareMeals.org/coronavirus](http://www.SquareMeals.org/coronavirus). Each SFA (school district) is responsible for managing its own RFP and FSMC contract, so the vendor should utilize the Q&A process of the RFP. This should ensure that all respondents get the same information and are made aware of options.

**44. Will signatures still need to be notarized?**

No, signatures will not need to be notarized if the following statement is added in lieu of the notarization language:

"My name is (First, Middle, Last Name), my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(Street) (City) (State) (Zip Code)

and \_\_\_\_\_. I declare under penalty of perjury that the foregoing is true  
(Country)

and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Month) (Year)

\_\_\_\_\_  
Declarant"

**45. Is in-person attendance at pre-bid conferences still required?**

No. In-person attendance is not required. Teleconferencing is permitted.

**46. May a one year, no-cost extension be granted for expiring FSMC contracts?**

No. The federal regulations are clear on the FSMC contract that a maximum term is 5 years; after that, the contract needs to be re-bid. A "no cost" extension would be nearly impossible on an FSMC contract, since the meals still must be served the next school year when districts re-open.

## **Remote or Online Learning**

### **47. What options do schools have if the school facilities are closed but they continue to offer online learning?**

If school buildings are closed unexpectedly during the school year due to the COVID-19 public health emergency and the SFA is conducting remote or online learning, USDA considers this an unanticipated school closure. Under these circumstances, SFA's have multiple options.

- The SFA may operate SSO or SFSP as permitted under program requirements or
- The SFA may continue to offer NSLP and SBP during such building closures as permitted under program requirements.

SFAs may provide meals **in a non-congregate setting**. The nationwide waiver issued in this regard enables SFA's to allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing, while conducting remote or online learning.

## **Miscellaneous**

### **48. How does a sponsor conduct a desk audit in place of the onsite monitoring during the COVID-19 public health emergency?**

USDA issued nationwide waivers of **onsite** monitoring requirements as discussed above under "Nationwide Waivers;" however, to ensure Program integrity during this time, all CEs should, to the maximum extent practicable, continue monitoring activities of their operations **offsite** (e.g., 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 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.

CACFP operators should refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](#).

### **49. Do my volunteers have to have food handler's certification? 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, an interactive map may be found on the [www.squaremeals.org](http://www.squaremeals.org) website under [Summer Feeding Program Food Safety](#).

CEs must continue to ensure 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.

**50. 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...” 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 bus while distributing meals.

TDA understands that some CEs may not have enough posters for each site they are operating during the COVID-19 public health emergency. If a CE does not have enough posters for each site, they should request additional posters from TDA and **continue to serve meals**.

Information on requesting additional posters is available on [SquareMeals.org](https://www.squaremeals.org). Posters may also be requested via TX-UNPS under “Download Forms” (SNP-125, And Justice for All Poster Order Form).

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

Yes. CEs are required to provide meal modifications for students with a medical statement. However, TDA recognizes that this public health emergency may present CEs with difficulties in planning and providing requested meal modifications. 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.

**52. Do CEs need to provide SFSP training prior to the start of meal service?**

During this emergency, experienced SFSP operators are not required to receive SFSP training prior to the start of SFSP meal service. However, districts should ensure that all staff have the training needed to perform the activities assigned. New SFSP operators, including districts, must ensure that staff receive SFSP training as required by regulation.

**53. A CE cannot use their Fresh Fruits and Vegetable Program (FFVP) funds at this time because the schools cannot have congregate activities. May the FFVP funds be used during this period to purchase fresh products for the meal services?**

No, not at this time. USDA has been made aware of this request.



**54. While CEs are planning contingency and alternate plans for conducting business, and specific to the 10 operating day requirement for processing household applications, would the Texas Attorney General’s guidance apply?**

TDA is seeking guidance regarding the timeframe flexibilities for household application processing.

**55. Am I required to submit a Financial Report to TDA this year?**

No. TDA did not open the Financial Report in TX-UNPS on March 3, 2020. TDA has postponed submission of the Financial Report until School Year 2020-2021. TDA will provide further instructions to CEs in the Fall of 2020.

**56. Do the meals served during the COVID-19 public health emergency count toward TRS reports that are submitted monthly?**

The Teacher Retirement System of Texas (TRS) provided guidance to school districts and charter schools on flexibilities for reporting timelines and directions for reporting school nutrition staff data. Please contact TRS at [www.trs.texas.gov](http://www.trs.texas.gov) or 800-223-8778 for more information on these topics.

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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](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](mailto:program.intake@usda.gov).

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