

This information is to keep you informed of any changes in policies and procedures and of new communication originating from the State Office this month.

August 26, 2019 SFA Edition

Attachments with this issue:

[USDA Summer Meals Newsletter for Sponsors - August](#)



Schools across Texas will inspire students and staff to be healthy superheroes during **National School Lunch Week (NSLW)**, October 14-18, 2019! Save the Day with a Healthy School Lunch is the superhero theme used for all Texas Department of Agriculture (TDA) resources and you can access them at no charge.

In the coming weeks, TDA will open an order form on the [NSLW homepage](#) and email it to all child nutrition directors (CNDs). Supplies go fast every year, so place your orders early.

TDA will also be releasing many different online materials that can be printed at any time. These resources support cafeteria decorating, menu planning and more. Available materials even include invitations for "National Take You Parents to Lunch Day!"

Whether this is your first NSLW celebration or your 20th, use TDA's 2018 NSLW catalog for inspiration and tips on how to soar to success when planning your 2019 NSLW celebration! Last year's NSLW catalog and materials can be found on the "Last Year's Campaign" tab of www.SquareMeals.org/NSLW. The 2019 NSLW catalog will be posted on the website soon.

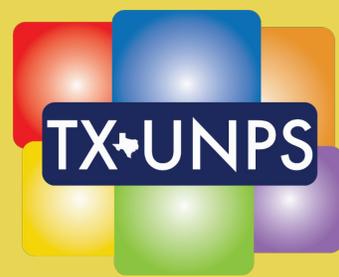
The **2019 NSLW Cafeteria Posters** are being sent to Child Nutrition Directors starting 8/16/19 so be on the lookout!

TX-UNPS Updates

New Access Control for TX-UNPS Users

A limited number of contracting entities (CEs) have been selected for the first phases of the Texas Department of Agriculture (TDA) User Access Manager (UAM) system in TX-UNPS. These CEs will designate one UAM to control their users' access in TX-UNPS. The UAM has authority to perform the following functions for the CE:

- Add and remove the CE's users from TX-UNPS
- Ensure the CE's TX-UNPS users have the correct security permissions
- Assist users with password reset and locked accounts



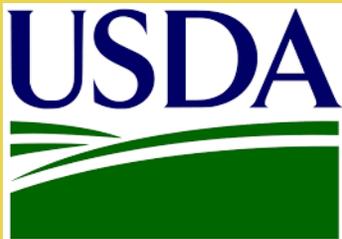
The new feature is being introduced to CEs in phases to allow for an easier transition. Email notifications have now started and are being sent to superintendents and child nutrition directors. Be on the lookout for your notice!

More information on UAM is available [here](#).

Summer Mandate Cost Reporting – Available Now!

School districts mandated to participate in the 2019 summer nutrition programs are required to submit the Summer Cost Report form through TX-UNPS, unless a waiver was granted. The form is located in TX-UNPS by following School Nutrition Programs > Applications > Summer Nutrition Program Costs. School districts which participated in SFSP, SSO, or partnered with another SFA should report all operating costs to TDA even if the costs were \$0.00. **If operating costs were \$0.00, please enter \$0.01 to prevent system errors.** The cost report must be completed and submitted to TDA in TX-UNPS by **October 9, 2019** to avoid a Corrective Action Plan.

Policy News



USDA Policy Memos

SP32-2019 - *Buy American and the Agriculture Improvement Act of 2018* can be found [here](#).

SP34-2019 - *Crediting Coconut, Hominy, Corn Masa and Masa Harina in the Child Nutrition Programs* can be found [here](#).

Federal Register Posting

The Federal Register posting with the value of donated foods for July 1, 2019 through June 30, 2020. This notice, which includes the cash-in-lieu (CIL) for CACFP, can be found [here](#).

Revised ARM

A **revised** ARM Section 7, *Counting and Claiming*, has been posted and released. Because Update Guide section located at the beginning of each ARM section provides detailed information about the topics addressed in each release, a separate Update Guide document will no longer be provided.

You can find the ARM on SquareMeals [here](#).

Please replace any previous version of ARM Section 7 that you may have saved.

Clarification: Foster Eligibility

Foster eligibility may be determined by one of the following:

Direct Certification:

- Direct certification based on a list submitted by the foster liaison or other designated official. CE records eligibility in point of service (POS) system, notifies household, and retains documentation. The student is not included in the verification pool.
- Direct certification based on a Texas Department of Family Protective Services (DFPS) Placement Authorization Form 2085. CE records eligibility in point of service (POS) system and notifies household. If the CE retains the 2085 form in another location, the SNP does not need to retain another copy of the form. However, the SNP must be able to provide the 2085 form during a review. The student is not included in the verification pool.

Household Application:

- Household application that indicates the student is a foster child. The CE accepts the indication on the application at face value. The application-based foster eligibility is included in the verification pool.
- A household cannot be required to complete a household application if the foster child is directly certified.
- If a household in which a foster child resides includes other school age children, the household must be given the option to include the foster child on household application in order to qualify the other children in the household for free or reduced-price meals. However, the household cannot be required to include the foster child on a household application that is intended to be used to determine the eligibility of the other children in the household.

For detailed guidance on the eligibility determination for foster children, see *Administrator's Reference Manual (ARM)*, Section 4, *Determining Eligibility*. The Texas Education Agency (TEA) also provides guidance on the role of the foster liaison on their website. CEs need to establish a formal process for sharing relevant information between the foster liaison and the SNP and determine how documentation will be retained.

Clarification: Medicaid Eligibility

If a household is directly certified for Medicaid Reduced and has an approved free eligibility based on income, the CE cannot automatically decrease the household's eligibility to reduced. The CE must give the household an opportunity to provide documentation to support the free eligibility based on income. TDA recommends that the CE contact the household to explain the issue and follow-up with an official advanced notification. At minimum, the household must be given official advanced notification with an opportunity to appeal.

Clarification: Incentive Pay for Recruiting Employees

Incentive pay to existing employees to recruit new employees is an unallowable cost. These kinds of payments can create a conflict of interest.

Clarification on Adult Meal Price

USDA provides two methods for calculating adult meal prices. Special provision sites must use Method 2. Non-special provision sites may use Method 1 or 2. TDA provides an **Adult Meal Price Calculator Form** on SquareMeals.org. When the amounts are recorded in the form, the adult meal price minimum will automatically calculate.

The adult meal price must be higher than the minimum amount. Any decimals must be rounded up.

If a CE has both pricing and non-pricing schools, the CE may establish an adult meal price using Method 2 for all non-pricing schools and Method 1 for all pricing schools. Or the CE may use the Method 2 calculation for all schools.

Clarification on Buy American Documentation

All food contracts awarded by the CE must include the Buy American provision. USDA has established required criteria for SNP operators as they determine and document when an exception to the Buy American provision can be applied.

In **ALL** cases, the CE must make the determination that a Buy American exception is appropriate, and the CE must retain documentation that the CE considered the required criteria in its process to grant an exception.

1. Are there other sources the CE can use which will allow the CE to purchase a domestic product instead of a non-domestic product?
2. Is there another domestic product that can be easily substituted for the non-domestic food product?
3. Is the price difference between the domestic product and non-domestic product reasonable in light of the CE's anticipated per meal cost?

The CE must apply these criteria with each purchase of non-domestic products. The CE cannot create a blanket exception for any product. Under USDA regulations, the use of a list of non-domestic products from any source is not allowable documentation for the Buy American exception.

TDA has developed the *Buy American Checklist* to guide CEs in making the determination if an exception should be granted and to assist the CE in retaining documentation. This form, or another form with the same information, can be attached to supporting documentation to demonstrate compliance with the Buy American provision. Any list of excluded Buy American products provided by another entity or organization is not acceptable documentation.

See the *Administrator's Reference Manual (ARM)*, Section 17, *Procurement* for additional guidance on this topic.

Helpful Hint for Counting and Claiming

Each month TX-UNPS creates a monthly claim summary after a CE submits claims for reimbursement. This summary indicates all the types of reimbursement the CE receives and the amounts for each type. CEs should monitor this form each month to make sure claims were submitted accurately and make sure the CE received the correct types of reimbursement.

Parent Right to Refuse Services

Even if a student is directly certified as free or reduced-price, a parent or guardian has the right to refuse free or reduced-price meals. If possible, the SNP should get this request in writing. However, if it is not possible to do so, the SNP should record the time, date, and action taken and retain the documentation.

Severe Need

TDA has updated the severe need guidance to more clearly reflect the TX-UNPS calculation of severe need. The **updated guidance** is attached.

Local Wellness Policy

SNPs that have not already completed a triennial assessment of their local wellness policy must have completed a triennial assessment by June 30, 2020. USDA recently updated their website. The website addresses provided in the local wellness guidance in *Administrator's Reference Manual (ARM)*, Section 19, *Other Operational Issues* are no longer working links. The new address is <https://www.fns.usda.gov/tn/local-school-wellness-policy>.

CEP Documentation

If a CE operates CEP, the CE must retain all documentation demonstrating the accuracy of the identified student percentage onsite. This includes student eligibility documentation and the *Community Eligibility Provision (CEP) Statistical Analysis Worksheet (SAW)*.

Local Charge Policy, Attachment B

Contracting entities (CEs) must provide TDA information on their local charge policy in the Attachment B, Policy Statement located in TX-UNPS. CEs whose current Attachment B, Policy Statement does not contain accurate charge policy information must update their Attachment B, Policy Statements in TX-UNPS. *Administrator's Reference Manual (ARM), Section 15, Meal Pricing* provides detailed information on the requirements for charge policies.

Texas Farm Fresh Initiative

Prepare Now for USDA's Upcoming Farm to School Census

USDA will conduct the Farm to School Census next month. By taking the survey, you help us assess the growth of farm to school across the nation. This is the first survey since 2015 and USDA has put together the Census preparation survey to help contracting entities (CEs) prepare their survey answers.

The 2019 Census will ask questions similar to those asked in the past, including the following:

- What is the CE's definition of local?
- How much money is spent on local food purchases annually?
- What local products are most commonly purchased?
- Where are the local foods from?
- What are the biggest challenges and benefits of engaging in farm to school?
- How many edible school gardens are in the district?
- How many salad bars are in the district?



All answers will be publicly available in 2020. View previous Farm to School Census data at farmtoschoolcensus.fns.usda.gov.

Help Texas reach our goal of 80% participation in the 2019 Census!

Registration is Now Open for the 2019 Farm Fresh Challenge!

Eat Local. Teach Local. and Be Social this October with schools across the state! Have fun and earn recognition for your efforts to serve more local foods and teach students the importance of Texas agriculture.

[Pledge Now](#)

Participating schools will receive a toolkit of Farm Fresh materials, including a choice of buttons, stickers or static clings for the celebration in October.

Register by July 15th to ensure you receive your Farm Fresh Fridays materials before September 1.

[Learn more about the Farm Fresh Challenge and pledge participation here.](#)

Please reach out to TDA at FarmFresh@TexasAgriculture.gov with any questions or for additional information.

Resources



Team Nutrition's Healthy Meals Resource System (HMRS) has moved to the Institute of Child Nutrition (ICN) and is now part of ICN's new [Child Nutrition Sharing Site \(CNSS\)](#).

This collaboration between the ICN and USDA/FNS gives child nutrition professionals access to resources that support current Federal regulations, policies, and guidance.

USDA Foods Updates

First Allocation Completed

TDA completed the first allocation for regular USDA Foods Thursday, August 8, 2019. CEs are encouraged to review their Weekly Commodity Bulletin under the Free Storage Section to begin placing delivery orders. Allocations will continue each Thursday evening. If you have questions regarding the allocations, please reach out to your Education Service Center for assistance.



It's not too late to participate in Farm to School. First allocations for watermelons and peaches will be completed Tuesday, August 20, 2019. All Farm to School Surveys are in an OPEN Status to allow CEs to increase or decrease requests, as needed. Farm to School produce is perishable and must be delivered by the TDA Contracted warehouse no later than the following week of delivery.

[Previous Issue](#)



TEXAS DEPARTMENT OF AGRICULTURE
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