



Georgia Department of Early Care and Learning

**Nathan Deal**  
Governor

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To: All Sponsors participating in the Summer Food Service Program (SFSP)

From: Louis Brienza

Date: April 14, 2011

A handwritten signature in black ink, appearing to read "L. Brienza", is written over the date.

Re: Recent Changes to SFSP Regulatory Requirements

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This policy memorandum reiterates and reinforces recent federal regulatory change in provisions for sponsoring organizations and sites participating in the Summer Food Service Program (SFSP).

### **Meal Time Restrictions**

Currently, three hours must elapse between the beginning of one meal or snack service and the beginning of the next, except that four hours must elapse between the beginning of lunch and the beginning of supper when no afternoon snack is served. Additionally, the duration of meal service is limited to two hours for lunch and supper and one hour for breakfast and snacks (7 CFR §225.16(c)).

In an effort to simplify Program management, the United States Department of Agriculture's (USDA) Food and Nutrition Service is waiving these restrictions. In accordance with 7 CFR §225.6(c) (2), sponsors must continue to establish meal times for each site and provide this information to Bright from the Start.

Therefore, when applying to participate in the Program or providing annual updates to Program information, sponsors must provide Bright from the Start 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. CNP 2000 has been updated to allow sponsors to indicate start and end meal times for each meal type indicated in the site application, without regards to previous meal time restrictions.

### **Offer versus Serve**

Currently, school sponsors have the offer versus serve (OVS) option under 7 CFR §225.16(f) (ii). OVS permits children to decline food or menu items they do not intend to eat. However, the regulations restrict OVS to only school sponsors, meaning that all meal components must be served by all other sponsors.

In an effort to minimize food waste and help sponsors contain costs, USDA has expanded the OVS option to all sponsors participating in the SFSP.

Schools electing to use OVS must use the options relevant to their menu planning approach. Other SFSP sponsors wishing to use OVS must follow the OVS requirements for the food-based menu planning approach. This means a child may decline only one food item offered at breakfast and up to two of the food items offered at lunch or supper. There is no OVS option for snacks. A complete meal must be offered to all SFSP participants (i.e., all required food items/components must be offered and children must not be urged to decline components).

Sponsors are required to indicate the site's use of OVS in each site application, and must continue to maintain accurate and current site applications within CNP 2000.

Guidance on food-based menu planning will be available via Bright from the Start's website at <http://www.dec.state.gov/Nutrition/SFSPHandbooksInstructions.aspx>.

### **Monitoring Requirements**

USDA has issued a waiver to the Summer Food Service Program (SFSP) regulation governing sponsor requirements for conducting SFSP site visits during the first week of site operations for sites that operated successfully in the previous year. This guidance supersedes previous guidance, *Summer Food Service Program (SFSP) Exception to the Requirement First-Week Visits in the SFSP for Non-school Sponsors*, (April 22, 2003), authorizing State agencies to waive this requirement on an annual basis. Relieving sponsors of the requirement to visit successful returning sites within the first week will help sponsors target their monitoring resources to sites that need additional oversight and simplify administration of the SFSP.

Currently, 7 CFR §225.15(d) requires sponsors to conduct site visits during the first week and a site review within the first four weeks of site operation. This memorandum waives 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.

Site visits are required in the first week of operation and site reviews within the first four weeks of Program operation for all new sites and any sites that experienced operational deficiencies during the previous summer. In cases where a site, whether new or returning, will operate for only one week, the site visit must be conducted in that week.

For all sites, once the initial site visits and reviews have been conducted, sponsors are required to maintain a reasonable level of site monitoring. If any serious deficiency is identified during a site visit or review, a follow up visit must be conducted to ensure that permanent corrective action has been implemented.

Sponsors must continue to document site visits and site reviews on Bright from the Start's monitoring forms, unless approval for alternate forms is granted. Monitoring forms are available via Bright from the Start's website at <http://www.dec.state.gov/BftS/FormList.aspx?cat=SFSP> and on the annual SFSP Data CD provided during the annual SFSP training.

## Eligibility and Limitations for Profit Making Sites

USDA notified all States that FNS Instruction 776-6, revision 1 has been determined obsolete, and beginning with summer 2011, State agencies may approve meal service at for-profit sites operated by eligible non-profit SFSP service institutions.

Section 13(a)(7) of the Richard B. Russell National School Lunch Act, 42 USA 1761(a)(7), and SFSP regulations at 7 CFR 225.2 require that in order to be eligible to participate in the SFSP, a private service institution must non-profit, which is defined as having tax exempt status under section 501 of the Internal Revenue Code of 1986. In addition, *site* for meal service purposes is defined in SFSP regulations merely in terms of physical location or place. Previously, FNS Instruction 776-6, revision 1, issued in 1987, limited SFSP access to only meal service sites which were non-profit in nature. SFSP sites were not required to have tax exempt status, but could not participate under the sponsorship of an eligible private non-profit or public service institution if identified as for-profit.

After careful consideration of the statutory and regulatory authorities, as well as consultation with service institutions and State agencies administering the SFSP, it was determined that it would be in the best interest of the SFSP to expand site participation eligibility to for-profit sites, but with limitations.

State agencies may now approve meal service sites which are not identified as non-profit locations if the sites meet **all** of the following criteria:

- The sites **must** be operated under the sponsorship of an eligible public or private non-profit service institution;
- The sites **must** operate as **open sites or restricted open sites**;
- The sites must be located in an area in which at least 50 percent of the children are from households that are eligible for free or reduced priced school meals;
- The sites must make meals available to **all** children in the area and must serve meals to children on a first come, first served basis, and
- The sites must serve **all** meals at no charge.

### **Enrolled for-profit sites or for-profit camps remain ineligible for participation in the SFSP.**

SFSP sponsors must continue to maintain operational control over the meal service at the site and must also ensure that no SFSP funds are provided to the site. **The site operators (i.e., site supervisors, staff, etc.) cannot prepare the meals, and funds cannot be provided, given or otherwise paid to the site to employ site staff. Only the sponsor's trained staff and volunteers and sponsor trained site staff serving as volunteers are permitted to distribute the meals.** For-profit sites must adhere to the same provisions applicable to all other sites in the SFSP.

Bright from the Start will deny participation of a for-profit site that has failed to meet the criteria listed above.

For questions concerning information in this memorandum, please contact the Policy Administrator at 404.651.7181.