

MAY 3, 2002

SUBJECT: Summer Food Service Program (SFSP): Follow up Questions on Upward Bound

TO: Regional Directors  
Special Nutrition Programs  
All Regions

We have received several questions regarding our January 31, 2002, memorandum, "Summer Food Service Program (SFSP): Categorical Eligibility for Upward Bound Sites." We are providing guidance in a Question and Answer format to capture the questions we have already answered informally, as well as other questions we will be responding to for the first time.

### **Camp Sites**

Q: Can Upward Bound camp sites, as defined by SFSP regulations (7 CFR 225.2), automatically claim reimbursement for meals served to all children?

A: No. However, sponsors of Upward Bound camp sites can use an Upward Bound application in lieu of an SFSP application. Those children who were determined eligible for Upward Bound based on income may be considered eligible for SFSP meals. Children who were determined eligible for Upward Bound solely on the basis of being a potential first generation college student are not automatically eligible for SFSP.

Q: On a review at an Upward Bound camp site, what must the State review on the Upward bound applications?

A: In the case of an Upward Bound application, the State agency is checking to ensure that the child is participating in the Upward bound Program on the basis of income eligibility rather than as a potential first-generation college student.

Q: Do we have the legal right to review Upward Bound applications? (This is a concern about privacy issues.)

A: We are not aware of any restrictions under Upward Bound legislation that would prohibit a State or Federal reviewer from seeing Upward Bound family applications. However, if an Upward Bound program does not believe it can allow a State reviewer to see those family applications, then it will need to continue using the SFSP free meal application, as in the past.

Q: Unlike the SFSP, Upward Bound does not necessary gather new income eligibility data from households every year. Is a child who is determined to be

eligible based on his Upward bound application considered to be eligible in the SFSP even if the Upward Bound application was taken prior to the current year?

A: Yes. As indicated in our memorandum, we are treating the two applications as equal for this program year. We will reevaluate this position prior to deciding whether to extend this interpretation for use in future years.

### **Closed Enrolled Sites**

Q: Can sites that serve exclusively Upward Bound participants automatically qualify as closed enrolled sites as defined by SFSP regulations (7 CFR 225.2)?

A: Yes. Upward Bound rules require that two-thirds of the participants in a particular program are both low-income and potential first-generation college students; the remaining one-third must be either low-income or potential first-generation college students. Since the percentage of income eligibility Upward Bound participants at any site exceeds the SFSP closed enrolled site requirement of 50 percent, Upward Bound sites can automatically qualify as closed enrolled sites.

Should you have any further questions, please contact Keith Churchill or Melissa Rothstein.

**Original Signed**

STANLEY C. GARNETT  
Director  
Child Nutrition Division