United States Department of Agriculture

Food and Nutrition Service

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Parts of this memorandum have been rescinded by SFSP 01-2019: *Summer Food Service Program Memoranda Rescission*, October 11, 2018. Rescinded policy has been struck through.

DATE: November 23, 2012

MEMO CODE: SP 07-2013, SFSP 04-2013- REVISED

SUBJECT: Summer Feeding Options for School Food Authorities

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The purpose of this memorandum is to present the options available to school food authorities (SFA) for feeding children in the summer months through the Child Nutrition Programs administered by the Food and Nutrition Service (FNS). This memorandum also describes the simplified application and review procedures now available to SFAs participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) that wish to apply for participation in the Summer Food Service Program (SFSP). This memorandum supersedes SFSP 1-2004, *Contract Requirements for School Sponsors*, March 2, 2004, and SFSP 16-2011, *Restricted Open Sites and Summer Schools*, May 18, 2011. This memorandum does not change the requirements related to the application of participating SFSP sponsors interested in applying to participate in NSLP.

Academic Summer School Programs

Schools offering academic summer school programs may be reimbursed for serving meals during the summer in three ways, through the NSLP and SBP, the SFSP, or the NSLP Seamless Summer Option (SSO). Schools wishing to serve meals only to children enrolled in summer school programs may only receive reimbursement through the NSLP and SBP.

If, in addition to serving children enrolled in summer school, the school plans to serve children in the community at large, it may operate an open site through the SFSP or the SSO as described below. However, the SFA must ensure that these sites are open not only to children enrolled in summer school, but to any children residing in the area served by the site [7 CFR §225.14(d)(2)].

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Please note, State agencies may not allow schools that provide summer school programs to enroll in the SFSP as a restricted open site instead of an open site, so that meals may be served only to summer school participants. This is not the intent of the restricted open site option and is an unauthorized use of this site designation. The purpose of the restricted

open site designation in SFSP is to allow sponsors that want to operate an open site to restrict or limit site participation due to reasons of space, security, safety, or control [7 CFR §225.2].

Schools Serving Community Children

If an SFA plans to offer summer meals to the community, the SFA may participate in either the SFSP or SSO as a sponsor. Both programs allow SFAs to feed children in low-income areas during the traditional summer vacation periods and, for year-round schools, school vacation periods longer than 15 school days. Only SFAs administering the NSLP or SBP may participate in the SSO. However, all SFAs may apply to participate in the SFSP. Under both programs, SFAs may sponsor school and non-school sites.

Site eligibility determinations in the SFSP and SSO are identical. Open sites must be located within the attendance area of a school where at least 50 percent of the children are eligible for free or reduced price school meals, based on NSLP school meal data or census data, in order to qualify as area eligible. Sites that are not area eligible may operate as closed enrolled sites if at least 50 percent of the children enrolled at the site are approved for free or reduced price school meals [7 CFR §225.2].

Application Requirements

Under both the SSO and SFSP, sponsors must be able to demonstrate financial and administrative capability for Program operations [7 CFR §225.14(c)(1)]. Typically, SFAs participating in the NSLP and/or SBP have already demonstrated that they have the financial and administrative capability necessary to operate NSLP. Therefore, SFAs currently in good standing in the NSLP or SBP are not required to submit further evidence of financial and administrative capability. An SFA is considered to be in good standing if it has been reviewed during the previous 12 months and had no significant deficiencies. However, the State agency has the discretion, and is encouraged, to deny the applications or, at a minimum, require additional evidence of financial and administrative capability from SFAs that have had significant problems operating either the NSLP or SBP.

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In addition, SFAs applying to operate the SFSP at the same sites where they provide meal services through the NSLP may follow the application requirements for experienced SFSP sponsors and sites instead of the application requirements for new sponsors and sites [7 CFR §225.6(c)]. However, these SFAs also will need to provide the following information:

- Whether the site is rural or non-rural;
- Whether the site's food service will be self-prepared or vended;
- If a migrant site, certification from a migrant organization that the site serves children of migrant worker families and that it primarily serves migrant children if it also serves non-migrant children; and
- If a homeless site, information demonstrating the site is not a residential child care institution, description of the method used to ensure that no cash payments or other in-kind services are used for meal service, and certification that the site only claims meals served to children.

SFAs wishing to participate in the SSO should refer to SP 27-2009: *Revised 2009 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option*, June 9, 2009 (http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2009/SP_27-2009_os.pdf) for application requirements and detailed information regarding site eligibility. Please note, that previous participation in the SFSP is not a requirement for participating in the SSO.

Agreements

State agencies that administer more than one Child Nutrition Program are required to enter into a single agreement with SFAs with respect to the operation of any combination of the Child Nutrition Programs [7 CFR §225.6(e)]. Therefore, if the same State agency administers both SFSP and NSLP, SFAs interested in offering summer meals through SFSP are required only to sign an addendum to the existing NSLP agreement. In States where NSLP and SFSP are administered by different State agencies, the SFA must submit applications to and enter into an agreement with both State agencies.

Training

SFAs participating in the NSLP are familiar with operating a Federal Child Nutrition Program and should not be required to attend training prior to submitting an SFSP application. Similarly, members of the food service staff who receive meal service training under the NSLP are not required to attend separate SFSP training on meal services.

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However, administrative staff must be informed about Program requirements and attend the necessary training. SFSP State agencies are encouraged to offer targeted training on SFSP during NSLP trainings to eliminate the need for SFA administrative staff to attend a separate SFSP training.

Meal Reimbursement

Meals provided under the SFSP and that comply with the SFSP meal patterns are reimbursed at the applicable SFSP rates. Eligible meals provided under the SSO, including those offered at non-school sites, are reimbursed at the NSLP and SBP free rates and must comply with the NSLP and SBP meal pattern requirements in place during the immediately preceding school year. This is an important distinction for SFAs to consider.

Procurement and Contracting Requirements

SFAs may comply with the NSLP procurement standards found in 7 CFR §210.21 in lieu of SFSP procurement standards at 7 CFR §225.17. NSLP has comprehensive requirements in these areas and compliance with the NSLP requirements satisfies the intent of the corresponding SFSP requirements and will simplify participation for SFAs.

Additionally, SFAs may comply with the NSLP requirements for contracting with FSMCs outlined in 7 CFR §210.16 in lieu of the SFSP requirements at 7 CFR §225.15(h)(4)(i)-(xii). SFAs in exclusive year-round contracts with Food Service Management Companies (FMSCs) are not required to use the standard contract developed by the State agency for SFSP [7 CFR §225.6(h)]. Such SFAs also are not required to use separate competitive bidding procedures in procuring SFSP meals, provided all SFSP-related requirements are included in the procurement document before the contract is awarded [7 CFR §225.15(h)(4)]. If the SFSP is added to an existing contract, it should be noted that this may represent a material change to the contract. For guidance regarding a material change, State agencies and SFAs are encouraged to refer to SP 17-2012, *Procurement Questions and Answers to Assist in the Implementation of the Final Rule titled Nutrition Standards in the National School Lunch and School Breakfast Programs,* February 23, 2012 (http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2012/SP17-2012os.pdf).

SFAs that contract with FSMCs for some or all aspects of the management of the food service program may allow the FSMC to conduct the same activities for SFSP that are performed for NSLP. SFAs should be reminded, however, that the SFA maintains responsibility for submitting claims and remains accountable for ensuring that all SFSP requirements are met.

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Please note that there is no Federal requirement that food inventories used for the various Child Nutrition Programs be stored separately. Additionally, SFAs are not required to allocate expenses to the separate Child Nutrition Programs. Child Nutrition Program reimbursements may be used to pay expenses related to any of the Child Nutrition

Programs. Indirect costs must be charged appropriately to the nonprofit school food service account. Please see the indirect cost guidance for more information (http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP41-2011_os.pdf).

Monitoring Requirements

SFSP sponsors are required to visit each of their sites at least once during the first week of operation under the Program. ~~State agencies may waive the first week of operation visit requirement for SFA sponsors in good standing as described above. Although SFAs must ensure that each sponsored site is monitored as otherwise required during the period of operation, monitoring requirements of the SFSP sites may be aligned with those of NSLP [7 CFR §225.15(d)].~~[1]

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)].

Where the same State agency administers both SFSP and the school meal programs, monitoring of the financial management portion of the Child Nutrition Programs must be combined to ease the burden on SFAs and ensure that the complete nonprofit food service is reviewed. In States where the SFSP and NSLP are administered by separate agencies, the State agencies must determine which agency will monitor the financial management portion of the programs.

Additionally, States are encouraged to combine SFSP and NSLP monitoring of programmatic requirements, including meal pattern compliance, counting, and claiming. State agencies may wish to implement a memorandum of understanding (MOU) between the two agencies to address review requirements. MOUs between State agencies must be approved by the appropriate FNS Regional Office. The FNS Regional Offices also may offer additional assistance in these situations.

[1] This policy has been rescinded by SFSP 01-2019.

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SFSP deficiencies identified through State agency or SFA monitoring must be addressed according to the SFSP regulations, including the requirements regarding termination. Additionally, overclaims must be assessed and collected by the SFSP State agency in accordance with SFSP regulations.

Tribal Participation

As detailed in previous guidance, Tribal governments are typically recognized as a "public entity" or "local government" and are therefore eligible to participate in the SFSP as a sponsor [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/cnd/care/Regs-Policy/policymemo/2012/CACFP18_SFSP14-2012.pdf]. Tribal Grant schools and Bureau of Indian Education (BIE) schools are eligible to participate as SFSP sites just as any other public school, assuming other eligibility requirements are met. Tribal Grant schools and BIE schools and dormitories that administer the NSLP also are eligible to administer the SSO, regardless of whether the school is Tribal Grant or BIE operated.

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.

Original Signed

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