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During the COVID-19 public health emergency, schools that operate the National School Lunch Program (NSLP) have the option to serve meals via the Seamless Summer Option (SSO) or the Summer Food Service Program (SFSP). Schools offering distance or online learning may continue to operate NSLP, although this option has more limitations as described in this FAQ document below.

Schools that were operating the Child and Adult Care (CACFP) At-risk Program or the NSLP Afterschool Care Program (ASCP) may continue to offer those programs as well.

All Programs will operate under modified requirements and additional flexibilities during COVID-19 public health emergency as described in this FAQ document.

2. Are contracting entities 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.

3. 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?

Yes. School Food Authority (SFA) sponsors that do not currently operate a summer program are encouraged to operate under SSO during emergency school closures.
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4. 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. SFAs that submitted a waiver for the Summer Mandate may apply to serve meals in SSO or SFSP during school closures during the COVID-19 public health emergency.

5. Do I have to serve meals in a group (congregate) setting during the COVID-19 public health emergency?

No. CEs may 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 CEs to provide meals during the COVID-19 public health emergency in a non-congregate setting. Before serving meals under this waiver, CEs must submit an intake form to TDA describing the method of meal distribution and submit new site applications for the non-congregate feeding sites. Intake forms and further information are available on the SquareMeals.org Coronavirus webpage. CEs with approved site applications may allow meals to be taken away from the site and consumed elsewhere, thereby allowing for social distancing.

6. 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. Refer to the CACFP FAQ on SquareMeals.org for information on how this waiver affects CACFP operators serving non-congregate meals.

Per the USDA, these nationwide waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

The COVID-19 nationwide afterschool activity waiver is located on USDA’s FNS Coronavirus webpage.
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7. Are meal pattern requirements waived during school closures in response to the COVID-19 public health emergency?

TDA opted into the USDA-issued nationwide waiver that allows State Agencies to waive meal pattern requirements on a justified and targeted basis during the COVID-19 public health emergency.

TDA has 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 to determine if individual CEs are experiencing a disruption to the availability of food products resulting from the impacts of COVID-19. Approval will be limited to affected sites and/or geographic areas where CEs operate. 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. More information about emergency procurement is provided below.
For additional information on the meal pattern waiver including documentation, please refer to the Meal Pattern Waiver Reference Guide for COVID-19 on SquareMeals for examples of documentation.

Per USDA, the meal pattern waiver remains in effect until May 31, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

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

8. I operate a CACFP At-risk or NSLP Afterschool care program. How is my service affected?

USDA 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 (with approved site application) 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.

Per the USDA, these nationwide waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

The COVID-19 nationwide afterschool activity waiver is located on USDA’s FNS Coronavirus webpage.

9. Who is authorizing the waiver of regulations and what other regulations have been waived?

USDA has issued the following nationwide waivers pertaining to the COVID-19 public health emergency:

- COVID-19: Child Nutrition Response #1—Flexibility of meal service times
- COVID-19: Child Nutrition Response #2—Non-congregate meal service
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- COVID-19: Child Nutrition Response #3—Waiver of required enrichment or education activities for ASCP and CACFP At-Risk
- COVID-19: Child Nutrition Response #4 – Meal Pattern Flexibilities
- COVID-19: Child Nutrition Response #6 – Community Eligibility Provision (CEP) Deadlines
- COVID-19: Child Nutrition Response #9 – Onsite Monitoring Requirements in School Meals Programs
- COVID-19: Child Nutrition Response #10 – Onsite Monitoring Requirements for SFSP Sponsors
- COVID-19: Child Nutrition Response #12 – 60 Day Reporting Requirements for January and February 2020 (claims for reimbursement deadline extension)
- COVID-19: Child Nutrition Response #14 – Closed Enrolled Site Eligibility (SFSP/SSO)
- COVID-19: Child Nutrition Response #15 – First Week Site Visits (SFSP)
- COVID-19: Child Nutrition Response #16 – Offer versus Service (SFSP)
- COVID-19: Child Nutrition Response #17 – Meal Service Time Restrictions (SFSP/SSO) (effective July 1, 2020)

TDA has notified USDA that the agency will implement the above waivers to increase flexibility in operating the Child Nutrition Programs. TDA will continue to add to this list as waivers are issued. Additionally, any waivers that are approved for Texas only will be addressed in this FAQ, as applicable.

TDA will provide additional guidance on the implementation of these waivers, as applicable, in this FAQ document. Note that unless waived, all other requirements in the child nutrition programs remain in place and still apply.
Getting Started

10. 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 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 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
- SSO policy guidance may be found in Section 12 of the *Administrator’s Reference Manual* (ARM).ix

**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, although new site applications will be required. Follow these steps to get started:

- Create new sites for the disaster feeding.
  - Disaster feeding sites must start with CVHD for home delivery and CVGG for grab-and-go followed by the Site Name
    - For example: CVGG Smith El. This means that Smith Elementary is distributing meals using grab-and-go.
  - Complete the entire application and submit in TX-UNPS.
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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.

11. 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.

12. 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 (requires advance additional action including written consent and confidentiality protection), Grab-and-Go at select locations, curb side 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.
- Home delivery requires advanced consent and a system to maintain confidentiality.
- The site must be closed enrolled, and the siblings of eligible students may be included on the enrollment roster used for the home delivery method.
- The preparation site must be recorded as the serving site in TX-UNPS when the CE uses this method.
- To implement a home delivery meal service method, CEs must use the guidance provided in FAQs below under “Home Deliveries.”

13. If the school qualifies the site as area eligible 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. If one school in the feeder pattern is area eligible than any 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.

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

Open Site

If a CE has a site that is not area eligible, but with a high low-income population, the CE may apply for approval to operate an open site that targets that high need population during the COVID-19 public health emergency. In order to operate an open site under the area eligibility waiver, the CE must complete the SFSP/SSO COVID-19 Area Eligibility Intake Form. The Intake Form must include the following information about each site: (1) the name of the site which will operate under the area eligibility waiver; (2) the current free and reduced-price percentage; (3) county where the site is located; and (4) the reasons a closed enrolled site is not practical to address the needs of the site. Please note that CEs are may only claim meals for reimbursement under this waiver once their
COVID-19 site application has been submitted and approved on a case-by-case basis.

**Closed Enrolled Site**

If a site is not area eligible, schools may elect to 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 even if they normally attend a different school campus.

Participants that are not on the site roster may be served, but their meals cannot be claimed for reimbursement. 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 under “Home Delivery.”

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.

15. Can I operate a mobile site?

Yes. The same guidance for operating a mobile site during regular summer operation applies during the COVID-19 public health emergency.

16. 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.

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

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.xv

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

An easy-to-use meal site locator is available on TDA’s SquareMeals website. You may also text FOODTX or COMIDA to 877-877 to receive a text with the three closest meal sites to your location.

These tools may be used to help families find meal sites during the COVID-19 public health emergency. Information about the meal site location and texting tool is found on SquareMeals on the Public Resources tab.xvi
A meal site locator is also available on the Texas Education Agency (TEA) website and on TXSchools.gov. This information will be displayed on a searchable map at:

- https://tea.texas.gov/
- https://txschools.gov/
19. 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, CEs must 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.

20. 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 website under Summer Feeding Program Food Safety.xvii

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.

21. Who may receive a meal?

For NSLP/SBP and SSO:

- Children ages 18 years and younger and
- The student continues to be enrolled at the school, is past the age of 18 but is under the age of 21, and is identified as mentally or physically disabled through a special education program or the 29 U.S.C § 70, Section 504,
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*Rehabilitation Act of 1973.* If this is the case, the student is eligible through age 21.

For SFSP:

- Children ages 18 years and younger and
- The person continues to be enrolled in school and is identified as mentally or physically disabled through a special education program or the *29 U.S.C § 70, Section 504, Rehabilitation Act of 1973.* If this is the case, the person is eligible through age 21.

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 refer to CACFP FAQs posted on the [SquareMeals Coronavirus webpage](https://www.squaremeals.org/coronavirus).xviii

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

During 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.

CACFP operators should refer to CACFP FAQs posted on the SquareMeals Coronavirus webpage. xix

Per the USDA, these nationwide waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.

The COVID-19 nationwide parent/guardian meal pickup waiver is located on USDA's FNS Coronavirus webpage. xx

23. 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 intake form 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 to indicate SSO non-congregate operation under the COVID-19 flexibilities. Simply check the box indicating “Yes” for the following question 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?
24. May I use Offer versus Serve (OVS) when providing non-congregate meal service in SFSP during the COVID-19 public health emergency?

Yes. CEs electing to use OVS in SFSP must follow the SFSP OVS meal service parameters outlined below. OVS is designed for congregate feeding, and if used in a non-congregate setting, must be done so with thoughtful planning and consideration. The conditions under which CEs are operating and their ability to follow appropriate safety measures when providing meals are factors to consider. OVS is not intended to circumvent meal pattern requirements or eliminate specific components.

TDA elected to be covered by this nationwide waiver; however, TDA did not request the “traditional” statewide waiver of these requirements. Therefore, this OVS waiver remains in effect until September 30, 2020.

**SFSP OVS Meal Service Parameters**

**Breakfast:**
The following four food items must be offered:
- One serving of fruit/vegetable,
- One serving of bread/bread alternate,
- One serving of fluid milk, and
- One additional serving of fruit/vegetable, bread/bread alternate, or a serving of a meat/meat alternate.
- All the food items offered must be different from each other.
- A child must take at least three of any of the four food items offered and may choose to take all four items.

**Lunch or Supper:**
The following four food components must be offered through at least five different food items:
- One serving of meat/meat alternate,
- Two servings of fruit and/or vegetables (two different food items),
- One serving of bread/bread alternate, and
- One serving of fluid milk.
- All the food items offered must be different from each other.
- A child must take at least three food components and may choose to take all five items.
Lunch or supper OVS requirements differ from breakfast in that a child must take at least three food components, rather than items, listed above from the five food items offered. Three food components are required for an adequate nutritious meal for children.

Offering two servings of the same food item is not permissible under OVS in SFSP. All food items offered must be different from each other.

- A breakfast menu that includes a serving of milk, a serving of fruit, and two servings of toast is not a reimbursable meal under OVS in SFSP because the toast is two of the same food item.

- If the breakfast menu included two different kinds of cereal rather than toast, it would still not be a reimbursable meal because the cereals, although not identical, are the same food item.

- A larger food item that is worth two servings in weight, such as a two-ounce muffin, counts as only one food item under OVS in SFSP, not two.

When using OVS in SFSP, servings of all food items must adhere to the serving sizes in the SFSP meal patterns at 7 CFR 225.16(d).

25. Is the annual civil rights training requirement waived during the COVID-19 public health emergency?

No. The 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. All CE staff and volunteers should be familiar with the civil rights requirements.

However, USDA has permitted limited flexibility during the COVID-19 public health emergency. While the annual civil rights training may be conducted at a later date, in the interim, USDA provided The Civil Rights Technical Assistance for FNS Programs During the COVID-19 Pandemic\textsuperscript{xxi}, a technical assistance document that summarizes the civil rights obligations when interacting with customers and providing services to all potentially eligible and program participants. This includes ensuring limited English proficient persons receive
free language assistance, and persons with disabilities receive equal access and meal modification. The Civil Rights Technical Assistance for FNS Programs During the COVID-19 Pandemic document does not serve as a replacement for the annual training requirement but should be used as a civil rights tool during the public health emergency.

26. 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…” (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 bus while distributing meals. The AJFA poster does not need to be displayed on vehicles making door-to-door deliveries.

During the COVID-19 public health emergency, CEs may substitute paper copies, as necessary, and may use the 2015 AJFA poster, if the new (2019) posters have not been received.

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

27. 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. When planning a non-congregate meal service, 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.
28. 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.

29. 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.

30. 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?

The maximum number of meals that may be offered per program per day is:

- **NSLP**: Up to one lunch per child per day;
- **NSLP Afterschool Snack Service (ASCP)**: Up to one snack per child per day;
- **SBP**: Up to one breakfast per child per day;
- **SSO**: Up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper;
- **SFSP**: Up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper;
- **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; or
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- **CACFP At-Risk Afterschool Meals Component**: Up to one meal and one snack, per child per day.

However, CEs may distribute its daily allowed meals at the same time each day.

CEs may also participate in multiple programs in combination, allowing for the distribution of additional meals at one 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)

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.

**CEs in all Child Nutrition Programs** may provide multiple days of meals at one time. CEs choosing this method of distribution must adjust the number of days per week it operates accordingly. For example, an open site wishing to serve 3 days of meals on one day and four meals on another to account for a full week could have the following schedule:

- On Monday, the site would distribute meals for Monday, Tuesday, and Wednesday (site must not operate on Tuesday and Wednesday)
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#### MEAL SERVICE

- On Thursday, the CE would distribute meals for Thursday through Sunday (site must not operate Friday through Sunday).

Note that under these waivers, a child may still participate in more than one program, but in no circumstances shall a child receive more than the number of meals allowed in each Program for which they are eligible. Operators must also ensure children do not receive duplicates of the same meal.

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

31. **May I provide foods items in bulk, either through grab and go or home delivery, without additional approvals?**

Yes. When providing multiple meals at one time, CEs may provide bulk items as long as individual meals are easily identifiable as a reimbursable meal. When implementing such a delivery mechanism, CEs:

- Must include the required food components in the proper minimum amounts for each reimbursable meal being claimed;
- Must ensure that food items are clearly identifiable as making up reimbursable meals;
- Are strongly encouraged to provide menus with directions indicating which items are to be used for each meal and the portion sizes;
- Should consider whether households have access to refrigeration, stoves, microwaves, etc., when providing food that requires refrigeration or further preparation, such as reheating; and
- Should ensure that only minimal preparation is required, and that food is not provided as ingredients for recipes that require chopping, mixing, baking, etc.
32. May I submit a claim for reimbursement for meals served through the SFSP or SSO on weekends or previously scheduled days off, such as spring break, holidays, teacher work days, and “make-up” days for closures due to bad weather during the COVID-19 public health emergency?

Yes. Where schools are closed for an unanticipated school closure during the COVID-19 public health emergency, SFSP and SSO service operators may serve meals on days when schools had originally planned to be closed, including weekends, spring break, and other previously scheduled days off. In order to claim meals for reimbursement, CEs must update their site applications in TX-UNPS to reflect the days they plan to serve meals.

Please note that after the school year ends, SFSP and SSO operate under normal summer conditions (which also includes weekends and holidays with State agency approval).

33. May we serve and claim meals for seven (7) days of meal service per week?

Yes, USDA provided approval for TDA to permit meal service up to one week.

34. 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?

Yes, USDA provided guidance permitting meals served to be claimed for reimbursement.
35. 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 actions they took as well as when and why.

36. 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 under these options, but they must submit new site applications for sites serving non-congregate meals.

37. Can Head Start programs deliver meals to children enrolled in the home-based program options?

No. Head Start programs may only distribute meals to children who were already receiving meals through NSLP or CACFP. Under the non-congregate waiver, these meals can be provided through grab-and-go or home delivery. Head Start children who do not normally receive meals under CACFP or NSLP, such as children in the Head Start/Early Head Start home-based program option, can utilize open SFSP or SSO sites in their community to get meals. Information about the SFSP or SSO meal site location and texting tool is found on SquareMeals on the Public Resources tab.
38. What are the guidelines for operating the Fresh Fruit and Vegetable Program (FFVP) during the COVID-19 public health emergency?

- **Non-Congregate Service**—Elementary schools operating the FFVP may serve fresh fruits and vegetables at a non-congregate meal service through grab-and-go or home delivery. Fresh fruits and vegetables provided through the FFVP may be served at the time the operator determines to be appropriate.

- **Multiple Servings at One Time**—CEs may provide multiple servings at one time if multiple meals under another Child Nutrition Program are provided at one time.
  - For example, sites may permit children to pick up a week’s supply of FFVP fruits and vegetables at a time. The FFVP serving for a week must reflect what would be served to an individual student during a school week.

- **Other Meal Programs**—CEs may serve FFVP food products at the same time as other program meals are served, including, but not limited to, NSLP, SBP, SSO, or SFSP. However, FFVP food products must be served in addition to the regular NSLP, SBP, SSO, or SFSP service; FFVP food products cannot count toward the food components or be used as food items for a reimbursable meal. A CE is not required to operate the FFVP in conjunction with another reimbursable meal service.

- **Participants**—FFVP foods may only be provided at elementary schools currently approved to operate the program. However, if the FFVP elementary school is operating an open site, FFVP foods may be served to any child receiving a meal at the elementary school.

- **“No Child Present” Waiver**—The nationwide waiver allowing parents to pick up meals for children at non-congregate sites does not apply to FFVP. The child must be present to receive FFVP fruits and vegetables even at schools that allow parents or guardians to pick up meals without a child present. CEs that are utilizing the no child present waiver may not provide FFVP items.

- **Educational Activities**—CEs may serve FFVP food products without educational activities.
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MEAL SERVICE

Information on FFVP funding issues are addressed below and on TDA’s SquareMeals.org Coronavirus webpage. Additional information related to the administration of the FFVP during the COVID-19 public health emergency is available on USDA’s FNS Coronavirus webpage.
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HOME DELIVERY

Home Delivery

39. May CEs that have been approved for non-congregate feeding through SSO or SFSP deliver meals directly to students’ homes?

Yes. If the CE 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. CEs 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 part of a closed enrolled site as discussed below in these FAQs. CEs 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)).

40. Who is eligible to receive home-delivered meals under SFSP and SSO?

CEs operating SSO or SFSP in an area eligible location may deliver meals to children within the eligible area, but they must maintain a roster of the specific children to whom meals are being delivered. SFA sponsors are best suited to this method of delivery because they already maintain a roster of students and can best adhere to student confidentiality and logistical requirements. Private non-profits can only distribute via this method if they previously operated the SFSP site with a pre-defined enrollment roster.

A closed enrolled site in a non-eligible area, with an established roster on which 50% of the children are certified as eligible for free or reduced-price meals, may only claim meals delivered to the enrolled children. It is the responsibility of the CE 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.
41. 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, CEs 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 CEs **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 CE 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 CE receives written consent from the parent or guardian to release contact information, they may share the information with other organizations involved with meal delivery. If the CE 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 CE must ensure data is handled appropriately at all times and by all organizations involved with meal delivery to safeguard household confidentiality.
42. 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.

43. 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.
Monitoring Requirements

44. 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](#).
45. Am I required conduct the first week site visit if I am a returning SFSP CE?

USDA waived the first week site visit requirement for sites in good standing that have operated successfully in the previous year and for CEs that successfully participate in the CACFP or NSLP. Note that TDA considers a returning CE/site to have operated successfully during the previous year if it does not owe a debt to TDA, does not have funds on hold, or is not in serious deficiency.

A CE wishing to request a waiver for the first week site visit may select this option in TX-UNPS. The option may be selected by responding “Yes” to question #42 in the Site Application. If a CE has already submitted its SFSP application packet with a “No” response to question #42, it may request amendments to its Site Application for review by TDA.

CEs that do not qualify for this waiver must conduct the first week site visit; however, that visit may be done remotely (e.g., through a desk audit). As discussed above, all CEs must document all offsite monitoring activities conducted during the COVID-19 public health emergency.

All CEs, regardless of how long they are operating a site, are required to conduct a site review of the food service operations within the first four weeks of operations and maintain a reasonable level of site monitoring. However, as noted above, this review may be done remotely/offsite.

46. How does a CE conduct a desk audit in place of the onsite monitoring during the COVID-19 public health emergency?

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.
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MONITORING REQUIREMENTS

- 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.xvii

47. Will TDA be completing the School Nutrition Program (SNP) administrative reviews of my operations that have been delayed during the COVID-19 public health emergency?

On March 27, 2020, USDA allowed state agencies to suspend onsite activities necessary for the completion of the School Year (SY) 2019-2020 administrative reviews (ARs). As a result, TDA suspended all submission of documentation requests that would have allowed CEs to continue with the AR process. TDA’s review of previously submitted documentation has indicated that many CEs have provided the necessary information to complete the AR despite the unexpected closure of schools.

On April 27, 2020, TDA will email all CEs with an outstanding administrative review to notify them of the option to complete the SY 2019-2020 AR process remotely. This includes any related corrective action documentation. CEs may “opt-in” solely at their discretion.

To opt-in, CEs must forward the TDA email to their assigned Administrative Review Specialist (ARS) indicating that they would like to finish the AR process remotely and that they will upload any outstanding documentation. The ARS will then contact the CE to establish a timeline for document submission and review.
48. Am I required to complete the triennial assessment of the local school wellness policies by June 20, 2020?

No. USDA issued a nationwide waiver in response to the COVID-19 public health emergency that allows NSLP/SBP CEs to their first assessment by June 30, 2021. CEs electing to use the June 30, 2021 deadline would submit a second triennial assessment by June 30, 2024. CEs electing to use the new deadline must inform TDA by June 30, 2020. TDA is developing an Intake Form for CEs to use when electing to use this flexibility. It will be posted to the TDA SquareMeals.org Coronavirus webpage soon.

Operators that are prepared to complete their triennial assessment by the original due date of June 30, 2020, are encouraged to do so. The second assessment will be due by June 20, 2023 for those that submit by June 30, 2020.
Financial Considerations

49. If I deliver meals directly to children’s homes or distribute from a community site, are my transportation and labor costs allowable expenses in the Child Nutrition Programs?

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 NSLP/SBP and SSO or SFSP. Delivery costs could also be paid with non-program funds such as private donations.

50. How do we use our Fresh Fruits and Vegetable Program (FFVP) funds during the COVID-19 public health emergency? May the FFVP funds be used during this time to purchase fresh products for the meal services?

Current USDA guidance does not permit use of FFVP items or funding for SFSP, SSP, or NSLP meal components. CEs may use FFVP funding to provide food items during other meal distribution. The FFVP items may be served for multiple days at one time but must be served in addition to regular meal service items.

CEs may use FFVP funds to purchase allowable food items and distribute until September 30, 2020.

Additional information is available on TDA’s SquareMeals.org Coronavirus webpage.

Additional information related to the administration of the FFVP during the COVID-19 public health emergency is available on USDA’s FNS Coronavirus webpage.
**Frequently Asked Questions**

**FINANCIAL CONSIDERATIONS**

51. **How do CEs address unpaid meal charges that were not resolved before schools were unexpectedly closed due to the COVID-19 public health emergency?**

If the unpaid meal charges are classified as **delinquent**, the charges may roll forward for an additional school year. If the unpaid meal charges are classified as **bad debt**, the charges must be recovered by non-program funds at the end of the fiscal year. The **Administrator’s Reference Manual** (ARM), Section 15, Meal Pricing provides detailed guidance on how to determine if a meal charge is delinquent or bad debt.

52. **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 the CE plans to use the noncompetitive method for the emergency

TDA will provide written notification of approval or disapproval.
53. 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.

54. Are pre-bid meetings required for Food Service Management Company (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 and Lena.Wilson@TexasAgriculture.gov.

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

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

56. Are there provisions for electronic filing?

TDA has provided guidance for electronic filing at 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.
57. 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 ________________, ________________, ________________, and ________________, ________________, ________________, ________________. I declare under penalty of perjury that the foregoing is true and correct.

Executed in _______ County, State of ______, on the ______ day of _______,________. (Month) (Year)

____________________
Declarant"
Reporting and Recordkeeping Requirements

58. 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 during the COVID-19 public health emergency. Detailed recordkeeping is critical including food production records. If you need additional guidance, please refer to TDA’s summer meal guidance on SquareMeals.org.xxxii

59. 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.xxxiii

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

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.

### 61. Do I include students from households receiving Pandemic Electronic Benefits Transfer (P-EBT) in the CEP ISP?

No. Students that live in households receiving P-EBT (also known as P-SNAP) cannot be included in the CEP ISP. Similarly, students that live in households that receive P-EBT are not automatically eligible for free meals.

### 62. 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.
63. 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.

64. 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 or 800-223-8778 for more information on these topics.
Frequently Asked Questions

NONDISCRIMINATION STATEMENT

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.
Frequently Asked Questions

ENDNOTES

i http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/CACFPResources.aspx
ii https://squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
iii http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/CACFPResources.aspx
ix http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx
x https://www.fns.usda.gov/sfsp/handbooks
xi http://squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingPolicyamp;Handbooks.aspx
xii http://www.squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingProgramFoodSafety.aspx
xiii http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx
xiv https://form.jotform.com/20099480147156
xvi http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/PublicResources.aspx
xvii http://www.squaremeals.org/Programs/SummerFeedingPrograms/SummerFeedingProgramFoodSafety.aspx
xviii http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
xxi http://www.squaremeals.org/News/tabid/945/Article/2914/-And-Justice-for-All-Poster-Updated.aspx
xxii http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities/PublicResources.aspx
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xxix http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx
xxx http://www.squaremeals.org/FandNResources/CoronavirusUpdateforContractingEntities.aspx
xxxi http://www.squaremeals.org/Programs/SummerFeedingPrograms.aspx
xxxii https://www.fns.usda.gov/cn/waiver-60-day-reporting-requirements