BRIGHT from the START
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MEMORANDUM

To: All Summer Food Service Program ("SFSP") Participants

From: Louis Brienza, Division Director
Nutrition Services

Date: December 19, 2012 LWB

Subject: Bright from the Start's Policy Memo "Summer Food Service Program Questions and Answers"

Legal Authority: United States Department of Agriculture ("USDA") Memo SFSP 05-2013 dated November 23, 2012

The purpose of this memorandum is to provide an update in respect to the changes in the SFSP.

In recent years, there have been significant changes to the Summer Food Service Program (SFSP). The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) made important changes to Program eligibility requirements. Additionally, the Food and Nutrition Service (FNS) improved access to the Program by lessening the administrative burden for sponsors, where possible, through a series of national waivers.

As a result, previously issued Questions and Answers have been updated to reflect these Program changes, and additional "frequently asked questions" have been added. This memorandum supersedes SFSP 03-2009 Revised: Transmittal of Guidance on the Summer Food Service Program, September 24, 2009.

Summer Food Service Program
Questions and Answers

A. SITE ELIGIBILITY

1. What is the difference between an open and a restricted open site?

In the Summer Food Service Program (SFSP), 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. Both open and restricted open sites must serve children 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 must be documented by data provided by public and non-profit private school officials, census data, welfare or education agencies, zoning commissions, or other appropriate sources.

An open site becomes a restricted open site when a sponsor chooses to restrict or limit the site's attendance for reasons of security, safety, or control. A site that would normally be approved as a traditional open site may not be approved as a restricted open site as a matter of preference or convenience; the sponsor must demonstrate to the satisfaction of the State agency that a legitimate reason exists to limit access to the site [7 CFR 225.2].

2. What is a closed enrolled site?

Closed enrolled sites serve only 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. Sponsors can document an enrolled site's eligibility by:

- Obtaining lists by name and eligibility status of enrolled children for free and reduced-price meals from schools where the children receive school lunch or breakfast. Parental consent forms are not required in order for the local school food authority (SFA) to provide this information to SFSP sponsors;
- Asking the parent or guardian of each enrolled child to complete an income eligibility form;
- Using school data to establish area eligibility for the site, rather than using the income eligibility form; or
- Using census data to establish area eligibility for the site, rather than using the income eligibility form [7 CFR 225.2; SFSP Memorandum, Closed Enrolled Sites, November 17, 2002].

3. What standards should be used in determining whether SFSP open sites are too close in proximity?

When evaluating proposed SFSP sites, the State agency must ensure that the area the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be

demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal [7 CFR 225.6(d)(1)(ii)].

States have discretion, therefore, in determining whether sites are targeting the same area or children. To support access to summer meals, it may be appropriate for States to allow sites in relatively close physical proximity to operate in the community, each serving its own participants. Sponsors should be able to explain why differences in the population of children they intend to serve require multiple sites in close proximity. For example, an open site at an elementary school may attract primarily young children, while an open site at a nearby teen center may attract primarily teens. Therefore, the State may determine that even though these sites are in relatively close physical proximity they attract different groups of children who may not be otherwise served.

Sites also may be close in proximity, but separated by a physical barrier that limits access. For example, sites located on opposite sides of a busy highway may be close in proximity, but access to the sites is restricted due to inability of the children to safely cross the highway. The State may determine that the sites are serving different children based on the physical conditions that restrict access. Additionally, sites located in close proximity may be required to have the same meal times or shorter meal times to avoid the possibility of children traveling from one site to another.

4. When using school data to determine area eligibility for SFSP, is there a particular month that institutions must reference?

For purposes of the SFSP, areas in which poor economic conditions exist are those school attendance areas where at least 50 percent of the children are eligible for free or reduced price school meals under the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) [7 CFR 225.2].

To minimize administrative burden on the NSLP State agency, SFSP State agencies should use the data that is reported by the NSLP State agency for use in the Child and Adult Care Food Program (CACFP). This is usually October data, but may be data from an alternate month designated by the NSLP State agency. Once the month is established it must be used for all site eligibility determinations throughout the State that year.

The data from other months may be used to determine SFSP area eligibility in specific cases when special circumstances exist. For example, a major event, such as the loss of a large employer or a significant natural disaster, might change the economic make-up of a community in a short amount of time and render the October or alternate-month data irrelevant to current conditions. In this situation, SFSP State agencies may approve the use of enrollment data from a later month, on a case-by-case basis.

5. In determining area eligibility, may eligibility be based on NSLP participation rates or must it be based only on enrollment data?

When relying on NSLP data, area eligibility must be based on the percentage of enrolled students eligible for free or reduced price meals, not on participation data. NSLP enrollment data generate the percentage of students eligible for free or reduced price meals based on the entire school population. The expectation is that the school enrollment data will reflect economic characteristics similar to that of the community from which the student population is drawn. Participation data, on the other hand, consider only the children who participate in the NSLP, resulting in a less complete and accurate snapshot of the economic characteristics of the school, and therefore the surrounding community.

6. When determining area eligibility of a school, can the percentage of children eligible for free or reduced price school meals of another school in the same attendance area be used?

Yes. If a high school with less than 50 percent free or reduced price school enrollment is located in the attendance area of a middle school where 50 percent or more of the enrolled children are eligible for free or reduced price meals, for example, the high school would be area eligible.

7. How do you determine a site's area eligibility in cases where children regularly attend schools outside a designated area, for example, where there is busing or school choice?

In cases of school sites, the use of school data would typically be permissible. In other cases, it is best to refer to SFSP 03-2013, Determining Area Eligibility Based on School Data, for specific guidance on this issue.

B. SPONSOR OR SITE APPROVAL

1. May an institution that participates in the CACFP during the school year switch to the SFSP for the summer?

Generally, institutions that participate in CACFP may not claim reimbursement under SFSP [7 CFR 225.15(a)(2)]. However, CACFP institutions that have substantial changes in activities or enrollment, or develop a separate food service program for children who are not enrolled in the CACFP, and meet SFSP eligibility criteria, may be approved to participate in the SFSP. Institutions may not switch back and forth between participation in CACFP and participation in SFSP to serve the same children.

Institutions that are approved for both the CACFP and the SFSP must ensure that the same children are not served meals in both programs and separate records must be kept for each program [FNS Instruction 782-4, Revision 2].

2. Are there any restrictions on afterschool programs switching from the at-risk afterschool meals component of the CACFP during the school year to SFSP during the summer when school is not in session?

Generally, organizations that serve meals or snacks to children only through the at-risk afterschool meals component of CACFP during the school year may serve meals to all children through age 18 under SFSP during the summer months, subject to approval of their SFSP application by the State agency.

However, a traditional child care center that also serves at-risk afterschool meals or snacks (i.e., the center has enrolled pre-school children in care during the day, but also serves at-risk afterschool meals or snacks to school-age children) may receive reimbursement under SFSP during the summer only for meals served to children who participate in the afterschool program during the school year. See Question B1 above for information regarding eligibility of the traditional child care component.

3. What is the NSLP Seamless Summer Option (SSO) and how do the requirements differ?

The NSLP Seamless Summer Option (SSO) offers a streamlined approach to feeding children in the summer. SFAs participating in the NSLP or the SBP may offer meals through the SSO. Once approved, schools located in eligible areas may serve free meals to children, 18 years and under. The same NSLP and SBP rules apply to meal service provided through the SSO. All eligible meals provided under SSO are paid at the applicable NSLP or SBP rates. If the site is area eligible, all meals are reimbursed at the NSLP or SBP free rates. In both the SSO and the SFSP, 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 in order to qualify as area eligible.

4. Under what circumstances may summer schools participate in SFSP?

Sponsors that administer SFSP at sites where an accredited summer school is in session must ensure that these sites are open to all children residing in the school attendance area served by the site, in addition to the children enrolled in the summer school program [7 CFR 225.14(d)(2)]. If the site is not open to the children of the community but provides meals only to enrolled summer school students, the site is not eligible to receive reimbursement for meals through SFSP or the SSO. The NSLP and SBP are available to any school that hosts an academic summer school where access to meal services is limited to children enrolled in the summer school program.

5. What are some differences between the SFSP and the SSO in the NSLP?

REQUIREMENTS	SFSP	SSO
Meal Cost for Children	All meals are free. Although camps are only reimbursed for children who qualify for free or reduced price meals, camp sponsors may, and usually do; provide meals free of charge to all children.	Same as SFSP

REQUIREMENTS	SFSP	SSO
Establishing Site Eligibility	Open sites: In the attendance area of a school or in a geographic area defined by census data where 50 percent or more of the children qualify for free or reduced price school meals, and open to community. Enrolled sites: 50 percent or more of enrolled children are eligible for free or reduced price meals, determined by approved application, or operate in an eligible area. Migrant sites: Certification by a migrant organization that the sites serve children of migrant farm workers. Camps: Offer a regularly scheduled food service as part of an organized program for enrolled children.	Same as SFSP
Type of Meals	Meals served may include breakfast, lunch, supper, or snack (AM or PM). Lunch and supper may not be reimbursed for the same day by the same site, except for camp and migrant sites.	Same as SFSP
Maximum Number of Meals	Two meals for most sites, three meals for migrant sites and camps.	Same as SFSP
Reimbursement Rates	Paid at SFSP free rates.	All eligible meals provided under SSO are paid at applicable NSLP or SBP free rates.
Meal Pattern	Meal pattern must meet 7 CFR 225.16(d) standards. However, SFAs may substitute NSLP and SBP meal patterns.	Must meet requirement for NSLP in 7 CFR 210.10; or SBP in 7 CFR 220.8.
Eligible Sponsors	SFAs, Local government agencies, Private non-profit organizations, Universities or colleges, Community and faith-based organizations	SFAs

6. Is there a required number of children who must attend a site in order for the site to be approved to participate?

While there is no minimum requirement of child attendance at an SFSP site, it is important that a sponsor adequately evaluate the needs of an area it hopes to serve prior to finalizing site operations. Adequate Program planning requires an accurate estimate of the number of children

that will be served so that the total potential reimbursement can be calculated. For new sites, sponsors can estimate the potential number of participating children by contacting schools and other organizations in the area to determine the number of children within a short walking distance to the site.

7. How many sites may a sponsor be approved to operate?

All sponsors may be approved to operate a maximum of 200 sites and serve a maximum total average daily attendance of 50,000 children. However, sponsors must demonstrate financial and administrative capability for Program operations for all sites at which they propose to conduct a food service. The State agency has the authority to limit the number of sites for a sponsor if Program requirements outlined in 7 CFR 225.14(c) are not met to the satisfaction of the State agency [SFSP 02-2011: Eligibility Requirements and Site Limits for Private Nonprofit Organizations in the Summer Food Service Program, January 14, 2011].

8. Are there any additional caps placed on how many reimbursable meals a site may serve?

Site caps are required for vended sites. A sponsor may not claim reimbursement for meals served to children at any site in excess of the approved level of meal service if one has been established. Therefore, a sponsor may not claim reimbursement for meals served to children at any vended site in excess of the cap [7 CFR 225.6(d)(2), 7 CFR 225.9(f)].

When evaluating a proposed food service site, the State agency must ensure that the site is approved to serve no more than the number of children for which its facilities are adequate. Therefore, site caps are also required for non-vended sites. A limit must be placed on a site, prior to being approved. This "cap" is based on the capacity of the site to prepare and distribute meals. The State agency's determination of this cap for self-prep sites should be based on the number of children for which their facilities are adequate [7 CFR 225.6(d)(1)(iii)].

C. FINANCIAL MANAGEMENT

1. If an SFSP site is administered by a nonprofit institution does it automatically meet the requirement to conduct a nonprofit food service under SFSP?

No. The purpose of the SFSP is to assist States in conducting nonprofit food service programs for children during the summer months and at other approved times [7 CFR 225.1, 7 CFR 225.6(e)(1)]. The institution's status as public or private nonprofit cannot be used as evidence that the institution is operating a nonprofit food service. Nonprofit status is determined by the scope of the food service activities conducted and the use of the food service revenues. A sponsor is operating a nonprofit food service if the food service operations are principally for the benefit of participating children and all of the Program reimbursement funds are used solely for the operation or improvement of such food service.

2. Are private nonprofit organizations required to have Internal Revenue Service tax-exempt status in order to be eligible to participate in the SFSP?

Yes. Private nonprofit sponsors must have tax exempt status under the Internal Revenue Code of 1986 in order to be eligible to participate in the SFSP [7 CFR 225.2]. Additionally, all sponsors must maintain records and supporting documentation to permit reviewers and auditors to evaluate and verify that the sponsor and the SFSP were operated on a nonprofit basis.

3. May a CACFP sponsor establish a separate organization using a separate tax identification number to participate in the SFSP?

CACFP sponsors may not establish separate entities using separate tax identification numbers to serve the same children under different Child Nutrition Programs in order to avoid Program restrictions or to earn higher reimbursement. However, if there is a legitimate need for a separate organization and that organization has sufficient differences in activities and management, and serves children who are not enrolled in the CACFP, it may be approved to participate in SFSP if it meets SFSP eligibility criteria. This will generally apply to organizations participating in the at-risk afterschool meals component of the CACFP. The organizations must ensure that the same children are not served meals in both Programs and keep separate records for each Program [FNS Instruction 782-4, Revision 2].

4. Are nonprofit food service programs required to break even or maintain a negative account balance?

Managing a nonprofit food service does not require that a sponsor break even or operate at a loss. The nonprofit compliance is determined by the use of the nonprofit food service revenues. All income to the Program must be retained and used for the sole purpose of operating a nonprofit food service. The sponsor is limited to allocating costs to the Program for allowable expenses of serving meals to eligible participants.

5. Must a sponsor maintain SFSP funds in a separate account?

No. Sponsors are not required to maintain SFSP funds in a separate account. However, sponsors must be able to account for the receipt, obligation, and expenditure of all SFSP funds [OMB Circular A-110, Section 22(i)].

When a sponsor's total food service is not conducted principally for the benefit of its own SFSP participants, the non-Program and Program components of the food service operation must be tracked separately. Through this separation, the sponsor must ensure that the nonprofit food service Program component does not support any non-Program food service activities, such as vending or catering operations or adult meal services.

Unallowable support occurs when non-Program costs are assigned to the nonprofit food service or when Program revenues are used for unallowable expenses or not retained for use in the nonprofit food service. The sponsor must maintain accounting records documenting proper cost allocation between the Program and non-Program components of its food service operation. The State agency must ensure through the review process that all SFSP reimbursements are used solely for conducting nonprofit food service operations.

If the sponsor operates more than one Child Nutrition Program, SFSP reimbursements may be used for allowable costs relating to any of the Child Nutrition Programs.

6. How should a State agency respond if it determines that a sponsor is using funds improperly?

If a State agency finds that a sponsor is using funds for expenses that are not allowable under any of the Child Nutrition Program operated by the sponsor, it must require corrective action. If funds were used for unallowable costs, the State should require the sponsor to replenish the funds to the Program. It should be emphasized that USDA funds may not be used to restore funds used for unallowable costs, but funds must come from another source.

If the sponsor is found to be seriously deficient and does not take appropriate corrective action, the State agency may consider termination of the agreement with the sponsor and recover funds used for unallowable costs [7 CFR 225.11].

7. If reimbursements are made based on "meals times rates" how does a State have authority to collect funds that were used improperly?

Although under the simplified summer rules reimbursements are now based on meals times rates, sponsors still must comply with Program requirements. This means that the sponsor must operate a nonprofit food service, must use Program funds only for allowable expenses, and must comply with all Program regulations and policy guidance [FNS Instruction 796-4, Revision 4].

Sponsors that violate Program requirements may be assessed an overclaim if meal claims were determined to be inaccurate. Additionally, where it is determined that Program funds were used for an unallowable expense, sponsors may be required to repay the portion of the reimbursement that was attributable to the Program violation. Requiring a sponsor to repay Program funds is an appealable action [7 CFR 225.13].

8. If sponsors do not have to submit documentation of their costs to the State agency when claiming reimbursement, do they still have to document their expenses?

The SFSP simplified cost accounting procedures base reimbursements on the number of meals served times the reimbursement rate, without requiring a comparison to actual or budgeted costs. Under this simplified structure, sponsors are no longer required to submit documentation of their costs to the State agency for reimbursement. However, they are still required to maintain documentation indicating that their reimbursements were spent on allowable Child Nutrition Program costs. This documentation must be available for State agency review [SFSP 03-2008: Simplified Procedures in Summer Food Service Program, February 14, 2008].

SFSP regulations require State agencies to disallow any portion of a claim for reimbursement and recover payments to a sponsor if the sponsor is unable to document that the reimbursement was used for allowable costs. Therefore, if a sponsor lacks required documentation, the State

agency must declare the sponsor seriously deficient, require corrective action and recover the reimbursement [FNS Instruction 796-4, Revision 4; 7 CFR 225.12(a)].

9. What should a sponsor do if it receives more reimbursement than it spends?

It is the sponsor's responsibility to closely monitor its reimbursement and expenditures throughout its administration of the SFSP. If a sponsor receives more reimbursement funds than it uses for the Program, the sponsor must use the "excess" funds in a way that benefits SFSP services to children or for expenses related to other Child Nutrition Programs operated by the sponsor.

Because most sponsors operate the SFSP for a short time each year, it is critical for the State to closely monitor each sponsor's funding and Program expenditures. If the State identifies an excessive gap between a sponsor's reimbursements and expenditures, the State must require corrective action, such as improvement of the meal service.

10. May State agencies collect excess funds from a sponsor by assessing an overclaim?

No. State agencies may not collect excess funds if they are earned based on the meals times rates formula and the sponsor is properly managing the Program. Such funds are not an overclaim subject to recovery. However, the State agency must require the sponsor to use the excess funds in a way that benefits SFSP services to children, such as improving the quality of the food provided and enhancing monitoring and oversight, or for expenses related to other Child Nutrition Programs operated by the sponsor.

11. What should a sponsor do with excess funds after the Program ends for the year?

Sponsors with SFSP funds remaining upon the completion of the Program for the year should use the funds for SFSP allowable expenses, such as improving feeding sites or food preparation facilities, as start-up funds for the next year, for improving the food quality for the following summer, or for expenses related to other Child Nutrition Programs operated by the sponsor.

12. What if a sponsor has excess funds but does not intend to participate in the SFSP the following year?

When a State agency is notified that a sponsor does not intend to participate in the SFSP the following year, the State agency should conduct appropriate close-out activities. If the sponsor has excess funds, the sponsor should apply the SFSP excess funds to expenses related to other Child Nutrition Programs it operates. If the sponsor does not operate other Child Nutrition Programs, the State agency should collect the excess funds [7 CFR 3016 and 3019, Subpart D].

13. What should the State agency do if sponsors have excessive SFSP fund balances?

Each State agency must determine what constitutes an excessive nonprofit food service Program balance and monitor the steps a sponsor takes to reduce an excessive balance. The State agency may not reduce future reimbursement payments or recover excess funds as a means of reducing

high balances, but must ensure sponsors reduce excessive food service account balances through improvements or expansion of the nonprofit food service for Child Nutrition Program participants. The sponsor may not transfer excess funds to non-Program operations or use excess funds to increase salary or fringe benefit costs when the sole purpose of the increase is to reduce a nonprofit food service program balance.

14. May a State require that sponsors report actual costs even though it is not a Federal requirement?

No. Sponsors may not be required to report their costs to the State agency, although they must maintain records for the State agency's review [SFSP 01-2008: Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures, January 2, 2008].

15. How should a State agency calculate advances under the simplified cost accounting procedure?

The State agency should continue to calculate advances as outlined in the regulations. Sponsors that request advances are required to provide estimated operating and administrative costs [7 CFR 225.9(c)].

16. May a sponsor request an advance for operating and administrative costs combined?

No. Because State agencies are still required to calculate operating and administrative advances separately, a sponsor must demonstrate a practical division of financial resources to ensure that:

- Appropriate resources are used to provide healthy meals to children;
- The sponsor has a basis to use in estimating operating and administrative costs; and
- The sponsor has a basis for requesting operating and administrative advances.

17. Should a State agency take excess funds into consideration when determining an advance for the upcoming summer?

Yes. When processing requests for advances, State agencies should ask returning sponsors if they had excess of revenues over expenses from the previous year. If so, these funds must be used to support the current year's SFSP nonprofit food service. Since money earned through SFSP reimbursement must be used for SFSP purposes, excess funds should be used to support the SFSP food service operation or administration. Therefore, the State agency may reduce the advance to reflect the amount of funds carried over from the previous year.

18. How does a State agency reconcile an administrative advance to a combined rate?

The State agency determines the amount of the administrative advance in accordance with the criteria established Program regulations [7 CFR 225.9(c)(2)]. The advance should be reconciled against the meals times rates reimbursement earned to determine if excess advances need to be returned. Because the amount available is based on the estimated need rather than specific rates, it is doubly important that the sponsor budgets have sufficient detail to allow the State to make

the best possible estimate. States retain the right to deny or reduce the advance amount if the budget items seem unreasonable or if the estimates are not realistic. We encourage States to work closely with sponsors when determining appropriate advance amounts.

D. CAMPS

1. What is a nonresidential camp and how is it different from a closed enrolled site?

In order to participate in SFSP, a nonresidential camp must offer a continuous schedule of organized programming and a meal service for enrolled children [7 CFR 225.2]. The Program should consist of predetermined hours of operation that do not include 24 consecutive hour care to any one participant.

A nonresidential camp is similar to a closed enrolled site in that it serves an identified group of children and offers an organized program of activities. However, to establish eligibility to receive reimbursement for eligible meals served to all children, closed enrolled sites (along with open and restricted open sites) may use area free or reduced price data for the location of the site or document that at least half of the enrolled children are eligible for free or reduced price meals. Camps, on the other hand, may not use area eligibility data to qualify for reimbursement. Sponsors participating as a nonresidential 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 [7 CFR 225.6(b)(8); SFSP Policy Memorandum, SFSP Waiver for Closed Enrolled Sites, November 17, 2002].

Additionally, camps may be reimbursed for up to three meals or two meals and one snack per day. Closed enrolled sites, however, may only be reimbursed for up to two meals each day [7 CFR 225.16(b)].

2. What is a residential camp?

A residential camp is one that offers a regularly scheduled food service as part of an organized program for enrolled participants [7 CFR 225.2]. In a residential camp, the same participants spend the duration of the organized program in a 24-hour supervised care setting. Residential camps are a distinct category of eligible service sponsors and are not considered "closed enrolled" sites. In residential camps, all children served meals for which Program reimbursement is claimed must be eligible for free or reduced-price meals (See also answers to questions D6 and D7 below).

3. May a residential or nonresidential camp charge a fee to its participants for meals?

Meals must be provided at no charge to any eligible child in attendance at the site. Camps may charge non-eligible children a fee for meals [7 CFR 225.6(e)(4)]. As part of the application process, sponsors of camps must submit a statement of nondiscrimination in its policy for serving meals to children. Additionally, camps that charge separately for meals must include:

- A statement that the camp uses the USDA's eligibility standards for family size and income levels at the level of reduced-price school meals;
- A description of how the camp accepts income eligibility applications from campers and assures that children whose families receive Supplemental Nutrition Assistance Program Food Distribution Program on Indian Reservations, or Temporary Assistance for Needy Families benefits are automatically eligible for free meals;
- A description of how the camp will collect payments from children who must pay the full price for their meals;
- An assurance that the camp has a hearing procedure for families who want to appeal a denial of eligibility for free meals;
- An assurance that if a family requests a hearing, the child will continue to receive free meals until a decision is made by the hearing official; and
- An assurance that there will be no overt identification of free meal recipients and no, discrimination against any child on the basis of race, color, national origin, sex, age, or disability [7 CFR 225.6(c)(4)].

4. How many meals may camps be reimbursed for serving each day?

With State agency approval, residential and nonresidential camps may claim reimbursement for serving up to three meals or two meals and one snack to eligible children each day [7 CFR 225.16(b)(1)(i)]. Therefore, a camp may not claim reimbursement for snacks on days that it claims reimbursement for breakfast, lunch, and supper.

Alternatively, a camp may not claim reimbursement for a third meal on days that it claims a snack for reimbursement. However, if camps are serving different combinations of meals to identified groups of children, they may be reimbursed for three meals and a snack each day. For example, if a morning group at a day camp receives breakfast, lunch, and snack, and an afternoon
group receives lunch, snack, and supper, the camp could be reimbursed for all of the meals served as long as individual children are not served more than three meals or two meals and one snack per day.

5. Are there time restrictions that apply to meal services at camps?

No. Federal meal service time restrictions are waived for all SFSP sites. Sponsors must continue to establish meal times for each site and provide this information to the State agency. Therefore, when applying to participate in the Program or providing annual updates to Program information, sponsors must provide the State agency with information regarding the times of the meal service at each site, but are not required to ensure that specific time periods elapse between the meal services [7 CFR 225.6(c)(2) and (c)(3); SFSP 11-2011: Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program, October 31, 2011].

6. How must a camp document meal reimbursement eligibility?

Unlike open, restricted open, and closed enrolled sites, camps may not establish area eligibility. Sponsors of camps are reimbursed only for those meals served to eligible children. Meal

reimbursement to camps participating in SFSP is based on the household income of each child participating in the Program. Residential camps may not use area eligibility to determine a child or group of children's eligibility for meals. Documentation of individual eligibility from appropriate sources, such as school data or individual eligibility forms submitted by families of children enrolled to participate at the site, is required prior to site approval [7 CFR225.16(b)(1)].

7. Are camps required to collect income forms for participating children, or may they use certification information from the child's school?

Camps may use either method. Parents or guardians of children participating in camps or enrolled programs may complete an income eligibility form providing family size and household income data. Based on the income eligibility form, sponsors will make individual eligibility determinations for all enrolled children since camps are reimbursed only for the SFSP meals served to those children eligible for free or reduced price school meals [7 CFR 225.6(b)(8)]. Sponsors of camps must maintain the original approved forms for all eligible children in separate files for each camp session. In addition, the forms must be available for review by the State agency [7 CFR 225.16(b)(1)].

A participating SFSP sponsor that is a camp also may consult with a school to use existing free or reduced price lunch certification for individual children [7 CFR 225.15(g)]. The school may provide sponsors certification of individual children's eligibility for free or reduced price meals. The certification must be signed and dated by the appropriate authorizing official. The camp may claim only meals served to children who are certified eligible for free or reduced price meals.

E. MISCELLANEOUS QUESTIONS

1. Do sponsors have an obligation to ensure that neighborhood children have access to open sites?

Yes. Sponsors of sites that are open to all children must take the necessary steps to allow children residing in the area served by the site access to the meal service. If a sponsor that would normally operate an open site must restrict the site's attendance (for reasons of security, safety, or control), the sponsor must make it publicly known that the site will be open on a first-come, first-served basis to all community children and that the meal service will be limited. State agencies may develop procedures requiring sponsors to ensure site access. FNS encourages sponsors of open or restricted open sites to:

- Display banners to publicize to the community that meal service sites are open;
- Provide appropriate training to supervisory staff and volunteers so that they understand that community children have equal access to services and facilities at the site;
- Explain the availability of the Program to tenants, security staff, and other clients of the facility where the site is located, so that they allow community children access to the area where the meals are served;
- Announce to children, at each meal service, the time and location of the next available meal service; and
- Work with other local organizations and schools to publicize the Program.

2. Are SFSP sponsors required to meet children's special dietary preferences, including providing vegetarian meals?

Sponsors are not required to accommodate dietary preferences, but are encouraged to do so within the existing meal patterns. However, sponsors are required to make substitutions or modifications to the meal patterns for participants with disabilities who are unable to consume the regular Program meals when such substitutions are supported by a statement from a recognized medical authority that includes the required alternate foods [7 CFR 225.16(f)(4); FNS Instruction 783-2, Revision 2].

Additionally, substitutions may be made if individual children are unable, because of medical or other special dietary needs, to consume the foods required by the meal patterns. Such substitutions may be made only when supported by a statement from a recognized medical authority that includes recommended alternate foods [7 CFR 225.16(f)(4)]. Variations in the meal patterns may be approved where there is evidence that the variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs [7 CFR 225.16(f)(5); FNS Instruction 783-13, Revision 2; FNS Instruction 783-14, Revision 1].

3. How many reimbursable meals may be served?

Open, restricted open, and closed enrolled sites may be reimbursed for up to two reimbursable meals or a meal and a snack each day. The meals may be of any combination except lunch and supper. Camps and migrant sites may be approved for reimbursement of up to three meals, or two meals and a snack daily [7 CFR 225.16(b)].

There also are limits on the total number of meals that may be served each day. SFAs and public agencies may serve a maximum total average daily attendance of 50,000 children. However, the State agency may approve exceptions if the sponsor can demonstrate that it has the capability of managing a larger program [7 CFR 225.6(b)(6)].

4. May a State agency prohibit sponsors from serving hot meals?

No. A State agency is not permitted to issue a blanket statement prohibiting all sponsors from serving hot meals. Similarly, a State agency may not require a site to offer hot meals. If a State agency wishes to limit the types of meals served, it may do so only on a case-by-case basis and must be based on health or safety reasons.

5. May an SFSP site charge a fee to participate in the activity portion of its program?

Yes. Access to meal service at open sites, however, must be free. Although it is common for enrolled programs to charge for items such as t-shirts, bags, and other identifying items that are unallowable State administrative funds expenses, State agencies should ensure that any fees are reasonable and do not restrict access by low-income children.

6. May a site sell a la carte items during a meal service?

Yes. The sale of a la carte items by SFSP sponsors or sites during a meal service is permitted. The non-Program and Program components of the food service operation must be tracked separately, accounting for the receipt, obligation, and expenditure of all SFSP funds. The sponsor must maintain accounting records documenting proper cost allocation between the Program and non-Program components of its food service operation and the State agency must ensure through the review process that all SFSP reimbursements are used solely for conducting nonprofit food service operations.

7. May sponsors participating in SFSP provide meals to children on the weekends?

Yes. The regulations do not restrict SFSP meal service to weekdays and States may not prevent sponsors from offering weekend meals. As with all sites, State agencies and sponsors must ensure that sites offering weekend meals are subject to site monitoring as required by the regulations [7 CFR 225.7(d); 7 CFR 225.15(d)].

8. What are "backpack" programs and may SFSP funds be used to pay for them?

The Department of Agriculture (USDA) operated a backpack summer demonstration project in Arizona, Kansas, and Ohio during the summers of 2011 and 2012. This demonstration was authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 (Public Law 111-80). The Appropriations Act authorized the Secretary of Agriculture to develop and test alternative methods of providing access to food for low-income children in urban and rural areas during the summer months, when schools are not in regular session. This project was not intended to replace the SFSP in those areas and funding for the project did not include SFSP funds. This is currently only a demonstration project and not available in all locations.

There are also other "backpack" programs, however, they are privately supported programs that operate independently of the USDA Child Nutrition Programs. Although SFSP reimbursement, which is designed to support food services for children in supervised congregate meal settings, may not be used to pay for backpack programs, sites participating in other "backpack" programs may distribute the backpacks at the site.

9. Where can I find more information about the FNS summer demonstration projects?

There is a webpage on the FNS public website dedicated to the summer demonstration projects. This webpage provides an overview of each project as well as links to the research reports that have been made available to the public to date. Future research reports also will be posted to this page. The webpage can be found at the following link: http://www.fns.usda.gov/ora/menu/DemoProjects/SummerFood/Default.htm

10. Are sponsors required to maintain production records?

Some States require sponsors to maintain production records, which include detailed information about how food was purchased and the specific amounts of foods prepared and served. This is not a Federal requirement and States have been encouraged to reconsider this requirement due to the additional administrative burden it places on sponsors and sites. In lieu of production records, State agencies must require that sponsors maintain records which document that all meal pattern requirements are met. State reviewers should review menus, invoices, receipts, and other food service records to ensure meal pattern requirements are met on the day of the review and during the selected review period. State agencies may not disallow meals that are otherwise reimbursable or assess an overclaim based solely on a State requirement concerning production records [SFSP 14-2011: Existing Flexibilities in the Summer Food Service Program, May 9, 2011; 7 CFR 225.16(d)].

11. May non-school sponsors purchase non-unitized meals from a food service management company when utilizing the offer versus serve (OVS) option?

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 [7 CFR 225.6(h)(3)].

If participating institutions have questions concerning information in this memorandum, please contact the Policy Administrator at 404.651.7181.