United States Department of Agriculture

Food and Nutrition Service

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SUBJECT: Streamlined and Simplified Summer Food Service Program Requirements: Frequently Asked Questions

TO: Regional Directors
Special Nutrition Programs
All Regions

                State Directors
Child Nutrition Programs
All States

This purpose of this memorandum is to provide answers to frequently asked questions regarding the administration of the Summer Food Service Program (SFSP), highlighting the new and existing flexibilities for program operators and sites.

The Food and Nutrition Service (FNS) has made extensive efforts to increase participation in the Department of Agriculture (USDA) summer meal programs through regulatory and policy changes. As part of this effort, FNS has issued guidance updating and consolidating a variety of Program policies, including: addressing the use of school and census data to make site eligibility determinations; promoting flexibilities that already exist to improve summer meal service operations and encourage year-round feeding programs; streamlining requirements for experienced operators of other Child Nutrition programs, including the National School Lunch Program (NSLP) and Child and Adult Care Food Program (CACFP); and reducing barriers to participation for private nonprofit sponsors, for-profit sites, and Tribal governments.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm. State agencies should direct questions to the appropriate FNS Regional Office (RO).

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Attachment

Site Eligibility

1.   Do eligibility requirements for open, restricted open, closed enrolled sites differ?

Yes. There are three common types of sites: open sites, closed enrolled sites, and camps (residential and nonresidential). Open sites are those where meals are made available to *all* children in the area on a first-come, first-served basis. Open and restricted open sites must be area eligible, meaning sites are located in geographical areas where 50 percent or more of the children residing in the school attendance area are eligible for free or reduced-price school meals. This percentage may be documented by data provided by public or non-profit private school officials, census data, welfare or education agencies, zoning commissions, or other appropriate sources.

Closed enrolled sites and camps only serve an identified group of children enrolled at the site. To qualify as a closed enrolled site, at least 50 percent of the enrolled children must be from households that meet the income eligibility guidelines, or have area eligibility. Only camps may not use area eligibility data to qualify for reimbursement. Sponsors participating as a camp must collect documentation of individual income eligibility for participating children and may be reimbursed only for meals served to eligible children who meet the Program's income standards.

2.   May an apartment complex in an eligible area but owned by a for-profit organization operate an SFSP site, provided that all other site requirements are met?

Yes. FNS has extended eligibility options of sites, allowing site locations owned by private for-profit organizations to be meal sites in some circumstances. For more information, see SFSP 13-2011, *For-Profit Locations as Meal Sites in the Summer Food Service Program*, April 8, 2011 http://www.fns.usda.gov/sites/default/files/SFSP-13-2011.pdf.

3.   If a site operates a CACFP At-Risk Afterschool Meals program during the school year, does that eligibility determination apply for the SFSP site operated at the same location?

Yes. Once a site establishes area eligibility, the eligibility stands for a period of five years, regardless of any transition from one Program to the other. However, please note that census data may not be used to determine area eligibility for CACFP at-risk afterschool meal sites. For more information, see SFSP 05-2014, *Use of School and Census Data*, November 12, 2014 http://www.fns.usda.gov/sites/default/files/SP05_CACFP02_SFSP05-2014os.pdf.

4. Within a school district, if area eligibility was established for one SFSP site using school data from the month of October, may the sponsor use data from another month for another site eligibility determination in that same school district?

Yes. FNS does not require the use of a specific month when using school data to establish area eligibility. In November 2014, FNS provided flexibility for CACFP and SFSP State agencies to use their discretion to allow school data from a later month to be used to determine eligibility. For more information, see
SFSP 05-2014, *Use of School and Census Data*, November 12, 2014
http://www.fns.usda.gov/sites/default/files/SP05_CACFP02_SFSP05-2014os.pdf.

5. When using census data to establish area eligibility may census tract data be used?

Yes. Previous policy guidance allowed only census block groups (CBGs) as the geographical unit used to assess eligibility. In April 2014, FNS provided additional flexibility by allowing sites to determine area eligibility using either CBG's or census tracts. Census tracts are geographical units that consist of one or more of the CBGs. Additionally, under certain circumstances, up to three contiguous CBGs now may be combined for purposes of determining eligibility. For more information, see
SFSP 15-2014, *Area Eligibility Using Census Data*, April 15, 2014
http://www.fns.usda.gov/sites/default/files/SP38_CACFP10_SFSP15-2014os.pdf.

Sponsor Eligibility

6. Is there a simplified application procedure for schools currently participating in the NSLP and applying to participate in the SFSP?

Yes. In November 2012, FNS established a new simplified application procedure for schools and school food authorities (SFAs) currently participating in NSLP that wish to participate in SFSP. Other simplifications for schools and SFAs relate to procurement requirements and monitoring. For more information, see
SFSP 04-2013, *Summer Feeding Options for School Food Authorities*,
November 23, 2013
http://www.fns.usda.gov/sites/default/files/SP07_SFSP04-2013.pdf.

7. **Is there a simplified application procedure for organizations currently participating in the CACFP and applying to participate in the SFSP?**

Yes. Current CACFP sponsors may follow the streamlined application requirements that experienced SFSP sponsors and sites use, rather than apply as a new SFSP sponsor or site. Sites offering CACFP at-risk afterschool meals already meet the area eligibility requirements to operate an open site in the SFSP. For more information, see SFSP 06-2014, *Available Flexibilities for CACFP At-Risk Afterschool Meals Sponsors and Centers Transitioning to SFSP*, November 12, 2013 http://www.fns.usda.gov/sites/default/files/SP%2006_CACFP%2003_SFSP%2006-2014os.pdf.

8. **If an SFSP sponsor administers another CNP, may they have a single operating agreement with the State agency which administers the programs?**

Yes. The Healthy, Hunger-Free Kids Act of 2010 required single operating permanent agreements between sponsors and States, for all CNPs, reducing paperwork for all sponsors [7 CFR 225.6(e)]. For more information, see SFSP 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreements in the Summer Food Service Program and the Child and Adult Care Food Program*, January 14, 2011 http://www.fns.usda.gov/sites/default/files/CACFP-07-2011.pdf.

9. **Can private non-profit organizations sponsor the same number of sites as schools and public institutions?**

Yes. Prior to October 1, 2010, most private non-profit organizations were permitted to operate no more than 25 sites, with no more than 300 children served at any one site. Effective October 1, 2010, otherwise eligible private non-profit organizations now may participate in the SFSP according to the same terms and conditions as other service institutions. As a result, all sponsors now may be approved to operate a maximum of 200 sites and serve a maximum total average daily attendance of 50,000 children as [7 CFR 225.6(b)(6)(i)]. Exceptions to these limits may be approved if the sponsor can demonstrate that it has the capability to manage a larger program. For more information, see SFSP 02-2011: *Eligibility Requirements and Site Limits for Private Nonprofit Organizations in the Summer Food Service Program,* January 14, 2011 www.fns.usda.gov/sites/default/files/SFSP-02-2011.pdf.

Monitoring

10.   **Can a State agency waive the first week site visit requirement for returning sites who successfully participated last year?**

Yes. In April 2011, FNS gave State agencies the authority to waive the first week site visit requirement for returning sites that operated successfully during the previous summer (or other most recent period of operation) and had no serious deficiency findings. Sponsors are still required to review the site within the first four weeks of operation. For more information, see SFSP 12-2011, *Waiver of Site Monitoring Requirements in the Summer Food Service Program*, April 5, 2011 http://www.fns.usda.gov/sites/default/files/SFSP-12-2011.pdf.

11.   **Can State agencies waive the requirement to conduct first week visits of sites under sponsors who also participate in the CACFP?**

Yes. State agencies may waive this requirement for SFSP sponsors who are also sponsors in good standing in the CACFP. For more information, see SFSP 06-2014, *Available Flexibilities for CACFP At-Risk Afterschool Meals Sponsors and Centers Transitioning to SFSP*, November 12, 2013 http://www.fns.usda.gov/sites/default/files/SP%2006_CACFP%2003_SFSP%2006-2014os.pdf.

12.   **Can State agencies waive the requirement to conduct pre-approval visits of sites under school food authority sponsors currently participating in the NSLP?**

Yes. Program regulations do not require State agencies to conduct pre-approval visits of SFA sponsors and school sites participating in NSLP and that are in good standing as described above. However, State agencies may conduct pre-approval visits of such sponsors and sites at their own discretion [7 CFR §225.7(d)]. For more information, see SFSP 04-2013, *Summer Feeding Options for School Food Authorities*, November 23, 2013 http://www.fns.usda.gov/sites/default/files/SP07_SFSP04-2013.pdf.

Meal Service

13. **Are there time restrictions for any of the meals served?**

No. In October 2011, FNS waived the Federal requirements for meal times nationally, meaning sponsors have more flexibility to meet local needs. Sponsors must continue to establish meal times for each site and provide this information to the State agency to allow for effective oversight. Sponsors are not required to ensure that specific time periods elapse between meal services.

FNS encourages sponsors to establish meal service times that best accommodate operational requirements and the needs of participating children. Additionally, FNS encourages State agencies to approve meal times that give sponsors flexibility to accommodate unanticipated circumstances, such as late meal deliveries, while fulfilling Program requirements.

State agencies may establish additional meal time restrictions, but such restrictions would be considered additional State requirements and subject to FNSRO review and approval. For more information, see
SFSP 08-2014, *Meal Service Requirements*, November 12, 2013
http://www.fns.usda.gov/sites/default/files/SP08%20SFSP08-2014os.pdf.

14. **May non-school sponsors utilize the "Offer versus Serve" (OVS) option?**

Yes. In October 2011, FNS expanded the utilization of OVS to all SFSP sponsors to enable sponsors to better control food waste and costs. For more information, see SFSP 08-2014, *Meal Service Requirements*, November 12, 2013
http://www.fns.usda.gov/sites/default/files/SP08%20SFSP08-2014os.pdf.

15. **May non-school sponsors purchase non-unitized meals from an Food Service Management Company (FSMC) when utilizing the OVS option?**

Yes, with State agency approval. Program regulations require all meals prepared by a food service management company to be unitized, with or without milk, unless the State agency has approved a request for exceptions to the unitizing requirement for certain components of the meal. This request for an exemption could be granted when a sponsor requests to utilize the OVS option. State agencies are encouraged to provide a prototype contract for sponsors which does not include the unitized meal requirement. For more information, see
SFSP 08-2014, *Meal Service Requirements*, November 12, 2013
http://www.fns.usda.gov/sites/default/files/SP08%20SFSP08-2014os.pdf.

16.   When the utilizing OVS option, may a child decline milk at a site?

Yes. A child may decline any one item, when four items are offered during breakfast, or two items when five items are offered during lunch. Therefore, a child may decline milk under the OVS option. For more information, see
SFSP 08-2014, *Meal Service Requirements*, November 12, 2013
http://www.fns.usda.gov/sites/default/files/SP08%20SFSP08-2014os.pdf.

17.   May a site serve water to children in attendance?

Yes. FNS encourages summer meals sites to make drinking water available to the children in attendance, in addition to the meals served. Because water is not a required component of the SFSP meal pattern, water may be taken offsite. Sponsors should be aware that water is non-creditable and, therefore, may not be served in lieu of milk as part of a reimbursable meal. However, the purchase of water for service to children participating in summer meal programs is an allowable operating cost.

18.   May sponsors allow children to take a fruit, vegetable, or grain item provided as part of the SFSP reimbursed meal offsite?

Yes. Previously, FNS allowed a fruit or vegetable item to be taken off site, at the discretion of the State agency. In November 2013, FNS expanded this option to all SFSP sponsors without the requirement of prior State agency approval and expanded the eligible food items to include grains. All sponsors now have the option to allow a single item of fruit, vegetable, or grain to be taken offsite for later consumption, provided that this is in compliance with State and local health and safety codes. For more information, see SFSP 08-2014, *Meal Service Requirements*,
November 12, 2013
http://www.fns.usda.gov/sites/default/files/SP08%20SFSP08-2014os.pdf.

Miscellaneous

19.   What value must a FSMC contract meet for a sponsor to be required to follow Federal Procurement requirements?

The Federal small purchase threshold (also known as the simplified acquisition threshold) is currently set at $150,000. In an effort to simplify procurement requirements for SFSP sponsors, existing procurement and contract thresholds referenced in the Program regulations are now linked to the Federal small purchase threshold. For more information, see SFSP 13-2013, *Procurement Thresholds in the Summer Food Service Program, January 16, 2013*
http://www.fns.usda.gov/sites/default/files/SFSP13-2014os.pdf.

20.   Is the mobile meals model permitted in urban areas?

Yes. Use of the mobile meals model is permitted in any eligible urban, suburban, or rural area. For more information, see SFSP 02-2014, *Mobile Feeding Options in Summer Feeding Programs,* November 12, 2013 http://www.fns.usda.gov/sites/default/files/SP%2002_SFSP%2002-2014os.pdf.

21.   Can Tribal Organizations sponsor the SFSP?

Yes. Tribal organizations are considered "local governments" for SFSP purposes and may sponsor SFSP sites, assuming other eligibility requirements are met. For more information, see SFSP 14-2012, *Tribal Participation in the Child and Adult Care Food Program and the Summer Food Service Program,* July 24, 2012 http://www.fns.usda.gov/sites/default/files/CACFP18_SFSP14-2012.pdf.

22.   May SFSP be utilized during the school year when there are natural disasters?

Yes. FNS encourages SFSP sponsors to be prepared to serve children during disaster situations. Many program requirements may be waived when disaster strikes. For more information, see SFSP 10-2012, *Disaster Response*, April 10, 2012. http://www.fns.usda.gov/sp25-cacfp12-sfsp10-2012-disaster-response.