



TEXAS DEPARTMENT OF AGRICULTURE COMMISSIONER SID MILLER

January 16, 2026

RE: Universal Breakfast Waiver for School Year (SY) 2026-2027 per Education Code §33.901

Dear Superintendent or Child Nutrition Director:

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

You are receiving this notice because at least one campus within your organization must comply with this requirement. A list of the schools in your district or charter organization that are required to provide breakfast at no cost to students for **SY 2026-2027** or receive waiver approval can be found on the Universal Breakfast page at Squaremeals.org. If you have trouble identifying schools that must meet this state regulation or believe you have received this email in error, please contact your local Education Service Center (ESC) for further assistance. Waiver requests are submitted to the Texas Department of Agriculture (TDA) for processing and must be approved by the Texas Education Agency.

Before submitting a waiver request to TDA, the district or charter organization must ensure:

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

Once local approval has been obtained following the steps above, the district or charter organization must submit the waiver request online via TXUNPS. The **waiver request form** will be available **March 15, 2026** until **June 30, 2026**.

If the district or charter organization intends to offer breakfast at no cost to all students, no action is necessary; the intent to offer breakfast at no charge must be indicated in the NSLP application, which opens on **May 1, 2026**.

Recipient

January 16, 2026

Page 2

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

The 89th Texas Legislature appropriated funding to reimburse schools for serving breakfasts (and lunches) to reduced-price eligible students for free. This funding is available for breakfasts served during School Years 2025-2026 and 2026-2027.

For more information and instructions on completing a waiver request, visit the Universal Breakfast page at SquareMeals.org. Please contact your ESC if you have questions about the programs, this requirement, or the options outlined in this letter.

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

Sincerely,



Catherine Wright Steele
Administrator
Food and Nutrition

CWS/dh