The Summer Food Service Program (SFSP)

2016 Administrative Guidance for Sponsors

United States Department of Agriculture
Food and Nutrition Service

The 2016 edition of this guidance has been revised and extensively reformatted for ease of use. The revisions to content are identified in this version of the guidance.

Note that changes in the order of content have not been highlighted.

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Introduction

The U.S. Department of Agriculture's (USDA) Summer Food Service Program (SFSP) relies on innovative and collaborative efforts to reach children in need. USDA encourages collaborations with valued partners at the National, State, and local levels to raise awareness about the nutrition gap low-income children face when schools close for the summer and the availability of summer meals to close this gap.

The SFSP was established to ensure that low-income children continue to receive nutritious meals when school is not in session. Free meals that meet Federal nutrition guidelines are provided to all children at approved SFSP sites in areas with significant concentrations of low-income children.

The SFSP operates during school vacations, primarily in the summer months – from May through September. It may also provide meals during vacation breaks in schools that are operated on a year-round basis or a continuous school calendar, or during emergency school closures from October through April.

USDA's Food and Nutrition Service (FNS) administers the SFSP at the national and regional levels. Within each state, the Program is administered by the State department of education or an alternate state-designated agency.

Locally, public or private non-profit organizations that want to "sponsor" the Program apply and are approved by the State agency to operate the Program. These sponsoring organizations sign Program agreements with their respective State agencies and are responsible for overseeing Program operations. Sponsors receive Federal reimbursement from the State agency to cover the administrative and operating costs of preparing and serving meals to eligible children at one or more meal sites.

Additional Resources

USDA's FNS has several resources available to aid individuals and organizations interested in working with the SFSP:

- The **main SFSP website** is a great starting point to find all web-based Program resources: http://www.fns.usda.gov/sfsp/summer-food-service-program-sfsp
- The **SFSP Handbooks** webpage includes links for Program guidance for sponsors, monitors, and site supervisors: http://www.fns.usda.gov/sfsp/handbooks
- 2016 Nutrition Guidance for Sponsors: information on Federal nutrition and food service requirements.

- 2016 Monitor's Guide: information on sponsors' monitoring role for the SFSP.
- 2016 Site Supervisor's Guide (Spanish and English versions): information on the site supervisor's role in the SFSP.
- 2016 State Monitor Guidance: information on State agencies' monitoring role for the SFSP **New Guidance, Coming Spring 2016**
- The **FNS Policy Memos** webpage includes up-to-date information about important Program changes: http://www.fns.usda.gov/sfsp/policy
- The **Legislation** webpage provides an overview of government legislation impacting the Program: http://www.fns.usda.gov/sfsp/legislation
- The **Summer Toolkit** includes tips and resources to help sponsors prepare for and improve the Program: http://www.fns.usda.gov/cnd/summer/library/toolkit.pdf
- The **Mapping Tools** page can be used to find underserved areas and potential partners: http://www.fns.usda.gov/sfsp/mapping-tools-summer-meal-programs
- The **Summer Meals Best Practices** webpage is full of inspiring SFSP success stories from across the country: http://www.fns.usda.gov/sfsp/best-practices
- The **Farm to Summer** webpage includes tips on how to improve Summer Meal Programs through the integration of local foods and related enrichment activities: http://www.fns.usda.gov/farmtoschool/farm-summer
- The FNS monthly **Summer Meals Newsletters** offer timely tips sponsors can use to improve Program outreach and expansion: http://www.fns.usda.gov/sfsp/summer-meal-newsletters

Summer 2016

Learning does not end when school lets out. Neither does the need for good nutrition. USDA Summer Meal Programs offer nutritious meals and snacks to low-income children during the summer months and long vacations. Often, these children receive meals through the School Breakfast Program (SBP) or the National School Lunch Program (NSLP) during the school year, and may be at risk of hunger or poor nutrition during the summer months. The SFSP brings Federal dollars into communities in the form of combined reimbursements for meals and operations/administrative costs. Local government and community leaders can help by making SFSP a priority.

Increasing access and participation in the SFSP is an important FNS priority. Historically, summer meals served through the SFSP and the NSLP reach only about 17 percent of the 21 million children receiving free or reduced-price lunches during the school year. FNS has developed new resources for use by State agencies and other organizations participating in these programs. The SFSP relies on innovative and collaborative efforts to reach children in need. The "Summer Meals Toolkit" is designed for individuals and organizations interested in serving as summer meal champions in their communities at any level of program administration. It is a valuable resource for partner organizations on how they can best support and participate in the SFSP. The toolkit includes information on meal service at open sites, partner collaboration, vendor relations, and other best practices.

Check out the **Summer Meals Toolkit** page!
http://www.fns.usda.gov/sfsp/summer-meals-toolkit

As an organization/sponsor interested in administering the SFSP, you are the link that translates this Federal benefit into nutritious meals and snacks for children. If you are new to the Program, please consider participating as a site or a sponsor in this

important mission. If you are a returning sponsor, please consider adding sites and activities that will help draw children to your existing program.

LOOKING AHEAD:

Through the State Targeted Assistance Team (STAT) Project, USDA-FNS has identified key best practices for increasing and sustaining participation in the SFSP, and has shared these strategies with Regional offices, State agencies, and other partners across the nation. Through the continuation of the STAT Project, and the establishment of long-term sustainability goals, USDA-FNS hopes to maintain its historic Program growth and to continue expanding access and participation in underserved areas while maintaining integrity.

Chapter 1: Program Eligibility

This chapter includes information on:

- How to determine the eligibility of a sponsor;
- Eligibility requirements for sponsors;
- Additional eligibility requirements and flexibilities by sponsor type;
- Sponsors' participation in other Child Nutrition Programs;
- How to determine the eligibility of a site;
- The different kinds of SFSP sites;
- How to document site eligibility; and
- How to determine and document the eligibility of a child.

➢ Sponsor Eligibility

(7 CFR 225.14(b), (c), and (d))

Who may be a sponsor?

A sponsoring organization must be a public or private non-profit school food authority (SFA); a public or private non-profit college or university; a public or private non-profit residential summer camp; a unit of local, county, municipal, State, or Federal Government; or any other type of private non-profit organization. All sponsors must also be tax exempt and must demonstrate the administrative and financial ability to manage a food service effectively. Most sponsors must provide a year-round public service to the area in which they intend to provide the SFSP.

Sponsor Responsibilities

SFSP sponsors must be able to assume responsibility for the entire administration of the Program. As a sponsor, an organization at a minimum will:

- Attend the State agency's training
- Locate and recruit eligible sites
- Hire, train, and supervise staff and volunteers
- Competitively procure food to be prepared or a vendor for meals to be delivered
- Monitor all sites
- Prepare claims for reimbursement
- Ensure that the sites are sustainable
- Maintain all program documents for 3 years, plus the current year

For organizations not yet ready to take on the responsibilities required of a sponsor, participation as a site under an existing sponsor is the best option. This is the most effective way to prepare an organization to become a sponsor in future years.

➢ Specific Eligibility Requirements for Sponsors

(7 CFR 225.14)

To be deemed eligible, sponsors must:

Check out the **Tips for Successful Sponsors** toolkit page! http://www.fns.usda.gov/sites/default/files/cnd/SMT-TipsforSponsors.pdf

- **Demonstrate Financial and Administrative Capability**
  Potential and returning sponsors are required to demonstrate that they have the necessary financial and administrative capability to comply with Program requirements. They must accept final financial and administrative responsibility for all of their sites.
- **Not Be Seriously Deficient**
  To be approved, applicants must not have been declared seriously deficient or terminated from the SFSP or any other Federal Child Nutrition Program in previous years. However, such an applicant may be approved if the State agency determines that it has taken appropriate corrective actions to prevent recurrence of the deficiencies and has repaid any outstanding debts.
- **Serve Low-Income Children**
  Sponsors must agree to provide regularly scheduled meal service for children in designated low-income areas (called “areas in which poor economic conditions exist”) or they must agree to serve low-income children. Camps do not need to meet this criterion.
- **Conduct a Non-profit Food Service**
  Sponsors must conduct food services through SFSP that are not for profit. A sponsor is operating a non-profit 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. This does not mean the Program must break even or operate at a loss, but that all income must be used for the sole purpose of operating a non-profit food service.
- **Provide Year-Round Service**
  Sponsors must provide a year-round public service to the area in which they intend to provide the SFSP. State agencies may grant exceptions to this year-round service requirement for sponsors of residential camps, migrant sites and in certain other limited circumstances.
- **Exercise Management Control Over Sites**
  New applicants and returning sponsors (not exempted by the State agency) must demonstrate in their applications that they will exercise management control over the meal service at all of their sites. Management control of the meal service means that the sponsor is responsible for maintaining contact with meal service staff, ensuring

that there is adequately trained meal service staff on site, and monitoring site operations throughout the period of program participation. This management responsibility cannot be delegated below the sponsor level. The quality of the meal service, the conduct of site personnel, and the adequacy of recordkeeping reflect directly upon the sponsor's performance. This performance is subject to audit by the State agency, by the USDA Office of the Inspector General, and by the Government Accountability Office (GAO).

- **Conduct Pre-Operational Visits**
  Prior to approval, sponsors must visit new sites and any sites that had operational problems in the previous year. When a sponsor applies for the SFSP, they must certify that the required pre-operational site visits have been conducted and that sites are capable of providing meal service for the number of children as planned.

- **Sign Written Agreements**
  Approved sponsors must sign a written permanent agreement with the State agency. See State-Sponsor Agreement in "Chapter 3: Sponsor Applications."

➢ Additional Eligibility Requirements and Flexibilities by Sponsor Type

- **SFAs and CACFP Sponsors**
  SFAs and other organizations currently in good standing in the NSLP, SBP or Child and Adult Care Food Program (CACFP) are not required to submit further evidence of financial and administrative capability when applying for SFSP participation. Typically, SFA and CACFP institutions participating in other Child Nutrition Programs have already demonstrated that they have the financial and administrative capability necessary to operate the NSLP, SBP, or CACFP. A CACFP institution is considered to be in good standing if it has no serious deficiencies declared in its most recent review cycle. 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 and CACFP sponsors that have had significant problems operating the NSLP, SBP, or CACFP (SFSP Memorandum 5-2012: *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011,SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012 and SFSP Memorandum 6-2014: *Available Flexibilities for CACFP At-Risk Afterschool Sponsors and Centers*, November 12, 2013).

- **Private Non-Profit Sponsors**
  Special rules apply to private non-profit organizations. Private non-profit sponsors must be tax exempt under section 501(c) of the Internal Revenue Code of 1986. Although churches must be tax-exempt, there is no Federal requirement that they provide documentation of their tax-exempt status. Therefore, churches are the only private non-profit organizations not required to obtain documentation of Federal tax exempt status; all other private non-profit organizations must provide documentation from the IRS of their tax-exempt status. For purposes of Program participation, a church could be its integrated auxiliaries, or a convention or association of churches,

synagogue, religious order, or religious organization that is an integral part of a church, and that it is engaged in carrying out the functions of a church (IRS Publication 557, Tax-Exempt Status for Your Organization). The State agency can provide more specific details about the participation of all private non-profit organizations (SFSP Memorandum 09-2013, *Tax Exempt Status for Private Non-profit Organizations and Churches in the Child and Adult Care Food Program and the Summer Food Service Program*, January 24, 2013).

- **Experienced Sponsors**
  Sponsors and sites that have successfully participated in SFSP in the previous year (meaning those that have not been found to be seriously deficient in Program operation) may submit condensed information for succeeding years. Experienced sponsors and sites in good standing, meaning those which successfully participated in the previous year, only need to submit information that is likely to change from year to year and are not required to submit the same detail of organizational and operational information required of new sponsors. The condensed information required of experienced sponsors and sites is described in 7 CFR 225.6(c)(3) (SFSP Memorandum 5-2012: *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011).

➢ Sponsor Participation in Other Child Nutrition Programs

Sponsors participating in additional Federal Child Nutrition Programs must meet requirements for dual participation in these programs. As detailed below, some of these requirements may be different from what is required of sponsors not participating in other Child Nutrition Programs.

The NSLP

(7 CFR 225.2, 225.14(d)(2))

Schools offering accredited summer school programs may be reimbursed for serving meals during the summer in one of three ways: through the SFSP, the NSLP and SBP, or the NSLP Seamless Summer Option (SSO). Schools wishing to serve meals only to children enrolled in academic summer school programs may receive reimbursement only through the NSLP and SBP (SFSP Memorandum 04-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012).

If, in addition to serving children enrolled in accredited 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 in the area served by the site.

Schools that operate accredited summer school programs may not 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.

More information can be found in the **Working with Schools** toolkit page! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Schools.pdf

Seamless Summer Option (SSO)

The SSO offers SFAs an alternative option to SFSP, with streamlined administrative requirements. Guidance and clarification on all summer meal options available to schools is provided through SP 07-2013, SFSP 04-2013, *Summer Feeding Options for School Food Authorities Revised*, November 23, 2012, available at http://www.fns.usda.gov/sites/default/files/SP07_SFSP04-2013.pdf.

The SSO allows SFAs to provide free summer meals in low income areas during the traditional summer vacation periods and, for year-round schools, school vacation periods longer than 10 school days. The SSO is designed to encourage more SFAs to provide meals during summer and other school vacation periods. This option combines features of the NSLP, SBP, and SFSP. See SP 37-2015, *2015 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option*, May 22, 2015 for more information.

Refer to the chart in Attachment 4 for a comparison of programs.

The Special Milk Program (SMP)

Sponsors may elect to operate the SFSP at some of their sites while operating the SMP at other sites. However, a single site cannot simultaneously participate in the SFSP and the SMP for the same meals.

Sponsors electing to administer the SMP must enter into a separate agreement with the State agency to operate the SMP at those sites or at those times when it is not participating in the SFSP. The State agency can provide information on operating the SMP.

The CACFP

CACFP institutions that 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 that are approved for both the CACFP and the SFSP must ensure that the same children are not served meals in both programs. Separate records must be kept for each program. Institutions may not switch back and forth between participation in CACFP and participation in SFSP to serve the same children.

Institutions may not establish separate entities using separate tax identification numbers to serve the same children under different child nutrition programs in order to avoid the Program restrictions or to earn higher reimbursement. However, if there is a legitimate need for a separate organization and it meets the requirements in the preceding paragraph, then it may be approved to participate in SFSP if it meets SFSP eligibility criteria.

In an effort to improve participation in SFSP by eligible institutions, some application requirements for CACFP institutions in good standing that wish to apply to participate in SFSP for the first time have been waived. “Good standing” means the institution must have no serious deficiencies declared in its most recent review cycle. CACFP institutions that want to operate the SFSP at the same sites where they provide meal service through the CACFP may follow the application requirements for experienced SFSP sponsors and sites instead of the application requirements for new sponsors and sites (SP 06-2014, CACFP 03-2014, SFSP 06-2014: *Available Flexibilities for CACFP At-Risk Sponsors and Centers Transitioning to Summer Food Service Program (SFSP),* November 12, 2013).

This provision will be most applicable to At-Risk Afterschool Care Programs. Because most At-Risk Programs may not receive reimbursement during the summer months, we encourage these programs to convert to the SFSP for the summer. In that case, they can serve the same children that they serve during the school year. For more information about the At-Risk Programs, please see the “*At-Risk Afterschool Meals Program Handbook*”: http://www.fns.usda.gov/sites/default/files/atriskhandbook.pdf.

In other cases, however, if CACFP institutions wish to participate in the SFSP, they must serve children that would otherwise not be served under the CACFP. Institutions may not switch programs simply to receive a higher reimbursement in the summer months (SFSP Memorandum, 05-2012: *Simplifying Application Procedures in the*

Summer Food Service Program, October 31, 2011 and SP 06-2014, CACFP 03-2014, SFSP 06-2014: *Available Flexibilities for CACFP At-Risk Sponsors and Centers Transitioning to Summer Food Service Program (SFSP),* November 12, 2013).

For more information about Child Nutrition Programs, visit the FNS Web site at: http://www.fns.usda.gov/child-nutrition-programs.

➢ Site Eligibility

(7 CFR 225.6(c)(2) and (3))

Sponsors may operate the SFSP at one or more sites, which are the actual locations where meals are served and children eat in a supervised setting. Eligible sites are those that serve children in low-income areas or those that serve specific groups of low-income children. Sponsors must provide documentation that proposed sites meet the income eligibility criteria required by law. There are three common types of sites: open sites, camps (residential and nonresidential), and closed enrolled sites.

There are also sites that serve special populations of children or have unique characteristics. These include, but may not be limited to: restricted open sites, migrant sites, and National Youth Sports Program (NYSP) sites. In the following section, we describe these types of sites and discuss how sponsors can document their eligibility. See Attachment 6 for a summary of site descriptions and ways to document site eligibility.

Open Sites

(7 CFR 225.2 definitions, Attachment 1)

Most sponsors establish site eligibility on "need and openness." If a site is located in a needy area where 50 percent or more of the children residing in the area are eligible for free or reduced-price school meals (see "Documenting Site Eligibility," below) and meals are made available to all children in the area on a first-come, first-serve basis, these sites are considered open. Sponsors of open sites must take the necessary steps to allow meal service access to all children requesting a meal at the site. Information regarding the meal service at open sites must be publicized in the community served. See below for information on how to document that a site is eligible to be open.

Restricted Open Sites

(7 CFR 225.2 definitions, Attachment 1)

On occasion, a sponsor that would normally operate an open site – meaning initially open to broad community participation – must restrict or limit the feeding site's

attendance for reasons of space, security, safety, or control. In recognition of these circumstances, these types of sites operate as restricted open sites. The sponsors must make known publicly that the site is open on a first-come, first-serve basis to all children of the community at large, but that the meal service will be limited as stated above.

Both open and restricted open sites must be located in a school attendance area where 50 percent or more of the children residing in the 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.

Note: To qualify as a restricted open site, the site initially must be open to broad community participation from the eligible area in which it is located. The only limits that may be imposed on participation are daily limits for reasons of security, safety, space or control.

Closed Enrolled Sites

(7 CFR 225.2 definitions, Attachment 1)
Closed enrolled sites are usually established where:

- An identified group of needy children live in a "pocket of poverty;"
- Identified low-income children are transported to a congregate meal site located in an area with less than 50 percent eligible children; or
- A program provides recreational, cultural, religious, or other types of organized activities for a specific group of children.

These types of sites are open only to enrolled children or to an identified group of children, as opposed to the community at large. Closed enrolled sites must also establish the eligibility either through the individual income eligibility of the children attending the site or through area eligibility. To establish eligibility based on the income of the individual children; sites must collect household applications. At least 50 percent of the enrolled children at the site must be eligible for free or reduced-price school meals.

Instead of determining the individual income eligibility of each enrolled child, a site may document its status as a closed enrolled site by using area eligibility information, as described in the next section. This may only be used if the site is serving children that live in the area in which the site is located (SFSP Memorandum: *Waiver for Closed Enrolled Sites*, November 17, 2002).

The site information sheet that sponsors submit to the State with an application to participate in the SFSP must include the projected number of children eligible for free or reduced-price school meals and the projected total enrollment for each site. If site

eligibility is based on household applications, the sponsor must carefully monitor actual participation during its early program visits to ensure that the 50 percent level is actually reached. (Refer to the Income Eligibility Guidelines, Attachment 10).

Accredited summer schools do not qualify as closed enrolled sites and should obtain reimbursement for meals under the NSLP, unless they are also open to the community for the meal service and are in an area where at least 50% or more of the children qualify for free or reduced-price meals. In addition, residential and non-residential camps may not use area eligibility to establish site eligibility.

For-Profit Sites

State agencies may approve meal service sites that are not identified as non-profit locations if the sites:

- Are operated under the sponsorship of an eligible public or private non-profit service institution;
- Operate as open sites or restricted open sites;
- Are 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;
- Make meals available to all children in the area and serve meals to children on a first come, first served basis, and;
- Serve all meals at no charge.

Gardening is a great way to keep kids active and engaged in your program. For more tips on offering local foods and agriculture-based activities, visit http://www.fns.usda.gov/farmtoschool/farm-summer

Enrolled for-profit sites and for-profit camps are not eligible to participate.

If approved to operate the meal service at a for-profit site, a sponsor must maintain operational control over the meal service at the site and must ensure that no SFSP funds are provided to the site. The site operators may not prepare the meals, and funds may not 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 (SFSP Memorandum 13-2011: *For Profit Locations as Meal Sites*, April 8, 2011).

NSLP Operated Sites

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 (SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012).

SFAs applying to operate the SFSP must 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 (see Migrant Sites chapter below); and
- If a homeless site, information demonstrating the site is not a residential child care institution (RCCI), 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.

Camps

(7 CFR 225.2 definitions, Attachment 1)

Camps can be residential or nonresidential day camps which offer regularly scheduled food service as part of an organized program for enrolled children. In residential camps, participants spend the duration of the organized program in a 24-hour supervised care setting and receive a regularly scheduled food service as part of the Program. Sponsors of nonresidential camp sites must offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services. Unlike open, restricted open and closed enrolled sites, sponsors of both residential and nonresidential camps do not have to establish area eligibility. However, they must collect and maintain individual household applications. Camps are reimbursed only for those enrolled children who meet the free and/or reduced-price eligibility standards.

Tribal Governments

A Tribal government is recognized as a "public entity" or "local government," when consistent with state law. Thus, a Tribal government may sponsor SFSP sites as long as other eligibility requirements are met. A Tribal government granted non-profit status would be considered a private non-profit entity for purposes of SFSP and, therefore, could

Check out the FNS **Sample Letter to Tribal Leaders**! http://www.fns.usda.gov/sites/default/files/cnd/SMT-LettertoTribalLeaders.pdf

act as a sponsor of SFSP sites as long as other eligibility requirements are met (SFSP Memorandum 14-2012: *Tribal Participation in the Child and Adult Care Food Program and Summer Food Service Program*, July 24, 2012).

➢ Special Types of Sites

(7 CFR 225.2 definitions, 225.6(c)(2)(i)(J), and 225.6(c)(3)(i)(D))

Rural Sites

The SFSP has two different levels of administrative reimbursement rates. The higher reimbursement rates are for sponsors of sites that prepare or assemble their own meals and for sponsors of sites located in rural areas. The lower rate is for all other sponsors.

A rural area is any area that is not part of a Metropolitan Statistical Area as defined by the Office of Management and Budget (OMB). With the approval of the State agency, an area may be defined as rural if it is a part of a Metropolitan Statistical Area (MSA), but is isolated from the urban center. An MSA is:

- A locale where there is at least one urbanized area of 50,000 or more in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties; or
- An area where there is at least one urban cluster with a population of at least 10,000 but less than 50,000, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

For more information on Metropolitan Statistical Areas, see OMB Bulletin No. 13-01, Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of the Delineations of These

Areas, February 28, 2013, at http://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b13-01.pdf.

Sponsors may use the FNS Rural Designation Tool to determine whether a site is rural: http://www.fns.usda.gov/rural-designation.

Sponsors should consider only those locales not designated as Metropolitan to be rural (SFSP Memorandum 04-2015; *Rural Designations in the Summer Food Service Program*, April 21, 2015). Please consult your State agency for further clarification on these concepts or reference OMB Bulletin No. 10-02.

The State agency will be able to provide information on whether sites are considered rural for program purposes. The current administrative reimbursement rates are available from the State agency.

Migrant Sites

(7 CFR 225.6(c)(2)(i)(K))

Migrant site eligibility is based upon a determination that the site predominantly serves children of migrant workers. The sites operate like area-eligible open or restricted open sites and are reimbursed for meals served to all attending children. The determination of site eligibility based upon migrant status must be updated annually.

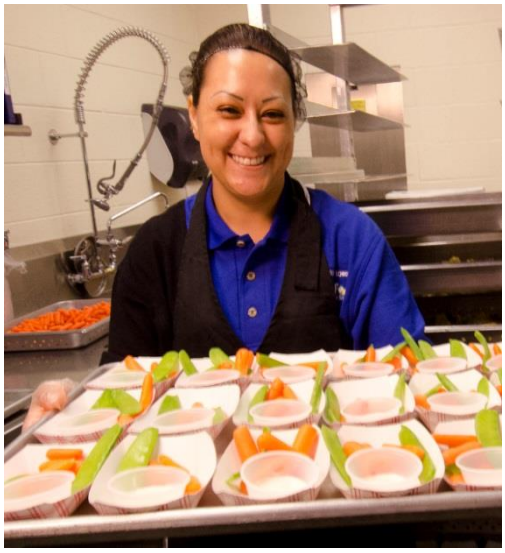
To confirm migrant status, sponsors must submit information obtained from a migrant organization that certifies that the site serves a majority of children of migrant workers. If the site also serves non-migrant children, the sponsor must also certify that the site predominantly serves migrant children. This status information must be updated annually. Contact your State agency to be put in contact with your local migrant center (SFSP Memorandum 04-2007: *Migrant Site Eligibility Determinations*, February 23, 2007).

Continuous School Calendar/Year-Round Sites

(7 CFR 225.2 Definitions)

A “continuous school calendar” is defined in the SFSP regulations as a situation in which all or part of the student body of a school is (a) on a vacation for periods of 15 continuous school days or more during October through April and (b) in attendance at regularly scheduled classes during most of May through September.

Some school districts use a calendar that provides less than 15 days for off-track periods. In these situations, State agencies may waive the 15-continuous-school-day requirement provided that



the school system is operating regular class sessions (i.e., not summer school or remedial classes for a portion of the student body) on a year-round basis.

When schools operate on a year-round or continuous school calendar, the SFSP may offer meals throughout the year to preschool children and off-track students (i.e., year-round students on vacation at times other than the summer). These sites may be open or closed enrolled sites, located in the school or at other locations.

If operated as an open site at a location other than the school, the meal service must be open to the entire community and must be eligible based on school or census data. While the meal service is intended to serve off-track students, it is possible that an on-track student may show up at the site. In these situations, sponsors are not expected to identify or exclude on-track students. Sponsors should plan for or prepare for additional meals and consider adding more site staff to supervise the meal service.

If the site is operating as closed enrolled, meals may be served only to enrolled preschool children and off-track students (at least 50 percent of enrolled participants must be eligible for free or reduced-price school meals).

If a year-round site is located in the school, sponsors must be careful not to “double claim” meals or claim SFSP rates for meals served to on-track students participating in the NSLP. Schools that operate both year-round SFSP and NSLP or SBP should establish different meal services for the year-round and on-track populations, keep separate meal counts, and develop cost allocation plans for proper proration of overhead and administrative costs between the programs.

The National Youth Sports Program (NYSP) Sites

(7 CFR 225.2 definitions and 225.6(c)(2)(i)(I))

A NYSP site may qualify for the Program by:

- Determining that 50 percent of the children enrolled reside in geographical areas where poor economic conditions exist;
- Determining that 50 percent of the children enrolled meet the income eligibility guidelines for free or reduced-price school meals; or
- Certifying in writing that it meets the income eligibility guidelines of the Department of Health and Human Services (DHHS), which is the primary grantor for NYSP (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

If the income eligibility standards for participation in NYSP are stricter than those used to determine eligibility for free or reduced-price meals then it will qualify for participation in the SFSP as well. In addition to written certification that the site meets SFSP income eligibility guidelines, sponsors must review the site’s records to verify that the information is correct.

Upward Bound

Closed enrolled sites that are not area eligible and that serve both Upward Bound and non-Upward Bound participants must maintain applications on file to document that enough children meet the individual income eligibility requirements to satisfy the 50 percent threshold required for closed enrolled sites. However, because Upward Bound requires that two-thirds of the participants in a program must be both low-income and potential first-generation college students, closed enrolled sites that serve only Upward Bound participants automatically qualify for SFSP participation (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

Mobile Sites

Traditionally, SFSP sites are located in schools, playgrounds, parks, faith-based organizations, community buildings, or similar places. Mobile feeding may provide the flexibility sponsors need to reach children who do not have access to such traditional sites. In rural areas, where children may live in isolated locations, access to meal service sites operated by schools, parks and recreation departments, and private non-profit organizations is often limited. In urban areas, violence and traffic safety concerns are examples of issues that may limit viable options for site locations.

In mobile feeding, the sponsor delivers meals to an area using a route with a series of stops at approved sites in the community. The meal service must take place on approved days and the sponsor must serve reimbursable meals during approved service times. Sponsors operating mobile feeding are subject to the following requirements:

Check out the **Mobile Feeding** toolkit page for more tips!
http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Mobile_Feeding.pdf

- Each location where a bus or other vehicle stops to serve meals must meet the site eligibility criteria and other requirements set forth in Program regulations. For example, the site must be area eligible, the meal service must be supervised, meals must be consumed on the bus or near the drop-off location, times of meal service must be established, and the sponsor must have the ability to adjust meal deliveries based on fluctuations in attendance.

- Sponsors of mobile sites must take extra precautions to ensure that food is safe for children to eat. State and local health and safety standards must be met at all times. At a minimum, food must be maintained at proper temperatures along the entire delivery route, and temperatures must be monitored with a food thermometer. Program staff serving meals must follow appropriate hand washing procedures, as required by local health and safety regulations.

- A site supervisor must be present at each meal service. Mobile sites may operate as a full service route, where the site supervisor travels with the vehicle along the route and supervises the site at each stop or where meals are delivered to each stop with an on-site supervisor waiting to receive the meals. Site supervisors must remain on site during the entire approved meal service time, regardless of site attendance.

- State and sponsor monitoring visits and reviews at mobile sites must adhere to the same requirements as traditional SFSP sites.

For more information on the mobile feeding model, and funding opportunities, consult SFSP Memorandum 2-2014: Mobile Feeding Options, November 12, 2013.

Camp and Migrant Sites

(7 CFR 225.9(d)(10) and 225.16(b)(1))

By law, camp sponsors can only be reimbursed for meals served to children who are eligible for free or reduced price-meals according to the income guidelines for the NSLP and SBP. With State agency approval, camps and migrant sites may claim reimbursement for serving up to three meals or two meals and one snack to eligible children each day. Therefore, a camp or migrant site may not claim reimbursement for snacks on days that it claims reimbursement for breakfast, lunch, and supper. Alternately, a camp or migrant site may not claim reimbursement for a third meal on days that it claims a snack for reimbursement.

Camp reimbursements are based on the number of children served who are eligible for free or reduced-priced meals. Sponsors of camps must maintain the documentation that demonstrates the free or reduced-price eligibility of the children they claim reimbursement for and must make it available for review by the State agency. Camps may also charge non-eligible children a separate fee for meals.

Farmers Market Sites

Across the country, sponsors are opening sites at farmers markets as a way to increase access to healthy foods. Concentrated foot traffic around fresh, nutritious foods, along with existing events and activities, make farmers markets ideal partners in

Visit the Farm to Summer webpage for more information about serving local foods! http://www.fns.usda.gov/farmtoschool/farm-summer

helping kids and teens stay active and nourished while school is out. Farmers markets can provide a safe place for children to congregate, and may offer the additional benefits of providing access to the freshest ingredients, connecting children with the sources of their food, increasing foot traffic to the market, and raising community awareness about the Summer Food Service Program. Setting up a feeding site at a farmers market also allows sponsors to leverage existing activities that are associated with the market, giving kids an enjoyable experience in addition to a healthy meal, and removing the burden of coordinating activities from scratch. State agencies and sponsors can use USDA's Farmers Market Directory to locate markets in their area http://www.ams.usda.gov/local-food-directories/farmersmarkets.

➢ Documenting Site Eligibility

Sponsors must be able to document that their sites are eligible to participate in the Program. The documentation requirements vary by the type of site, as detailed below.

Documenting Area Eligibility for Open or Restricted Open Site

(42 U.S.C. §1761(a)(1)(A); (7 CFR 225.6(c))

The two primary sources of data that may be used to determine whether the area that will be served is eligible are school data or census data.

School data may be used to establish area eligibility, excluding camps. In order for a site to be determined area eligible, school data must indicate that the proposed meal site is located in a school attendance area where at least 50 percent of the children are eligible for free or reduced-price school meals.

School Data

To qualify sites, sponsors may use data from elementary, middle, or high schools as long as the site is located in the attendance area of the school. This data should be based on the percentage of children in the school attendance area in which the site is located that are certified eligible for free or reduced-price school meals, not the actual school meal participation rates. In most cases, current-year school data provides the most accurate representation of an area's current economic circumstances. State agencies, at their discretion, are permitted to use data from any month in the school year to establish area eligibility. Once area eligibility is established, the duration of determination for site eligibility is five years. (SFSP Memorandum 03-2015: *Area Eligibility in Child Nutrition*

Check out the **Program Simplifications** toolkit for more on site eligibility! http://www.fns.usda.gov/sites/default/files/cnd/SMT-ProgramSimplifications.pdf

Programs, November 21, 2014 and SFSP Memorandum 11-2014: *Effective Date of Free or Reduced-Price Meal Eligibility Determinations*, December 3, 2013).

Generally, sponsors will find it most helpful to directly contact their State agency in order to obtain the current year's free and reduced-price data to document the need of the area they wish to serve. The local public school district and non-profit private schools serving the area in which a sponsor intends to offer the SFSP may also provide sponsors with the number of children who are eligible for free or reduced-price school meals and the total enrollment(s) of the school(s).

In school districts where busing or school choice policies are in place, if the site is located in the school from which free and reduced-price meal eligibility data is obtained, sponsors may always rely on the NSLP data for that individual school. Additionally, where busing or school choice policies are in place, but school attendance areas are still defined, school and non-school site eligibility may be determined based on the enrollment or attendance data obtained for:

- The school the children attend, or
- The school the children would have attended (i.e., the neighborhood school where the children live) were it not for the school's busing or school choice policy.

Program sponsors may determine a site to be area eligible under the second option described above only if the SFA is able to document the percentage of children eligible for free and reduced-price school meals at each school before and after students are reassigned. The same method of determining site eligibility must be used for all sites participating under a particular Program sponsor to avoid duplicate counting.

If the school district does not have defined school attendance areas, the use of school data is not permitted for non-school sites. In this case, census data must be used to determine area eligibility for NSLP and SFSP. Please note that census data may be used as a first choice for determining area eligibility for NSLP and SFSP, rather than using the options described above, even if school attendance areas are defined (SFSP Memorandum 3-2013: *Determining Area Eligibility Based on School Data*, November 23, 2012).

Community Eligibility Provision (CEP)

As an alternative to collecting individual applications for free and reduced-price meals, CEP allows schools and local education agencies (LEAs) with a high percentage of low-income children to offer free meals to all students. Qualifying schools serve free lunch and breakfast through the NSLP and SBP.

Individual school data must be used to determine area eligibility for SFSP, even if schools are participating in CEP as part of a group of schools or a school district and claiming meals with a shared identified student percentage (ISP). These individual school data are obtained by contacting the State agency. In order to determine eligibility using CEP data, multiply the most current school level ISP by the 1.6 factor. This means if a school has an individual ISP of at least 31.25, then the result will be at least 50 percent (31.25 x 1.6 = 50) and meal sites located in the attendance area of the school are area eligible for 5 years. Household income information collected via alternate income forms (e.g., forms collected to allocate education funding) may not be used to determine area eligibility (SFSP Memorandum 3-2015: *Area Eligibility in Child Nutrition Programs*, November 21, 2014).

Area eligibility established using CEP data is effective for a period of five years. For more information on CEP, see http://www.fns.usda.gov/school-meals/community-eligibility-provision.

Census Data

Sponsors also may document the area eligibility of their proposed open or restricted open sites on the basis of census data. SFSP sites that choose to establish eligibility using census data are required to use the most recent data available. Once area eligibility is established, the duration of determination for site eligibility is five years. Therefore, eligibility must be reassessed every five years for SFSP sites relying on census data to establish eligibility (SFSP Memorandum 03-2015: *Area Eligibility in Child Nutrition Programs,* November 21, 2014).

SFSP site eligibility can be determined using either Census Block Groups (CBGs) or Census Tracts. Sites located in a CBG or Census Tract in which 50 percent or more of the children are eligible for free or reduced-price school meals are considered area eligible.

Additionally, a potential SFSP site that is determined not to be area eligible, but is located immediately adjacent to an eligible area, may request State agency and Regional office approval to determine site eligibility based on a weighted average of up to three adjacent CBGs. In this case, an SFSP site will be considered area eligible if the

percentage of children eligible for free or reduced-price meals in up to three adjacent CBGs when averaged is 50 percent or more, provided that at least 40 percent of children in each of the individual CBGs are eligible for free or reduced-price meals. Census Tracts may not be combined.

Census Tract and CBG data are available through the FNS Area Eligibility Mapper, which is located at: http://www.fns.usda.gov/areaeligibility. The map also can be used to conduct weighted averaging as discussed above. Instructions for determining eligibility using these data are available at:
http://www.fns.usda.gov/sites/default/files/Census%20Instructions%202014_0.pdf
(SFSP Memorandum 3-2015: *Area Eligibility in Child Nutrition Programs*, November 21, 2014).

The Census Bureau estimates household income annually using the American Community Survey (ACS). USDA releases new census data every fiscal year (October 1). State agencies consider the information submitted regarding area eligibility in its review of each applicable SFSP Site Application.

Because area eligibility for CACFP at-risk afterschool meals must be based on school data, SFSP sites that established eligibility using census data must provide additional documentation indicating that they are area eligible based on school data to participate in CACFP at-risk afterschool meals.

How to Determine Census Area Eligibility

Method 1 Determining Eligibility using the FNS Area Eligibility Mapper

1. Go to: http://www.fns.usda.gov/areaeligibility
2. To find by address, enter the address in the “Find address or place” box in the top right.
3. Zoom in and out of the map using the (+) and (-) signs, respectively.
4. In the resulting map, the red highlighted color indicates eligibility as noted in the map legend. Additional information, including details for each CBG, can be obtained by clicking on the map at the address location. These additional data include the CBG numerators and denominators that may be used in the weighted averages mentioned above.
5. A larger map is available by clicking “View Larger Map” at the bottom of the screen.

Method 2 Determining Eligibility using the FRAC Food Mapper

1. Go to either FRAC map:
2. CACFP http://216.55.168.186/FairData/CACFP/map.asp?command=scope&map=0
3. SFSP and SSO http://216.55.168.186/FairData/SummerFood/map.asp?command=scope&map=0
4. To find by address, click on “Find” and enter the address.

5. In the resulting map, the highlighted color indicates eligibility as indicated in the map layer key.
6. If an address falls on a border between an eligible and ineligible CBG, click on the blue star and then INFO and scroll in the “2010 Block Group Information” window to “Eligible? (Yes or No).

For a more in-depth explanation of how to use the mappers, including how to calculate weighted averages, please see http://www.fns.usda.gov/sites/default/files/Census%20Instructions%202014_0.pdf

Other Site Eligibility Data

If sponsors are unable to document the need of their area or site(s) by using sources such as current-year school data, recent census tract or CBG data, enrollment data, or migrant children status, they should consult with their State agency about the possibility of using other types of data to determine area eligibility for a period of one year (e.g., local zoning data, housing authority information, economic surveys, etc.) to document site eligibility (SFSP Memorandum 3-2015: *Area Eligibility in Child Nutrition Programs*, November 21, 2014).

For example, if the proposed site is at a public housing development, and school and census data cannot qualify the site as area eligible, the State agency could assess the income eligibility requirements of the public housing development. If the income eligibility requirements are less than or equal to SFSP income guidelines, then the proposed site could be determined area eligible.

In addition, Sponsors may document area eligibility by submitting documentation from a Tribal authority which certifies that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska Native village where 50 percent or more of the children in the defined area are eligible for free or reduced-price school meals.

Documenting Closed Enrolled Site Eligibility

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 operating the NSLP or SBP. Parental consent forms are not required in order for the local SFA to provide this information to SFSP sponsors;
- Asking the parent or guardian of each enrolled child to complete a household application. (See Attachment 9);
- Using "area" eligibility data for the location of the site, rather than using the household application to document that at least half of the enrolled children at each site are eligible for free or reduced-price school meals. (This option is not available for camps.); (SFSP Memorandum: Waiver Closed Enrolled Sites, November 17, 2002); or
- Using census data when the site is located outside of an eligible area.

As part of the application process, sponsors of closed enrolled sites must provide the State agency with:

- A statement of how they intend to document SFSP eligibility, using one of the methods listed above;
- An estimate of the total number of children enrolled at the site; and
- An estimate of the number of children enrolled at the sites that are documented as eligible for free or reduced-price school meals, unless using area eligible data.

Sponsors of closed enrolled sites that are not "area eligible" must have the following information on file for each site:

- Records of the total number of children enrolled at the site; and
- List(s) of income eligible children provided by the school system; or
- The actual eligibility forms for income eligible children.

Sponsors of closed enrolled sites that are "area eligible" should follow the guidance for documenting area eligibility for open or restricted open sites.

Documenting Camp Site Eligibility

Sponsors that operate residential summer camps and nonresidential day camps offering both organized programming and a regularly scheduled food service may participate in the SFSP. Nonresidential day camps may participate only as sites under eligible sponsoring organizations. Enrolled for-profit sites or for-profit camps are not eligible for participation in SFSP (SFSP Memorandum 03-2011: *For Profit Locations as Meal Sites*, April 8, 2011).

Unlike other types of sites, camps do not have to establish income eligibility at the 50 percent level. Instead, camps are reimbursed only for meals served to children who meet the income eligibility criteria for free or reduced-price school meals. In order to determine eligibility for children, camp sponsors may use the household application (Attachment 9) or rely on list(s) of income eligible children provided by the school

system. However, State agencies may require camp sponsors to use the household application (Attachment 9) or a State agency equivalent form.

SFSP sponsors of closed enrolled and camp sites must collect and report to State agencies income eligibility information in order to determine the eligibility of individual participants for free meals under the SFSP [Eligibility Duration for Closed Enrolled and Camp Sites (7 CFR 225.15(f))]. Such information must be updated annually and may not be more than 12 months old. Household applications should be considered current and valid until the last day of the month in which the form was dated one year earlier. The date to be used to make this determination is the date on which either the parent or guardian signs the form, or the sponsor official signs the application to certify eligibility of the participant. For example, a form signed and dated by a sponsor on June 1, 2014, is considered valid until June 30, 2015. If the date of parent signature is not within the month of certification or the immediately preceding month, the effective date must be the date of certification (SFSP Memorandum 01-2015: *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014).

Sponsors of camps are not required to submit the approved household applications or school lists of eligible children to the State agency. However, they must maintain the lists or original approved forms for all eligible children in separate files for each camp session, and the documents must be available for review by the State agency.

Other Income Eligible Programs

Sponsors may utilize household applications from other programs that base their eligibility on the same criteria as the SFSP, but should contact the State agency to verify that the same thresholds and definitions are used for both programs.

For example, sponsors can use documentation of income-eligible Upward Bound participants, provided and certified by an Upward Bound grantee, to document the eligibility of closed enrolled sites, or residential or non-residential camps. Upward Bound income applications may be used in lieu of the SFSP application to determine income eligibility for all SFSP participants since both programs have an income eligibility threshold of 185 percent of the national poverty guidelines (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

Frequency of Site Eligibility Determinations

(7 CFR 225.6(c)(3)(i)(B))

In an effort to provide consistent administration across Program lines to State agencies and SFSP sponsoring organizations, sponsors of sites determined to be area eligible based upon school and census data are only required to submit documentation every five years (SFSP Memorandum 03-2015*: Area Eligibility in Child Nutrition Programs*,

November 21, 2014). Sponsors using other data sources, including household applications, must document site eligibility annually.

➢ Documenting Participant Eligibility

(7 CFR 225.2 Definitions, Attachment 1)

Children age 18 and under may receive meals through SFSP. A person 19 years of age and over who has a mental or physical disability (as determined by a State or local educational agency) and who participates during the school year in a public or private non-profit school program (established for the mentally or physically disabled) is also eligible to receive meals.

In certain circumstances, pregnant women who receive Early Head Start services are also eligible to receive meals through SFSP if they are age 18 or under. To establish eligibility, prospective mothers must be enrolled in Early Head Start and be eligible to receive school meals through the NSLP or another Child Nutrition Program.

Sponsors may determine and document participant eligibility in the following ways:

Household applications

The household application prototype was designed by USDA/FNS to determine the income eligibility of enrolled children for all camps (residential and non-residential) and closed enrolled sites. The information collected on the household application includes household size and income or the case number for benefits received under the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program), Temporary Assistance to Needy Families (TANF), or the Food Distribution Program on Indian Reservations (FDPIR). Sponsors may also use alternate forms developed either by themselves or the State agency, as long as the forms request the same information as is found on the USDA prototype household application. Forms developed by sponsors must be approved by the State agency before use. Eligibility based on household applications is valid for 12 months. Families must re-apply and sponsors must re-determine income eligibility annually.

If a sponsor requires a form in a foreign language, the translated CACFP Meal Benefit Form may be used to determine individual income eligibility in the SFSP (SFSP Memo 18-2011: *Translations for the Free and Reduced-Price School Meals Application and CACFP Meal Benefit Income Eligibility Form*, August 3, 2011). Translated forms for NSLP are available online at http://www.fns.usda.gov/cnd/Application/familyfriendlyapps.html. The English version of the application can be found in the attachment section as Attachment 9. Additional information on household applications can be found in the *Eligibility Manual for School Meals* available online: http://www.fns.usda.gov/sites/default/files/cn/SP40_CACFP18_SFSP20-2015a.pdf

Head Start and Early Head Start Eligibility Forms

Children enrolled in Federal Head Start or Early Head Start Programs are categorically eligible for free meals in SFSP without further application. Sponsors may establish eligibility of all Head Start enrollees through documentation provided by the Head Start program. Forms of acceptable documentation include: an approved Head Start application, a statement of Head Start enrollment, or a list of participants from a Head Start official. Eligibility based on such documentation is valid for 12 months.

Participation in a State-funded or Indian Tribal Organization-funded pre-kindergarten program may be a basis for extending automatic eligibility for free meals. For additional information, please see SP 40-2013, CACFP 11-2013, SFSP 13-2013, *Questions and Answers Regarding the Participation of Head Start Programs in Child Nutrition Programs,* May 17, 2013, http://www.fns.usda.gov/sites/default/files/SP40-2013os_0.pdf.

In addition, infants and toddlers, and, in some instances, pregnant women, who receive Early Head Start services are categorically eligible. Applicant families also may indicate a child's participation in Head Start on the household application (SP 38-2009, CACFP 08-2009, SFSP 07-2009, *Extending Categorical Eligibility to Additional Children in a Household*, August 27, 2009).

Disclosure Requirements for Eligibility Information

When SFSP sponsors have to obtain individual eligibility information, they can obtain a child's eligibility status from another Child Nutrition Program operator to expedite the certification process [7 CFR 245.6(f)].

Schools and other Child Nutrition Program operators may disclose aggregate information to the public without parental notification. This is allowed so long as an individual or group of children's eligibility cannot be identified through release of the aggregate data or by means of deduction. This can be helpful to State advocacy organizations and others considering the characteristics of the Program (SFSP Memorandum 17-2014: *Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs*, April 24, 2014).

There are, however, restrictions on the disclosure and use of information obtained from a household application, as well as criminal penalties for improper release of information. FNS recommends that SFSP sponsors cite the regulation (7 CFR 225.15(f)-(l)) when responding to requests for release of information. Part 5 of the *Eligibility Manual for School Meals*, July 2015 edition, provides specific guidance on applying the statutory and regulatory requirements. The manual may be found at [http://www.fns.usda.gov/sites/default/files/cn/SP40_CACFP18_SFSP20-2015a.pdf] . A

convenient source of information is the manual's "Disclosure Chart," found on page 82, which briefly outlines various types of requestors and any restrictions on receipt of information.

If a request for information is not authorized under the statute or when authorized release is limited to name and eligibility status, the release can always be made with informed consent by the parent or guardian (SFSP Memorandum 15-2010: *Disclosure Requirements for the Child Nutrition Programs*, August 23, 2010).

Other Data

(7 CFR 225.2)
Area eligibility also may be established by using documentation from other approved sources to demonstrate that 50 percent or more of the children in a defined area are eligible for free or reduced-price school meals. Eligibility determinations using approved alternative data also remain in effect for five years. Approved alternative data sources may include:

- Departments of Welfare;
- Zoning Commissions;
- USDA's Rural Development (RD) Housing Authorities;
- Housing and Urban Development (HUD) Housing Authorities; and
- Local Housing Authorities.

For example, if an SFSP site is located in a HUD housing authority development and it does not qualify based on school or census data, the site may be considered area eligible using HUD data if residents of the housing development meet income eligibility requirements that are equivalent to or more restrictive than the SFSP requirements.

Sponsors should work with the State agency to locate and with the agency that maintains the data to confirm this information (SFSP Memorandum 3-2015: *Area Eligibility in Child Nutrition Programs*, November 21, 2014).

Automatic Eligibility

Certain categories of children are automatically eligible for free meals and no income information is required. This is referred to as categorical eligibility. Children may be classified as categorically eligible for a period of 12 months through:

- Participation in another comparable Federal assistance program, including SNAP, FDPIR, or TANF;
- Documentation that the child is homeless, runaway, or migrant, a foster child; or

- Enrollment in a Federally-funded Head Start Program or a comparable State-funded Head Start Program or pre-kindergarten programs (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

Note: If one child in a household is receiving SNAP, FDPIR, or TANF benefits, all other children in the household are categorically eligible to participate in SFSP (SFSP Memorandum 10-2010: *Questions and Answers on Extending Categorical Eligibility to Additional Children in a Household*, May 3, 2010).

Foster children can be certified eligible without an application if the sponsor obtains documentation from an appropriate State or local agency indicating the status of the child as a child in foster care. In instances where a child or family may temporarily reside with another household, that child is still considered homeless. The SFSP sponsor can determine eligibility for homeless children through documentation provided by the homeless liaison or another source (SFSP 05-2011-Revised*, Child Nutrition Reauthorization 2010: Categorical Eligibility of Children in Foster Care*, April 16, 2013).

National Youth Sport Program (NYSP)

The NYSP is a national program intended to provide economically disadvantaged youth, ages 9 to 16, the opportunity to receive daily sports instruction and educational programs. Although the NYSP is not currently funded by Congress, children participating in NYSPs operated by higher education institutions are eligible to participate in SFSP upon showing residence in a low-income area or on the basis of income eligibility information provided for enrollment in the NYSP. Therefore, colleges and universities that offer NYSP and adhere to participant eligibility requirements that are the same as or stricter than the SFSP income requirements may consider participants categorically eligible for free SFSP meals (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

Upward Bound

Upward Bound is a program funded by the U.S. Department of Education (DOE) to provide academic support to teens from low-income families preparing for college. While participants in Upward Bound are not categorically eligible for free or reduced-price meals under SFSP, sponsors of Upward Bound programs may use an Upward Bound application in lieu of an SFSP application to determine individual eligibility. Those children who are determined eligible for Upward

Bound based on income may be considered eligible for SFSP meals without further application. However, participants who are determined eligible for Upward Bound based on criteria other than income, such as being a potential first generation college student, must complete an household application in order to determine individual eligibility for SFSP (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

Workforce Investment Act Participation

Applicants that participate in the Workforce Investment Act (WIA) program are considered categorically income eligible for the SFSP (SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014).

The WIA is designed to link local labor market needs and community youth programs and service. For purposes of establishing SFSP eligibility, sponsors must obtain either:

- A signed household application with a notation that the applicant is a WIA participant; or
- A list containing the names and ages of individual WIA participants enrolled at that site and signed by a WIA official.

Military Privatized Housing

The housing allowance for military personnel living in privatized housing has been permanently excluded from consideration as income when determining household eligibility for free or reduced-price meals.

“Privatized housing” refers to the Military Housing Privatization Initiative, a program operating at a number of military installations. It is important to note that this income exclusion is only for service members living in housing covered under the Initiative. It is not an allowable exclusion for households living off-base in the general commercial/private real estate market (SFSP Memorandum: *Exclusion of the Housing Allowance for Military Households in Privatized Housing - Reauthorization 2004: Implementation CN 1*, July 1, 2004).

Military Combat Pay

Military combat pay has been excluded from consideration as income when determining household eligibility for free or reduced-price meals. Combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code, or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is excluded if it is:

- Received in addition to the service member’s basic pay;

- Received as a result of the service member's deployment to or service in an area that has been designated as a combat zone; and
- Not received by the service member prior to his/her deployment to or service in the designated combat zone. A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat.

The exclusion of combat pay, as described above, is extended to Deployment Extension Incentive Pay (DEIP). DEIP is given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. This exemption applies only until the service members return to their home station. Any additional DEIP payments provided to service members serving at their home station is considered income as they are no longer considered deployed (SFSP Memorandum 4-2010 Revised: *Exclusion of Military Combat Pay*, September 15, 2010).

Armed Forces FSSA

The Department of Defense (DOD) provides certain members of the Armed Forces and their families a Family Subsistence Supplemental Allowance (FSSA) designed to bring a household's income up to the Federal poverty line and decrease the reliance on SNAP for affected members and their families. The amount of the FSSA, based on household size and income may not exceed $500 per month. Previously, the Child Nutrition Programs' eligibility determinations counted the FSSA payment as earned income for households. In 2004, Congress established that any FSSA that a household receives must not be treated as income in determining eligibility for free and reduced-price meals under any of the Child Nutrition Programs (SFSP Memorandum 07-2006 Revised: *U.S. Armed Forces Family Supplemental Subsistence Allowance – Excluded from Income Consideration*; August 25, 2006).

➢ Chapter 1: Questions and Answers

1. If the Program is administered by a non-profit institution, does it automatically meet the requirement to conduct a non-profit food service under SFSP?

No. The institution's status as a public or private non-profit cannot be used as evidence that the institution is operating a non-profit food service. Non-profit food service status is determined by the scope of the food service activities conducted by the institution and the use of the food service revenues. All income to the Program must be retained and used for the sole purpose of operating a non-profit food service. The institution is limited to allocating costs to the Program for allowable expenses of serving meals to eligible participants.

2. What does it mean to be in "good standing" with the SFSP?

A sponsor in "good standing' has successfully participated in the previous year with no serious deficiencies.

3. May a private, non-profit sponsor continue to participate in SFSP if its tax exempt status has been revoked by the IRS?

SFSP regulations at 7 CFR 225.2 and 225.14(a)(5) require private, non-profit organizations to be tax-exempt in order to be eligible to sponsor the SFSP. As a result, SFSP sponsors that have had their tax-exempt status automatically revoked by the IRS are not eligible for participation in SFSP.

If an approved SFSP sponsor has had its tax-exempt status automatically revoked, the State agency will inform the sponsor that it is seriously deficient and its SFSP participation will be terminated in accordance with 7 CFR 225.11(c). However, as required by SFSP statutory and regulatory authorities, the State agency must provide the sponsor a reasonable opportunity to correct the serious deficiency. The only appropriate corrective action would be a sponsor's submission of documentation from the IRS indicating that:

The sponsor or the part of the organization under which the sponsor is operating continues to be tax-exempt under Section 501(a) of the Internal Revenue Code of 1986, or

The organization has submitted an application to the IRS for reinstatement of tax-exempt status (SFSP Memorandum 17-2011: *Automatic Revocation of Tax Exempt Status*, June 30, 2011).

4. For CACFP sponsors operating At-risk Afterschool Meals, what are the advantages of operating the SFSP?

There are many benefits for sponsors operating a year-round meal model, including:

- Having the ability to hire year-round staff;
- Receiving a continuous flow of reimbursements that increase financial stability;
- Bringing increased Federal funds to the local economy; and
- Earning recognition in the community as a stable source of services.

If the new SFSP sites are the same sites where CACFP meal services are provided, CACFP sponsors may follow the streamlined application requirements that experienced SFSP sponsors and sites use, rather than having to apply as a new SFSP sponsor or site. Sponsors currently in good standing are also not required to provide additional proof of financial and administrative capability when applying for the SFSP.

More information may be found in SFSP Memorandum 06-2014: *Available Flexibilities for CACFP At-Risk Sponsors Transitioning to the Summer Food Service*

Program, November 12, 2013 (http://www.fns.usda.gov/available-flexibilities-cacfp-risk-sponsors-and-centers-transitioning-summer-food-service-program).

5. SFSP can be operated during the school year when there are emergency school closures. How can a sponsor participate in this component of the Program?

The SFSP regulations allow expedited approval of feeding sites during an emergency. Organizations with current agreements to operate the SFSP may be approved to open emergency feeding sites (SFSP Memorandum 18-2014: *Disaster Response*, May 19, 2014) during the school year if schools are closed (7 CFR 225.6(e)(1)(iii)).

Organizations also may plan ahead by including in their application plans for operating emergency sites during the school year. Sponsors are encouraged to consider this when applying to the Program. This enables State agencies to pre-approve sponsors to operate emergency feeding sites during unanticipated school closures during their initial application process, ensuring a rapid response when an emergency situation arises.

States also may exempt sponsors proposing to operate a site during an unanticipated school closure during the regular school year from submitting a new application if they have participated in the Program during the current year or previous two calendar years (7 CFR 225.14(a); SFSP Memorandum 14-2011, Existing Flexibilities in the Summer Food Service Program, May 9, 2011).

6. What is "categorical eligibility"?

Categorical eligibility eliminates the need for children who already meet income eligibility requirements in a specified Federal program to submit additional income information for the SFSP. There are two ways children can be classified as categorically eligible:

- Through participation in another comparable Federal assistance program, such as SNAP, FDPIR, or TANF; or
- Through documentation that the child is homeless, runaway, or migrant; a foster child; or enrolled in a Federally-funded Head Start or similar, State-funded pre-kindergarten program.

For more information about establishing categorical eligibility, please see SFSP Memorandum 06-2015: *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014 at http://www.fns.usda.gov/sites/default/files/SFSP06-2015os.pdf.

7. What sources of income are excluded when determining income eligibility for the SFSP?

The following sources of income should be excluded when determining a child's income eligibility for the Program:

- Military benefits, including privatized housing allowance, military combat pay, and the Armed Forces FSSA;
- Value of in-kind compensation;
- Payments directly received by a residential child care institution or an institution on the child's behalf.
- Any cash income or value of benefits excluded by statute, such as the value of benefits under SNAP or FDPIR and some Federal educational benefits;
- Payments received from a foster care agency or court for the care of foster children;
- Student financial assistance provided for the costs of attendance at an educational institution, such as grants and scholarships awarded to meet educational expenses and not available to pay for meals;
- Loans, such as bank loans, since these funds are only temporarily available and must be repaid; and
- Infrequent earnings received on an irregular basis, such as payment for occasional baby-sitting or mowing lawns.

A detailed list of income exclusions may be found in the *School Meals Eligibility Manual*, available online: http://www.fns.usda.gov/sites/default/files/cn/SP40_CACFP18_SFSP20-2015a.pdf.

8. What methods may schools participating in CACFP and SFSP use to establish the effective date of eligibility?

Schools participating in the SFSP may use either the date of submission or the date of certification to establish the effective date of eligibility as described in previously issued guidance for NSLP [CACFP 06-2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013 available at http://www.fns.usda.gov/sites/default/files/SP11_CACFP06_SFSP11-2014os.pdf]. Schools may not use date of parent or guardian signature.

9. What methods may SFSP sponsors use to establish the effective date of eligibility?

SFSP sponsors may use either the date of parent signature or the date of certification to establish the effective date of eligibility.

10. For how long is eligibility of children valid when an application is submitted?

Eligibility for children is generally effective for 12 months. If a household application form is signed and dated by the parent on January 12, 2016, then it is valid from January 1, 2016 through January 31, 2017.

11. How is area eligibility determined for SFSP for summer 2016 for a school that began CEP in 2014 and has had no change to their ISP?

To determine area eligibility, an individual school's ISP multiplied by 1.6 is used as a proxy for the free and reduced-price percentage: an individual CEP school site that has an individual ISP of at least 31.25 is area eligible (31.25 x 1.6 = 50). A

redetermination of area eligibility is required every 5 years, unless the State agency is aware of significant economic changes in the area.

12. How is area eligibility determined for SFSP for summer 2017 for a school that began CEP in 2014 and had a change to their ISP in 2015?

Provided the CEP school remains SFSP area eligible (ISP multiplied by 1.6 remains equal or greater than 50 percent), there is no change to the SFSP site approval process. The SA may opt to change the date of SFSP area eligibility determination to 2015 based on the more recent CEP calculation, which in turns shifts the required 5-year redetermination by one year. Alternatively, the SA may make no change from the initial determination and must re-determine SFSP area eligibility in five years.

13. How is area eligibility determined for SFSP for summer 2017 for a school that began CEP in 2014 and had an Administrative Review in 2016 that found the school's ISP was not correct? The redetermination results in an ISP multiplied by 1.6 that is less than 50 percent. The school is not SFSP area eligible based on the corrected calculation.

While FNS guidance indicates SFSP area eligibility determinations made using either school or census data must be re-determined every five years, there is an assumption that the initial area eligibility determination was correct. If an SA identifies the CEP determination was erroneous and the corrected determination results in the (CEP) school not being SFSP area eligible based on the CEP calculation, an SFSP area eligibility redetermination must occur for the upcoming summer. Identifying the CEP error is similar to the SA becoming aware of significant economic changes in the area. The school does not remain SFSP area eligible for five years from the initial determination as the determination that established area eligibility was not correct. The SA may use school or census data to attempt to make the SFSP site area eligible.

14. Is the following scenario correct?

2013 - CEP established for a school district and all schools have ISP x 1.6 equal or greater than 50 percent.

- This school district's year CEP cycle is 2013 – 2016.
- Schools apply for SFSP in 2016.
- State agency determines/confirms each school is SFSP area eligible based on the 2013 CEP data that was used to calculate the ISP.
- SFSP area eligibility for the school district is good for 5 years, or through 2020, based on the 2013 CEP determination.

Yes, the SFSP sites are certified for 5 years, based on the 2013 data that was used to calculate the ISP. A redetermination will be due 5 years from 2016 for SFSP, even though a CEP ISP is due sooner. The 5 year eligibility is locked in for SFSP.The exception is if an error in the 2013 data is discovered.

Chapter 2: Sponsor and Site Identification

This chapter includes specifics on:

- State agency priorities for selecting a sponsor;
- Priorities for identifying site locations;
- Selection of food service staff;
- Site promotion and outreach tips; and
- Pre-operational requirements for sites and sponsors.

➢ State Agency Priorities for Selecting a Sponsor

(7 CFR 225.6(b)(5))

Confusion and waste result when two or more sponsors compete for the same sites or target children in the same geographical area. Since such an overlap in service conflicts with Program objectives, the State agency usually approves only one sponsor to serve an area. When determining which of the competing sponsors will serve an area, the National School Lunch Act requires the State agency to give priority to:

- Local SFA sponsors;
- Government and private non-profit organization sponsors that have successfully operated the SFSP in a prior year;
- New government sponsoring organizations; and then,
- New private non-profit organization sponsors.

To support the greatest Program participation and access, 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 to each other. Sites may also be close in proximity but separated by a physical barrier that limits access, such as a busy highway.

Note: If Program administrators feel they have a unique situation where competition is posing a significant problem, they may contact the State agency for assistance.

Operating Limitations

(7 CFR 225.6(b)(6))
All sponsors may be approved for a maximum of 200 sites and a maximum total average daily attendance at all sites of 50,000 children. The State agency may approve exceptions if the sponsor can demonstrate that it has the capabilities of managing a Program larger than these limits.

➢ Sponsor Priorities for Selecting Sites

Finding Eligible Sites

It is important that a sponsor adequately evaluate the needs and resources of the area they hope to serve before making final plans for site operations. Mapping and other data tools can be used to locate high-need, eligible areas and potential sites, such as libraries, schools, museums, and low-income housing units. The USDA and its partner organizations have resources available to facilitate this process.

Check out the **Site Recruitment Strategies** toolkit page for more ideas! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Site_Recruitment.pdf

Capacity Builder

The Capacity Builder is a tool that allows users to see where SFSP sites are or have been in their communities, and add "layers" of information, such as poverty data, in absolute numbers and relative percentages. Potential site locations and partners can be added to the map, and previous site locations can also be highlighted, helping to prevent site overlap. http://www.fns.usda.gov/capacitybuilder

For a map that shows the locations of areas served by schools where at least 50 percent of enrolled children are eligible for free or reduced-price meals go to: http://www.fns.usda.gov/areaeligibility.

Once sponsors have evaluated the needs of the area, they will have an easier time evaluating potential sites and determining the size of their operations. Because sponsors must assume administrative and financial responsibility for total SFSP operations at all sites under their supervision, they must be certain that a site can offer a quality meal service. For returning sites, where site supervisors have had a poor performance record in past summers or where supervisors were unable to

Check out the **Using Data** and **Targeted Expansion** toolkit pages for more!
http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Data.pdf
http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Expansion.pdf

institute timely corrective action, sponsors should carefully considering taking them on. Depending on the nature of these problems, the State agency may also choose not to approve such sites for the Program.

The following list outlines several major considerations for sponsors evaluating potential sites. In addition, a Site Selection Worksheet is included in the SFSP *Sponsor Monitors Guide*, available at http://www.fns.usda.gov/cnd/summer/library/handbooks.html and may be useful to sponsors in determining a site's suitability.

- **Administrative Capability**

  In addition to selecting the sites at which meals will be served, sponsors must decide how many sites to administer and how many children they will serve at each site. This decision will depend greatly on the need for a site in the area, the administrative capabilities of the sponsor, and the size of the site Programs. Sponsors must plan to operate Programs that are consistent with the size of their administrative staff and the extent of their expertise. A small sponsor with limited administrative experience should carefully place limits on the number of sites where it will offer meals.

- **Accessibility**

  Sites should be easy to reach by foot, car, and public transit. Some children will be walking to their neighborhood site alone, so sponsors should ensure that sites are located in safe areas. Sponsors should try to avoid placing sites in areas with physical barriers to access, such as near busy streets without crosswalks. Sponsors should also make sure their sites are handicap accessible.

  The **Addressing Transportation Challenges** toolkit page has more great tips! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Transportation.pdf

- **Meal-Friendliness**

  Ideal sites will have tables and chairs readily available, kitchens in which to prepare and clean up meals, large refrigerators to store leftovers, and restrooms for kids and staff to use, when needed. Special consideration will be needed for sites located outdoors: see Extreme Weather Conditions and Disasters on the following page.

- **Site Activities**

  Children are drawn to locations that offer educational, enrichment, and recreational activities. Selecting sites that can provide an activity along with the meal, such as an art project, game, school or community garden, or nutrition lesson, is a strategy sponsors can use to boost participation and overall enjoyment at their sites.

- **Volunteer Base**

  Hosting a site at a venue that already has a strong volunteer base, such as a soup kitchen or local faith-based organization, is a good way to ensure a site will be fully staffed and well-promoted in the community. More information about building partnerships with well-established community organizations is included in the

Community Partnerships section below. For more ideas about staffing your site, see "Chapter 7: Staff Duties and Training."

Community Partnerships

Sponsors may consider selecting site locations based on the potential for community partnerships. Partnering with community-based organizations can be helpful in building awareness of the Program, finding additional financial support, coordinating site activities, and recruiting volunteers to serve meals to children. Sponsors may reach out to the following organizations when looking for community partners:

- Parks and recreation centers
- Youth organizations, such as YMCAs, Boys and Girls Clubs, 4-H Programs, and scout troops
- Social service organizations, such as food pantries, WIC clinics, and donation centers
- Minority referral services and relevant minority organizations
- Food hubs, farmers markets, and local food and gardening organizations
- Cooperative Extension, SNAP-Ed
- Local parents groups
- Faith-based organizations, such as churches, synagogues, or mosques
- National anti-hunger organizations, such as Share Our Strength and the Food Research and Action Center (FRAC) operating at the local level

In addition to offering support to existing sites, these and other partner organizations may have space available to host a site. Sponsors may consider reaching out to well-established community-based partners early on, as utilizing these partnership may help to create a stronger, more impactful Program.

➢ Selecting Food Service Staff

Sponsors who prepare meals on site or in a central kitchen are responsible for choosing staff, including a food service manager, food production staff, and general kitchen help. The number of food service employees will depend on the number and type of meals prepared. The following daily staffing schedule is provided as a guide for a Program serving lunches and snacks.

Number of Meals	Hours of Labor	Staff Needs
1 to 50	6 to 8	1 full-time employee
51 to 100	8 to 10	1 full-time employee*
		1 part-time employee**
101 to 200	12 to 20	2 full-time employees*
		1 part-time employee**
201 to 300	20 to 24	3 full-time employees*
		1 part-time employee**

*These full-time employees can be scheduled for only the hours they are needed and may not be required to work an 8 hour day.
**These part-time employees may be optional or as needed, based on menu requirements.

The range of hours for labor varies based on the skills of the food service employees and the convenience foods used in the menus. If the sites serve breakfast, add 1 hour of labor for every 50 breakfasts prepared. Sites require less time for labor when serving snacks than when serving breakfast or lunch.

Tips for Selecting Staff

- Determine the number of staff you will need. The type of employee and the amount of experience needed will vary with the duties each will perform.
- Use qualified volunteers, such as parents or supervisory adults, to help you operate the program. These individuals may offer help during food service and in supervising the children while they eat. Parental involvement should be encouraged. Parents often see their involvement as a benefit too!
- All food service employees must meet the health standards set by local and State health authorities.
- Develop a job description for each food service position that describes duties and responsibilities for the position. For example:
  - Food production employees will have food preparation duties and must be shown how to fill out the necessary records. They must know how to use recipes and meet the necessary meal pattern requirements. It is also important that staff be able to recognize complete meals and food safety guidelines.
  - Other personnel will have food service or cleanup duties and responsibilities. Write down the requirements of the job and go over the schedule of activities. For the position of food service managers, consider someone with a food production or nutrition background with food service experience.

➢ Ensuring Site Access through Promotion

Once sites are identified, it is important that families are made aware of open site locations and the availability of meals. Sponsors are encouraged to make use of FNS communication resources, which are available online. The following resources can be used to promote summer meals in any community:

- The Summer Meals Toolkit includes helpful strategies sponsors can use to build awareness of their Programs: http://www.fns.usda.gov/sites/default/files/SFSP_toolkit.pdf.
- The monthly Summer Meals Newsletters offer timely tips sponsors can use to improve Program outreach and expansion: http://www.fns.usda.gov/sfsp/summer-meal-newsletters
- The Summer Meals Best Practices Page shares proven success stories from Programs across the country: http://www.fns.usda.gov/sfsp/best-practices
- Additional FNS resources, including fliers, door hangers, public service radio announcements (PSAs), and training videos are available on the FNS website: http://www.fns.usda.gov/sfsp/raise-awareness

The following sections outline outreach ideas sponsors can incorporate into their promotional strategy to ensure children in their community have access to meals.

Mandatory School Outreach

The SFSP State agency must ensure that SFAs cooperate with sponsors to inform eligible families of the availability and location of free meals for students when the regular school year ends. The State agency will facilitate a working relationship between SFAs and sponsors to ensure that schools help promote the availability of meals for children during the summer months. For more information on the school outreach requirements, see SFSP Memorandum 7-2014: *Expanding Awareness and Access to the Summer Food Service Program*, November 12, 2013.

In addition to this mandatory school outreach, the Summer Meal Toolkit includes sample letters sponsors may send to school principals, school food service directors, and State superintendents of education to encourage further involvement with the Program. Education leaders can issue PSAs and press releases in support of the Program, or host a site at their school. Sponsors can encourage friendly competition among local schools, issuing a “Summer Meal Challenge” to host a site or to serve more meals.

Along with schools, other community-based organizations frequented by children and families can assist with outreach and promotion. Sponsors may consider reaching out to local health agencies, grocery stores, and social service organizations, encouraging the posting or distribution of fliers to patients, customers, and clients. For more ideas about building outreach partnerships with community-based organizations, please see "Chapter 2: Sponsor and Site Identification."

Media Promotion

Traditional and social media outlets can be extremely helpful to sponsors working to communicate with families. Sponsors may consider using the following forms of media to spread the word about your Program:

- **Local Newspapers**
  Sponsors can write a Letter to the Editor or submit an Op-Ed promoting the Program. The piece should conclude with a "call to action," encouraging site attendance or asking community members to support the Program. Sponsors can also pitch a story, inviting a reporter to visit a site and write about the Program.

- **Local TV Stations**
  Local TV news reporters love a feel-good story in the summertime – what could be better than a story about kids enjoying a nutritious meal in the sunshine? Sponsors can invite a TV reporter to cover a "special event," such as a local Kick-Off event. News reporters may also be interested in interviewing a site supervisor or the parent of a child who benefits from the Program.

Check out the **News Releases and Story Pitching** toolkit page for more! http://www.fns.usda.gov/sites/default/files/cnd/SMT-News%20ReleasesandStoryPitching.pdf

- **Local Radio Stations**
  Sponsors can request an interview at the station office, or invite a local radio personality to broadcast from a popular site. Radio stations are often interested in participating in community events, and may even be willing to provide "swag" to share with the kids. Sponsors can also prepare a PSA for radio stations to air during commercial breaks.

- **Twitter**
  Twitter is a great platform to get information out quickly and to discover outreach tips from new and experienced sponsors in other

Interested in hosting a **Twitter Town Hall**? Check out our toolkit page! http://www.fns.usda.gov/sites/default/files/cnd/SMT-TwitterTownhalls.pdf

communities. Sponsors can use #SummerMeals and #SummerFoodRocks to share outreach tips, and can follow @USDANutrition to stay updated on what's happening at the National level.

- **Facebook**
  Facebook has become an increasingly popular information source for families, and should not be overlooked in your outreach strategy. Sponsors may consider creating their own Facebook page, which they can encourage community members to "Like" and "Share". Facebook allows sponsors to provide real-time updates about their Program and have greater control over their messaging.

- **Instagram**
  Instagram is a great way to show children and families all the fun that is happening at summer sites! Sponsors can use #SummerMeals and #SummerFoodRocks when sharing photos, and check in on these same hashtags to see what is happening at other sites around the country.

In addition to encouraging site volunteers and participants to "Like" their posts, sponsors can encourage volunteers and participants to "Share" their own site experience on social media! Older children and teens can spread information to their friends and family members, helping to boost outreach efforts and participation.

NOTE: Always have children's parents sign a Media Release Form before using their photo or recorded image to promote your Program.

Summer Meal Champions

Finding local summer meal champions is an important part of building community trust and running a successful Program. Champions can come in all shapes and sizes, and can show support in many different ways. Here are a few common examples:

- **Elected Officials**
  Local elected officials can issue press releases in support of the Program, and those with webpages and newsletters can use these platforms to encourage their constituents to participate or volunteer at sites. Elected officials can also participate in site visits and attend summer Kick-Off events. If you need assistance reaching out to them, contact your State agency.

- **Tribal Leaders**
  Outreach to tribal communities is a priority for FNS, and leaders can be helpful in ensuring children on reservations have access to summer meals. If you have a tribal community in your area, your local tribal leaders can provide information

about site locations, and can encourage community members to become involved as site managers and Program volunteers.

- **Faith-Based Leaders**
  Faith-based leaders can host sites at their synagogues, churches, mosques, and other places of worship, and can further support the Program by providing site location information to the families they serve.

- **Local Athletes**
  Many children look up to professional and collegiate athletes, making them invaluable spokespeople. Before the Program begins, athletes can issue a robo-call or radio announcement to build community awareness of the Program. Athletes can also participate in your Kick-Off and "Spike" events throughout the summer, helping to boost turnout among children.

- **Radio Personalities**
  Radio personalities, including those reaching diverse ethnic markets, can engage in promotion of the Program, both on-air and online. Radio hosts often have many Twitter and Facebook followers, including children and teens who may benefit from meals.

- **Teen Ambassadors**
  Reaching teens is an important aspect of any outreach strategy, and has been a challenge for sponsors across the country. Asking teens to design and implement their own summer meals outreach strategy, or at minimum, seeking their input, can be helpful to increase participation among older children.

➢ Pre-Operational Requirements

Sponsor/Site Agreement

If a sponsor plans to administer a Program at sites not legally affiliated with their organization (for example, at recreation programs or vacation Bible schools), the sponsor should enter into an agreement with the site supervisor or responsible site official. The agreement should list, in specific terms, the responsibilities of the site supervisor, which will make it easier for the site supervisor to understand his/her duties.

See the **Sponsor Relations** toolkit page to learn more! http://www.fns.usda.gov/sites/default/files/cnd/SMT-SponsorRelations.pdf

However, the agreement does not relieve the sponsor of final administrative and financial responsibility for operating the SFSP at the site, including its responsibility to

maintain contact with meal service staff, ensure that there is adequately trained meal service staff on site, and monitor site operations. A sample Sponsor/Site Agreement form is included in the Attachment Section as Attachment 14.

Health and Sanitation

When sponsors have chosen their prospective sites, they must notify the health department in writing of all prospective site locations and arrange for prompt and regular trash removal.

Before Program operations begin, sponsors must submit to the State agency a copy of the letter notifying the local health department of their intention to provide a food service at specific times at planned sites (SFSP Memorandum 07-2015*: Health and Safety Inspection Requirements*, December 10, 2014).

Additionally, SFSP sponsors are required to enter into an agreement with the State agency that their sites will maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations [7 CFR 225.6(e)(9)]. Some SFSP facilities may not be required to meet all State and local health and safety requirements; for example, those that do not prepare food on site. However, a SFSP sponsor may not be declared by the State agency exempt from State and local health and safety requirements. Only the State agency that enforces these requirements may exempt sponsors from documenting adherence to the full requirements. This exemption should be documented in writing by that relevant State agency. Regardless of an exemption, there must be some level of health and safety standards in place to ensure that adequate facilities are available to prepare and store meals (SFSP Memorandum 7-2015, *Health and Safety Inspection Requirements*, December 10, 2014).

Check out the **Health Inspection Tips** for more information!
http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Health_Inspections.pdf

Planning for Extreme Weather Conditions and Disasters

(7 CFR 225.6(c)(2)(D)) and (7 CFR 225.6(c))

Concerns for the physical health and safety of children and consideration of extreme weather conditions must be addressed by the State agency when a site is being approved. State agencies must ensure that sponsors have made appropriate arrangements for food service during periods of inclement weather. Although all outdoor SFSP sites are not required to have an alternative temperature controlled site, sponsors should have a contingency plan for dealing with extreme weather conditions, such as thunderstorms and excessive heat. Options include:

- Discontinuing the meal service, if safety is a concern;
- Using a tent to provide extra shade on extremely hot days; or
- Partnering with a housing community to use an air conditioned lobby or community room on extremely hot days.

FNS extended the 2014 demonstration project allowing non-congregate feeding at certain outdoor sites experiencing excessive heat through summer 2016. Under the demonstration project, SFSP sponsors operating approved outdoor feeding sites without temperature controlled alternative sites may operate as non-congregate sites on days when the area is experiencing excessive heat. For more information, see SFSP Memorandum 8-2015: *Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q & As*, December 11, 2014, available at http://www.fns.usda.gov/sites/default/files/SP14_SFSP08-2015os.pdf.

Sponsors are also encouraged to plan for emergency situations in advance to ensure a rapid disaster response. Sponsors can work with State agencies to become pre-approved to operate emergency feeding sites during unanticipated school closures during their initial application process, as SFSP regulations allow expedited approval of feeding sites during an emergency. Organizations with current agreements to operate the SFSP may be approved to open emergency feeding sites (SFSP Memorandum 18-2014: *Disaster Response*, May 19, 2014).

Based on the significant needs of each community, FNS Regional offices may waive the Program requirements for sponsors to document that each site is serving an area in which poor economic conditions exist. These requirements may be waived for existing eligible sites located in areas damaged by a natural disaster that must relocate to areas that are not eligible based on school or census data.

Check with your State Agency for additional guidance

Additionally, State agencies may waive the requirement that, during an unanticipated school closure, SFSP sites may not be located at school sites. Although schools may be closed, some school buildings may be unaffected by the disaster and may be approved as a location for emergency feeding. FNS may also approve flexibility to accommodate the needs of severely impacted areas as a result of other exceptional emergency situations or man-made disasters, such as a human pandemic or chemical plant explosion, which may impact the ability of schools, institutions, and sponsors to continue normal program operations.

Pre-Operational Site Visits

Prior to approval, sponsors must visit new sites and any sites that had operational problems in the previous year. However, State agencies have the option to waive the

pre-operational site visit requirement for experienced SFSP sponsors, CACFP sponsors and SFAs participating in the NSLP or SBP and who are in good standing in these programs. These visits are to determine that the sites have the facilities to provide meal service for the anticipated number of children in attendance and the capability to conduct the proposed meal service. Sponsors should record the date of the pre-operational visit to each site and the name of the person who visited each site.

Check with your State Agency for additional guidance

See the 2016 SFSP *Sponsor Monitors Guide*, available at http://www.fns.usda.gov/sfsp/handbooks for a sample form that can be used to record pre-operational visit information (SFSP Memorandum 12-2011: Waiver of Site Monitoring Requirements in the Summer Food Service Program, April 5, 2011; SFSP Memorandum 5-2012: *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011; SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012; and SFSP Memorandum 6-2014: *Available Flexibilities for CACFP At-Risk Afterschool Sponsors and Centers,* November 12, 2013).

When a sponsor applies for the SFSP, the sponsor must certify that all required pre-operational site visits have been conducted. These pre-operational visits must not be confused with required site visits during the first week of Program operations (see "Chapter 8: Program Integrity" for a further discussion of these site visits).

➢ Chapter 2: Questions and Answers

1. Are there any pre-operational requirements the sponsor must fulfill once they have chosen their prospective sites?

Yes. Once prospective sites have been chosen, the health department must be notified in writing of all prospective site locations and arrangements for prompt and regular trash removal must be made. Additionally, the sponsor must conduct a pre-operational site visit to determine that they have the facilities to provide meals for the anticipated number of children in attendance and the capability to serve meals.

2. How often can sponsors add sites?

Generally, sponsors may add sites to their Program at any time during the approved operational period. However, the sponsor must provide the State agency with all the necessary information on each additional site and receive approval before serving and claiming meals at the new site(s). Sponsors should check with their State agency for more specific information.

3. When should a sponsor begin planning site outreach if they want to expand?

Sponsors should begin setting participation goals in the fall if they hope to expand in the summer. Winter is a good time for sponsors to begin meeting with community partners and exploring new site options. Sponsors looking to expand may refer to the Site Recruitment Strategies toolkit page for more tips on conducting successful site outreach: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Site_Recruitment.pdf.

4. What are some advantages to operating school-based sites?

As trusted, familiar, community-based organizations, schools are well-positioned to serve summer meals. Local education agencies operating NSLP and SBP are already familiar with the USDA meal pattern standards, already have trained staff, proper kitchen equipment, and will have an easier time adjusting to the Program than many other organizations. Schools can operate either the SFSP or the SSO, the latter of which allows schools to continue to provide NSLP meals during the summer and requires less administrative paperwork.

In addition, schools may have an easier time conducting participant outreach. Schools are already required to conduct SFSP outreach in the spring, and have a direct connection to children and families living in the neighborhood. In addition, schools often have learning and recreation opportunities available for children in the summer, which can help boost attendance. Because of the benefits of hosting sites at schools, the State agency must give priority to SFAs when approving sponsors.

5. What are free ways to conduct outreach?

Schools are required to inform families of the availability and location of free meals when school is not in session [7 CFR 210.12(d)]. Sponsors can encourage schools

to go above and beyond this requirement by issuing a PSA to all families, and by sharing FNS outreach materials, such as flyers, postcards, and bookmarks, with students. Promotional materials may be found on the SFSP "Raise Awareness" webpage: http://www.fns.usda.gov/sfsp/raise-awareness.

Sponsors can also work with statewide advocacy groups, local organizations, and public and private agencies to amplify their outreach message. Many of these organizations have experience with, and systems for, communication with the public. Sponsors can also share the "Raise Awareness" outreach materials with staff members at these organizations.

Sponsors can also work with traditional and social media outlets to spread the word about the Program. Attachment 33 provides sample news releases for open and closed enrolled sites that sponsors can use as templates to craft their outreach message.

6. Are there outreach efforts to do in mid-summer?

In order to ensure strong participation all summer long, sponsors should continue to conduct outreach for the entire duration of the Program. Sponsors can promote use of the Summer Food Rocks Site Finder and the National Hunger Hotline, which families can use to find sites in their neighborhood. Sponsors may also continue to share FNS promotional materials, such as postcards, bookmarks, and fliers with children.

Sponsors often face a "mid-summer lull" – or participation drop – in late July. In order to keep the momentum going strong, sponsors may consider hosting a "Spike" event. Spike events take place typically in the middle of the summer, and can include a parade, health fair, music concert, or other family-friendly event. For more ideas, please see the Hosting Events toolkit page: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Events.pdf.

Chapter 3: Sponsor Application

This chapter includes specifics on:

- Sponsor training;
- Applying to become a SFSP sponsor;
- Review of applications by the State agency;
- What is included in the permanent sponsor agreement; and
- What a sponsor may appeal.

Check out the **Program Simplifications** toolkit pages to learn more! http://www.fns.usda.gov/sites/default/files/cnd/SMT-ProgramSimplifications.pdf

Note: The deadline for submitting a written application to operate the SFSP in the summer months is June 15. However, State agencies may establish earlier deadlines. Sponsors that apply to operate the program during emergencies are exempt from application deadlines. [(7 CFR 225.6(b)(1))]

See: http://www.fns.usda.gov/sites/default/files/deadlines.pdf

➢ Sponsor Training

Each year, State agencies are required to offer training for their sponsors before the application process begins. At this training, sponsors receive guidance on Program and regulatory aspects of SFSP administration, including, at minimum:

- An overview of the Program's purpose;
- A review of the sponsor's responsibilities;
- An overview of Civil Rights requirements;
- A review of the site supervisor's responsibilities;
- Tips on how to identify a reimbursable meal; and
- An overview of the site/sponsor agreement.

A Program administrator and/or key staff member(s) from each new sponsoring organization are required to attend State agency training in order for the organization to be eligible to participate in the Program.

➢ Application Requirements

(7 CFR 225.6(c))

New potential sponsors must submit an application to the State agency before the agency's deadline date. Applicants should be certain that they have filled out the application completely and that they have forwarded all of the necessary supporting documentation to the State agency. Incomplete applications will cause a delay in the approval of the sponsor.

All sponsors are required to submit an initial Program application, paper or electronic. A list of application requirements cannot be all-inclusive, since variations occur with each State agency and with the nature of different food services. However, the following list indicates the basic application requirements that sponsors must satisfy:

- Submit documentation of tax-exempt status under the Federal Internal Revenue Code of 1986 if they are private non-profit entities.
- SFSP regulations do not require church sponsors to obtain Federal tax-exempt documentation; however, please check with the State agency for documentation requirements.
- Demonstrate adequate administrative and financial responsibility to manage an effective food service.
- Provide a site information sheet for each proposed site.

  The site information sheet includes documentation that the site is capable of managing an effective meal service; meal service times; documentation of eligibility; and, if the sponsor qualifies as a camp, documentation of the number of children enrolled in the Program that are eligible for free or reduced-price school meals. (See also “Chapter 1: Program Eligibility” for documenting open, restricted open, and closed enrolled site eligibility.)

Note: Mobile sites must complete a site information sheet for each proposed stop, as each stop is considered a site.

- For each enrolled site, provide a written policy statement on free meals.
  This policy statement, which must be approved by the State agency, explains that the same meal is served to all enrolled children regardless of reimbursement status and without discrimination against any child because of race, color, national origin, sex, age or disability.

Camps that charge separately for meals also must explain that the camp uses USDA's eligibility standards for family size and income levels at the level of reduced-price school meals, as follows:

- Describe how the camp accepts household applications from campers and assures that children whose families receive SNAP, FDPIR, or TANF benefits are automatically eligible for free meals;
- Describe how the camp will collect payments from children who must pay the full price for their meals and how the camp ensures that children receiving free meals are not overtly identified;
- Assure that the camp has a hearing procedure for families who want to appeal a denial of eligibility for free meals; and
- Assure that if a family requests a hearing, the child will continue to receive free meals until a decision is made by the hearing official.
- Provide a copy of a proposed media release with the application.
- The application may not be approved without it. Once the media release statement is approved by the State agency, it must be provided to media outlets (e.g., newspapers, television and radio stations, city government web sites) serving the area where the sites are located.

The purpose of the media release is to announce the availability of free meals, the nondiscrimination policy, and complaint procedures if an individual wishes to file a complaint for violation of non-discrimination policy. Enrolled sites and camps must include the reduced-price income eligibility guidelines in the media release. The media release also must state that children who are part of households that receive SNAP benefits, FDPIR, or TANF benefits are automatically eligible for free meals.

Attachment 33 provides sample news releases for open and closed enrolled sites. In addition to the information that is required to be included in the media release, we encourage sponsors to include other relevant information, such as activities that will be provided for children at the SFSP sites.

- Submit a complete management plan that includes staffing needs and an administrative budget.
  Sponsors will need to indicate the number of people who will be working in each position, the number of hours per day each will work, and the total estimate for employee salaries, including hourly wages and fringe benefits.

- Submit documentation of tax-exempt status under the Federal Internal Revenue Code of 1986 if they are private non-profit entities.

SFSP regulations do not require church sponsors to obtain Federal tax-exempt documentation; however, please check with the State agency for documentation requirements.

- Apply for advance payments, if needed.
  These are payments that may be received before the Program begins to pay for administrative and operating costs that are incurred before the Program starts. (Advance payments are explained in detail in “Chapter 9: Program Costs and Reimbursements.”)

- Certify that a training program will be conducted for monitors and site personnel. Include information explaining when the training will be held and the topics that will be discussed. (“Chapter 7: Staff Duties and Training” contains an in-depth explanation of this training requirement.)

- For sponsors that plan to use a food service management company (FSMC) to provide meals, provide a copy of the invitation for bid; for sponsors that plan to use an SFA to provide meals, provide the proposed agreement.
  Sponsors should also submit plans for advertisement for bids if they intend to contract with a FSMC. (For more information about this agreement, see “Chapter 6: Procurement and Bid Procedures.”)

- Apply for start-up payments if available, and if the sponsor wants to receive them. Start-up payments are described in “Chapter 9: Program Costs and Reimbursements.”

- If the sponsor is a governmental entity or a private non-profit organization, certify that the sponsor will have direct operational control at each site.

➢ Review of Applications

(7 CFR 225.6(b)(3) and 225.11(c))

Within 30 days of receiving a completed application, the State agency will notify the applicant of its approval or disapproval. If the application is incomplete, the State agency will notify the applicant within 15 days and provide technical assistance to help the applicant complete the application process.

Approval to participate must be denied to any applicant found to be seriously deficient in the operation of any Federal Child Nutrition Program, including those disqualified from the CACFP (SFSP Memorandum 1-2008: *Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures*, January 2, 2008).

After the initial application is approved by the State agency, the sponsor will be required to sign a permanent agreement with the State agency. Once this agreement is in place, only annual updates to the application, including a budget, are required.

Once sponsors are approved, they must operate the SFSP according to: Federal regulations; SFSP instructions, circulars and guidance materials; and applicable State and local laws.

Sponsors will receive reimbursement only for meals that are served after they have been approved for Program operations. Sponsors must be certain that they have been approved before they begin their meal service.

Annual Application Updates

(7 CFR 225.14(a))

Once an initial application has been approved by the State agency, limited annual updates to the application will be required. Information required in the annual update to the application will vary from State to State. However, Federal law requires that sponsors submit an annual budget for approval by the State agency (SFSP Memorandum 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreements*, January 14, 2011).

Note: State agencies may exempt standard application procedures for those sponsors that want to provide Program benefits in times of emergencies (i.e., unanticipated school closures from October through April or at any time during the year for an area with a continuous school calendar). A sponsor may be exempted from filing an application if they have participated in the SFSP in the current year or in either of the two previous calendar years.

State agencies also may vary application requirements based on their assessment of sponsors' experience or expertise in operating the Program. As a sponsor, if you have had operational problems, a State agency will require more detailed information on the site information sheets. Less information may be required for a sponsor experienced in operating the Program. Since this regulatory provision is optional, not all State agencies adopt this variation in application processing. For more information on your State's application requirements, contact your State agency.

SFAs participating in the NSLP or SBP and CACFP institutions in good standing that want to operate the SFSP at the same sites where they provide meal service through the NSLP or CACFP may follow the application requirements for experienced SFSP sponsors and sites instead of the application requirements for new sponsors and sites (SFSP Memo 5-2012: *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011 and SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012). Contact your State agency if you are interested in a streamlined application process.

➢ State-Sponsor Agreement

(7 CFR 225.6(e))

In order to participate in the SFSP, sponsors must enter into a permanent Program agreement with the State agency. The agreement is a legally binding document that specifies the rights and responsibilities of both the sponsor and State agency, and should be read carefully before being signed.

Required Elements of an Agreement

Under the agreement, the sponsor must agree to:

- Operate a non-profit food service during the agreed upon period (usually from May through September for children on school vacation)
- Serve meals that meet Program requirements (see "Chapter 4: Meal Requirements") at the approved sites during times designated as meal service periods by the sponsor and serve the same meal to all children
- Serve meals without cost to all children (except that camps may charge for meals served to children not served meals under the Program)
- Issue a free meal policy statement
- Train administrative and site personnel as required
- Claim reimbursement only for types of meals specified in the agreement and served without charge to eligible children at approved sites during the approved meal service period
- Submit claims for reimbursement as required by the State agency
- Maintain proper sanitation and health standards as required by State and local law
- Use in the Program food donated by USDA and accepted by the sponsor
- Have access to facilities necessary for storing, preparing, and serving food
- Maintain a financial management system as prescribed by the State agency
- Maintain on file documentation of required site visits and reviews and make all accounts and records relating to the Program available to authorized officials on request
- Retain financial and administrative responsibility for the Program
- Operate the Program or facility in compliance with Civil Rights laws and implementing nondiscrimination regulations

See Attachment 3 for a list of current SFSP Federal Policies. Check with your State agency about any changes in SFSP policies.

Permanent Agreements

The Healthy, Hunger-Free Kids Act of 2010 requires that the agreement between the State agency and sponsor be permanent. This means that once the State agency and sponsor enters into an agreement it does not need to be renewed. However, as noted above, sponsors now operating under a permanent agreement must submit an annual budget for administrative costs that must be approved by the State agency.

It is important to understand that describing the agreement as "permanent" means only that the agreement has no predetermined expiration date. However, the sponsor is required to submit an application annually. Under certain circumstances, these agreements may be amended or cancelled, and this feature of the agreement does not create contractual obligations beyond those described in the SFSP regulations. This requirement reduces paperwork for sponsors and State agencies and simplifies Program management (SFSP Memorandum 03-2011: *Child Nutrition Reauthorization 2010: Permanent Agreements*, January 14, 2011).

A State agency must enter into a single permanent agreement with a SFA that operates more than one Child Nutrition Program administered by the State agency. Additionally, an addendum to the existing permanent agreement may be made for institutions participating in CACFP and SFSP when the same State agency operates both Programs (SFSP Memorandum 5-2012: *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011).

Sponsors Operating in Multiple States

Organizations may be approved to sponsor sites located in any State, regardless of whether the sponsor is physically located within the boundaries of the State where the proposed site is located.

Sponsors not located within the State where a proposed site is located must take additional measures to ensure that the State agency is able to complete its monitoring duties. To better facilitate State agency monitoring of multi-State sponsors, these sponsors must make requested materials available in the State where the sponsor's sites are located. Such materials can be sent in accordance with the form requested by the State agency, e.g., postal service, fax, email, etc.

State agencies may approve only sites that are located within their State. Sponsors must enter into an agreement with the State agency for each State where its sites are located, regardless of where the sponsor itself is actually based (FNS Instruction 794-5, Agreements with Entities Which Operate Interstate Schools and Facilities).

Therefore, when a sponsor is located in one State and operates sites in other States, an agreement must be entered into with the administering agencies in all States where the sponsor has a site (SFSP Memorandum 1-2014: *Sponsors Operating in Multiple States*: REISSUED, November 12, 2013).

➢ Appeal Rights

(7 CFR 225.6(b)(3) and 225.13)

Any sponsor denied participation in the Program or denied Program payment may obtain a hearing by an official other than the one directly responsible for the original determination. At the time of the denial, the State agency must tell the sponsor whom to contact for an appeal.

The following State agency actions may be appealed:

- Denial of sponsor's request for an advance payment
- Denial of a sponsor's claim for reimbursement (except on decisions made by FNS with respect to late claims or upward adjustments)
- Termination of a sponsor's (or a site's) participation in the Program
- Denial of a sponsor's site application
- If applicable, denial of a FSMC's application for registration or the revocation of a FSMC's registration
- Claim against a sponsor for remittance of a payment
- Refusal by the State agency to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim

Note: A checklist summarizing the planning activities described throughout Part I of this guide is included as Attachment 24.

➢ Chapter 3: Questions and Answers

1. When should a sponsor begin planning for the summer?

Providing summer meals is a year-round effort, and there are activities sponsors can do at any point during the year to proactively plan for the summer. Sponsors should refer to their specific State and Region-specific deadlines when organizing their plans, but can use the Proactive Planning for Sponsors toolkit page as a general guide: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Proactive_Sponsors.pdf.

2. What do sponsors need to do to apply to participate in the SFSP?

Sponsors should contact their State agency and obtain a sponsor application, and make sure to submit the application to the State agency before the agency's deadline date. Applicants should be certain that they have filled out the application completely and that they have forwarded all the necessary supporting documentation. Incomplete applications will cause a delay in approval of the sponsor.

3. What happens after a sponsor is approved to participate in the SFSP?

When a sponsor is approved to participate in the SFSP, the State agency will complete and sign a permanent Program agreement with each sponsor. The agreement is a legal binding document that specifies the rights and responsibilities of both the sponsor and State agency and should be read carefully before being signed.

4. Does FNS provide any planning tools for sponsors?

Sponsors can refer to the following FNS resources for additional tips:

- Proactive Planning for Sponsors toolkit page: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Proactive_Sponsors.pdf
- Summer Meal Policy Resources: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Policy_Resources.pdf
- State Application Deadlines for Sponsors: http://www.fns.usda.gov/sites/default/files/deadlines.pdf

Chapter 4: Meal Requirements

This chapter includes information on:

- Number and type of meals
- Meal pattern requirements
- Meal service requirements
- Meal service options
- How to incorporate local foods
- Meal time requirements
- Strategies to avoid food waste
- Meals served to adults

Check out the **Planning Your Menu** toolkit page to learn more about vending options! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-PlanningYourMenu.pdf

Before the State agency approves the Program application, a sponsor will have to indicate the method it will use to provide meals to children. Several factors such as the cost of food, the number of meals required, the type of meal service, the number and type of sites, community dietary preferences, and the facilities available at each site will influence the sponsor's choice.

➢ Number and Type of Meals

(7 CFR 225.16(b))

Sponsors may serve one or two meals a day at open, restricted open, and enrolled sites. With State agency approval, sponsors may serve two meals (including snacks) each day. Sponsors may choose which combination of meals they would like to serve; however, serving lunch and supper on the same day is not allowed. Allowable meal combinations include:

Breakfast only	Snack only
Lunch only	Supper only
Lunch and snack	Breakfast and snack
Breakfast and lunch	Supper and snack
Breakfast and supper	Two snacks

With State agency approval, camp or migrant site sponsors may serve up to three meals (including snacks) each day. Allowable meal combinations include:

- Breakfast, Lunch, and Supper
- Breakfast, Lunch, and Snack
- Lunch, Supper, and Snack
- Any combination of meals or snacks that is less than the maximum number allowed.

Meal services can be operated by different sponsors at the same site; however, the maximum number of meals allowed at a site under the regulations [7 CFR 225.16(b)] must not be exceeded (two meals for open, restricted open, and enrolled sites; 3 meals

for camp or migrant sites). For example, if a sponsor is approved to serve only lunch at a site, a different sponsor may be approved to serve breakfast or a snack at the same site, because the maximum (two meals) is met but not exceeded (SFSP Memorandum 08-2016: *Summer Food Service Program Questions and Answers*, November 12, 2015).

➢ Meal Pattern Requirements

(7 CFR 225.16(d))

It is important for the success of the SFSP to serve nutritious meals that meet meal pattern requirements and that are appetizing to children. Careful menu planning is necessary to meet this goal. The meal pattern requirements assure well-balanced meals that supply the kinds and amounts of foods that children require to help meet their nutrient and energy needs. The meal patterns establish the minimum portions of the various food components that must be served to each child in order for the participating sponsor to receive reimbursement for each meal.

For a ***breakfast*** to be a reimbursable meal, it must contain:

- One serving of milk (whole, low-fat, or fat-free);
- One serving of a vegetable, fruit, or full-strength juice; and
- One serving of a grain;
- An OPTIONAL serving of a meat or meat alternate may also be served.

For more tips, check out the **How to Serve a Reimbursable Meal** toolkit page! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-MealServiceBestPractices.pdf

For a ***lunch or supper*** to be a reimbursable meal, it must contain:

- One serving of milk (whole, low-fat, or fat-free);
- Two or more servings of vegetables, fruits, or full-strength juice;
- One serving of a grain; and
- One serving of meat or meat alternate.

For a ***snack*** to be a reimbursable meal, it must contain two of the four components listed below.

- One serving of milk (whole, low-fat, or fat-free);
- One serving of vegetables, fruits, or 100% juice;
- One serving of a grain; and
- One serving of meat or meat alternate.

Juice may not be served when milk is served as the only other component of a snack.

Please refer to the SFSP Meal Pattern Requirements and information on creditable meal components, in the SFSP Nutrition Guidance for Sponsors: http://www.fns.usda.gov/sites/default/files/NutritionGuide.pdf.

Meal Pattern Adjustments

SFSP sponsors may be approved, in certain cases, to serve meals that meet the meal pattern requirements of other Child Nutrition Programs. The following section lists a few common meal pattern exceptions.

- **Infant Meals**
  (7 CFR 225.16(f)(2))
  Because an infant's (0 through 11 months) dietary needs are based on individual development and may be more complicated than those for toddlers and older children, sponsors must receive prior approval from the State agency to serve meals to infants. All meals served to infants must comply with infant meal pattern requirements in Section 226.20(b) of the CACFP regulations. The State agency can assist sponsors in making sure that their meals comply with these requirements if they serve infants.

- **Meals for Children Aged 1 to 6**
  (7 CFR 225.16(f)(2))
  SFSP regulations allow adjusted portion sizes for younger children. The sponsor must demonstrate to the State agency that it can control portion sizes and follow the age-appropriate meal pattern requirements for children ages 1 through 5 years old in Section 226.20(c) of CACFP regulations.

- **Meals for Children Aged 12 to 18**
  (7 CFR 225.16(d))
  The meal patterns specify the minimum portions of each food component for each meal or snack. Because teenagers have greater food needs, sponsors may serve adult-size portions to older children. Adult-size portions may be found in Section 226.20(c) of CACFP regulations. Also, as a reminder, extra food may always be served to improve the nutrition of participating children – that is, food served in addition to the food necessary to meet the meal pattern requirements. (SFSP Memorandum 5-2016: Meal Service Requirements in the Summer Food Service

Program, with Questions and Answers, November 12, 2015: http://www.fns.usda.gov/sites/default/files/SP05_SFSP05-2016os.pdf).

Other Dietary Substitutions and Exceptions

(7 CFR 225.16(f)(4))

Disabilities

Sponsors are required to provide reasonable meal and snack accommodations for children whose disability restricts their diet. The accommodation must be supported by a medical statement, signed by a licensed physician or a licensed health care professional who is authorized to write medical prescriptions under State law (health care professional). The medical statement must identify the disability, the foods to be omitted, and the foods that can be substituted (FNS Instruction 783-2, Rev.2, 10-14-94; and SFSP Memorandum 15-2015: *Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs*, March 30, 2015). A statement from the child's physician or health care professional is required because it ensures that the requested substitutions are medically appropriate and meet the nutritional needs of that child, and to justify that the modified meal is reimbursable.

Sponsors are required to make reasonable accommodations for children with disabilities; however, they are not expected to make accommodations that are so expensive or difficult that it would cause the sponsor undue hardship. In most cases, children with disabilities can be accommodated with little expense or difficulty.

Medical or Special Dietary Needs

Meal or food substitutions may be made at a sponsor's discretion for a child with a non-disability medical or other special dietary need. Such determinations must be made on a case-by-case basis and must be supported by a medical statement that identifies the medical or special dietary need and which foods should be omitted and foods that should be substituted. This medical statement must be signed by a recognized medical authority or other health care professional specified by the State agency. Sponsors should be aware that meal or food substitutions for non-disability medical or special dietary needs that are outside the meal pattern requirements are not reimbursable.

While sponsors are not required to accommodate dietary preferences, such as vegetarian diets, they are highly encouraged to do so within the existing meal patterns. The SFSP meal patterns allow for a variety of foods items within the required meal components and are flexible and adaptable enough to accommodate dietary preferences.

Non-Dairy Milk Substitutes

Schools participating in SSO or in SFSP and following the National School Lunch Program meal patterns may offer non-dairy milk substitutes to children who cannot consume fluid milk due to a medical or special dietary need that does not rise to the level of a disability. Schools must receive a written request from a recognized medical authority or a parent or guardian that identifies the child's medical or dietary reason for needing a milk substitute (7 CFR 210.10(m)(2)). In addition, in order for the meal to be reimbursable, non-diary beverages served in lieu of fluid milk must be nutritionally equivalent to milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12 (7 CFR 210.10(d)(3)). Schools that decide not to offer milk substitutions for children with medical or special dietary needs must communicate this decision to all households.

➢ Meal Service Requirements

(7 CFR 225.6(e), 225.15(b), and 225.16)

In addition to serving meals that meet meal pattern requirements, sponsors must comply with the following rules when serving meals at each of their sites:

- **Serve the same meal to all children**
  This means all children receive a meal meeting the meal pattern requirements, not that all meals must be identical in every component. Children with disabilities must be accommodated and therefore may not receive the same meal. See the Dietary Substitutions/Modifications above for additional information.

- **Ensure that children eat all meals on site**
  (7 CFR 225.6(e)(15))
  Meals must be consumed on site in order to be eligible for reimbursement, unless the State agency has been notified prior to meal service for a field trip or FNS has approved other off-site meal consumption. Failure to meet this "congregate feeding" requirement results in the disallowance of meals and may lead to a determination of serious deficiency of the sponsor's operation of the Program. In extenuating circumstances, sponsors may allow meals to be consumed off-site as long as the meals consumed off-site are not claimed for reimbursement.

- **Ensure all children receive a meal**
  Make sure that all children in attendance at the site receive one meal before any child is served a complete second meal, or before any adult meals are served. Sponsors of open sites should be aware of other open site locations for referring children in situations where not enough food is available the entire designated meal service times.

- **Sponsors should plan ahead and do their best to ensure every eligible child** receives a meal.
  Sites should communicate with their sponsoring organization on a regular basis to discuss anticipated attendance and to make adjustments in meal orders. Sponsoring

organizations should train site supervisors on procedures regarding how and when to adjust meal orders for the next day.

- **Adhere to local health and sanitation regulations**
  Information may be found in SFSP Memorandum 07-2014*: Health and Safety Inspection Requirements*, December 10, 2014. Check with the State agency for more details.

- **Make arrangements for inclement weather**
  If meals are served outdoors, make adequate arrangements for food service during inclement weather, such as rain or extreme heat. This could include an alternate indoor site, a shady spot for hot days, or, if necessary, discontinuation of meal service.

- **Serve meals on-time**
  Serve meals during the meal service times submitted on the Site Information Sheet and approved by the State agency. The State agency must approve any changes in meal service times.

➢ Meal Service Options

Taking Food Components Offsite

Sponsors may allow a child to take one fruit, vegetable, or grain item offsite to eat later without prior State agency approval. The fruit, vegetable, or grain item taken offsite must be from the child's own meal or from a "share table" (learn more about share tables on page 77. Sponsors should only allow this at sites where there is enough staff to monitor this practice. This helps ensure no issues, such as food safety or Program integrity, arise. Site personnel must supervise all children on the site while they are eating meals (SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015: http://www.fns.usda.gov/sites/default/files/SP05_SFSP05-2016os.pdf).

Field Trips during Meal Service Times

Sponsors should notify the State agency of all field trips that affect the time or location of meal service, although formal approval of the alternative meal service is not a Federal requirement. Sponsors also are advised to notify the food service vendor in advance of any field trips affecting meal service, if applicable. It may be useful for sponsors to provide a calendar of scheduled trips with the Program application. (Refer to SFSP Memorandum: Field Trips in SFSP, February 3, 2003).

Sponsors should notify the State agency of any changes (additions and/or cancellations) to scheduled field trips. If the State agency is not notified prior to the field trip, meals served may be considered "consumed off-site" and may not be reimbursed. Sponsors serving meals off-site must carefully ensure the safety and quality of the meals by using adequate storage equipment to transport them.

Non-Congregate Meals Demonstration Project

Through summer 2016, sponsors have the opportunity to participate in a demonstration project allowing service of non-congregate meals at certain outdoor summer meal sites experiencing excessive heat. Under the demonstration project, SFSP and SSO sponsors operating approved outdoor meal sites without temperature-controlled alternative sites may operate as non-congregate sites on days when the area is experiencing excessive heat. FNS may extend this demonstration project to other situations where exceptional circumstances make service of congregate meals at approved meal sites impractical. For more information, see http://www.fns.usda.gov/sites/default/files/SP14_SFSP08-2015os.pdf (SFSP Memorandum 8-2015: *Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat with Q & As*, December 11, 2014).

Check out the **How to Do Offer Versus Serve** toolkit page for tips! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-OfferVersusServe.pdf

Offer Versus Serve

(7 CFR 225.16(f)(1)(ii))

Offer versus serve (OVS) is a concept that applies to menu planning and meal service which allows children to decline some of the food offered in a reimbursable breakfast, lunch, or supper. OVS is not allowed at snack (see SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015). The goals of OVS are to simplify Program administration and reduce food waste and costs while maintaining the nutritional integrity of the SFSP meal that is served. All SFSP sites, regardless of location or type of sponsorship, may use OVS. Although SFSP regulations indicate that OVS is available only to school sponsors, FNS extended this option to non-school sponsors in October 2011. Utilizing OVS does not preclude the sponsor from maintaining a non-profit operation.

Please remember that OVS is not required. It is a meal planning and service option the sponsor may choose to implement.

For a meal to be eligible for reimbursement, all food components in the required minimum serving sizes must be offered. A food component is one of the food groups that comprise a reimbursable meal. Sites must always offer all the food components

that comprise a reimbursable meal in at least the minimum required amounts. A food item is a specific food offered within the components comprising the reimbursable meal. For example, separate ½ cup servings of peaches and pears are two food items that comprise one component, the fruit and vegetable component.

It is important to note that the OVS requirements in SFSP are different from the OVS requirements in NSLP. All non-school sponsors electing to use OVS and schools participating in SFSP and electing to follow the SFSP meal patterns are required to follow the SFSP OVS requirements. In order to ensure that children are receiving enough food to meet their nutritional needs, OVS requirements in SFSP are as follows:

Breakfast:

- The following four food items must be offered:
  - One serving of fruit/vegetable,
  - One serving of grains,
  - One serving of fluid milk, and
  - One additional serving of fruit/vegetable, grains, or a serving of a meat/meat alternate.
- All the food items offered must be different from each other.
- A child must take at least three of any of the four food items offered.

Lunch or Supper:

- The following four food components must be offered through at least five different food items:
  - One serving of meat/meat alternate,
  - Two servings of fruit and/or vegetables (two different food items),
  - One serving of grains, and
  - One serving of fluid milk.
- Lunch or supper requirements differ from breakfast in that a child must take at least three of the food components, rather than items, listed above from the five food items offered. Three food components are required for an adequate, nutritious meal for children.

Offering two servings of the same food item is not permissible under OVS in SFSP. All food items offered must be different from each other. For example, a breakfast menu that includes a serving of milk, a serving of fruit, and two servings of toast is not a reimbursable meal under OVS in SFSP because the toast is two of the same food item. Additionally, a larger food item that is worth two servings in weight, such as a two ounce muffin, counts as only one food item under OVS in SFSP, not two. Offering different food items supports and encourages the practice of offering a variety of food choices for

children, which increases the likelihood that children will select foods they prefer and reduces waste.

If a sponsor chooses to use OVS, they must indicate this intention on the sponsor or site application. State agencies may not institute a statewide ban on OVS. However, specific sponsors or sites may be restricted from utilizing the option on a case-by-case basis. If a State agency denies a sponsor's request to use OVS in SFSP, the sponsor may not appeal the decision. The sponsor may submit another request the next operating year. (SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015).

School sponsors that elect to use the NSLP or SBP meal pattern and SFAs operating SSO are required to follow the OVS requirements of NSLP and SBP. For more information, see 7 CFR 210.10(e), 7 CFR 220.8(e), and SP 57-2014, Updated Offer versus Serve Guidance for the National School Lunch Program and School Breakfast Program in School Year 2014-2015 at http://www.fns.usda.gov/updated-offer-versus-serve-guidance-national-school-lunch-program-and-school-breakfast-program.

Serving Meals Family Style

Serving meals family style can help children develop good eating habits through the personal example provided by supervising adults. Camp and closed enrolled sites offer the best setting for implementing family style meals, provided that adults are available to assist children during the meal and staff and children are together for an extended period of time to provide a relaxed, stable environment conducive for teaching good eating habits. Family style meal service should not be used at other types of sites.

Check out the **Family Style Meals** toolkit page for more ideas! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-FamilyStyleMeals.pdf

If meals at camps or closed enrolled sites are served family style, sponsors must ensure that:

- A sufficient amount of food must be placed on each table to provide the required portions of each of the food components, as outlined in 7 CFR 225.16, for all children at the table and to accommodate Program adults supervising the meal service, if they eat with the children.
- Children should initially be offered the full required portion of each food component. When a child does not initially accept the full required portion of a meal component, it is the responsibility of the supervising adults to actively encourage each child to accept the service of the full required portion for each food component of the meal pattern. For example, if a child initially refuses a food component, or initially does not

take the full required portion of a meal component, the supervising adult should offer the food component to the child again.

These practices are in line with family style meal service guidance in CACFP.

Family style meal service allows children to identify and be introduced to new foods, new tastes, and new menus, while developing a positive attitude toward nutritious foods, sharing in group eating situations, and developing good eating habits. Even when a complete family style meal service is not possible or practical, it may be useful to offer a component or components in a family style manner, particularly when smaller children are being served or when a new food item is being introduced.

For more information on family style service, consult FNS Instruction 783-3, Rev. 1, *Family Style Meal Service in the Summer Food Service Program* and SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015: http://www.fns.usda.gov/sites/default/files/SP05_SFSP05-2016os.pdf.)

Note: Another great resource for promoting nutritious meals when school is not in session is the newly revised memorandum SFSP 6-2016, *Promoting Nutrition in Summer Meal Programs, with Best Practices*, November 12, 2016 http://www.fns.usda.gov/promoting-nutrition-summer-meal-programs-best-practices

➢ Serving Local Foods

Check out the new **Local Foods and Related Activities in Summer Meal Programs Memo:** http://www.fns.usda.gov/sites/default/files/SP07_SFSP07-2016os.pdf

Serving local foods can improve meal quality and appeal, encourage kids and teens to develop healthy eating habits, and educate them about where their food comes from. Summer is often a time of agricultural abundance which can reduce food costs, and purchasing local foods can support regional economic development, while also providing wholesome products to kids. Sponsors can purchase local foods directly from farmers, through distributors or Food Service Management Companies, from food hubs, farmers markets, Community Supported Agriculture (CSA)'s, and school or community gardens. For more information on finding, buying, and serving local foods, please see the Local Procurement section of this guide and visit USDA's Farm to Summer website: http://www.fns.usda.gov/farmtoschool/farm-summer.

➢ Meal Time Requirements

(7 CFR 225.16(c))

Sponsors must 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 on Program information, sponsors must provide the State agency with the meal service times for each site. Sponsors are not required, though, to ensure that specific amounts of time pass between the meal services (e.g., 3 hours in between breakfast and lunch being served). Additionally, there are no Federal restrictions on serving meals on weekends. Sponsors that wish to serve meals on the weekend must first receive State approval.

Check out the **How to Establish Meal Service Times** toolkit page! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-MealServiceTimes.pdf

States may establish meal time restrictions; however, any State restrictions are considered additional State requirements and must be approved by the Regional office (SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015; http://www.fns.usda.gov/sites/default/files/SP05_SFSP05-2016os.pdf.).

Additionally, certain time restrictions apply to sites participating in the Program that do not prepare meals on site and require meal delivery. Sites that arrange meal delivery must be prepared to store the meals until mealtime, according to standards prescribed by local health authorities. State agencies will approve meal service at these sites only if:

- Food is not held in temp danger zones for longer than allowed by State agency or local health safety codes. Proper facilities exist on site for storing the meals.

Sponsors are encouraged to establish meal service times that best accommodate the needs of participating children and the site's operational requirements. Sponsors should work closely with their State agency to establish meal times which provide flexibility to accommodate unanticipated circumstances, such as late meal deliveries, while fulfilling Program requirements.

Supper Meal Service Exceptions

State agencies are allowed to approve SFSP sponsors to serve suppers in place of lunches in certain circumstances, including where:

- An area is eligible for the Program but sites, meal preparation facilities, or staff are not available for a lunch meal service; or
- An organization has developed late-afternoon or evening programs for children in low-income areas to keep them occupied in the summer months, but do not have sufficient resources to provide children with meals.

Therefore, State agencies may approve a sponsor to serve a supper in place of a lunch when it is feasible and appropriate. Except for camps and migrant sites, sponsors are not allowed to serve a supper and a lunch at the same site (SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015: http://www.fns.usda.gov/meal-service-requirements-summer-meal-programs-questions-and-answers.)

Meal Count Forms

Meal count forms can be found behind Tab 10, Attachment 40. There are daily, weekly, and consolidated monthly meal count forms, along with instructions.

A training session attendance sign-in sheet for site personnel can be used by sponsors to assemble a list of the signatures of the site supervisors and assistants who are responsible for signing daily records. Sponsors can use these lists when reviewing the records returned by the sites to ensure that the proper person is signing the daily records. Daily meal count sheets are required; however, the weekly consolidated meal count form is not.

Site Caps

(7 CFR 225.6(d)(2), CFR 225.6(d)(1)(iii), 7 CFR 225.6(d)(2))

All SFSP sites are required to have an approved site cap. The purpose of a site cap is to ensure that a site does not purchase and/or produce meals outside the capability of the site and the need of the community, thereby reducing waste and protecting the integrity of the Program. Sponsors, through the required training provided to site supervisors under 7 CFR 225.6(e)(1)(6) and 225.15(d)(1), must ensure site supervisors are trained and fully understand site caps requirements. This would include clarifying that special events, such as summer kick-off and late-summer back-to-school events, which may result in larger than average participation, would require approval of a temporary site cap increase.

For sponsors of self-prep sites, Program regulations require site caps to be based on the capacity of the site to prepare and/or distribute meals and on the number of children for which their facilities are adequate [7 CFR 225.6(d)(1)(iii)]. For sponsors of vended sites, Program regulations require site caps to be based on either historical records of attendance at the site or, if a record from prior years is not available, the State agency should have an established procedure to determine an appropriate cap [7 CFR 225.6(d)(2)]. For more information, refer to SFSP Memorandum 16-2015: Site Caps in the Summer Food Service Program: Revised, April 21, 2015.

➢ Leftover Meals or Components

(7 CFR 225.15(b))

All sponsors must plan, prepare, or order meals with the goal of serving one meal per child at each meal service, and must ensure that entire meals and food components are not frequently left over and unusable. Sponsors should regularly monitor and compare site reports on the number of attending children, the meals and the number of meals prepared or delivered to reduce waste and cost. When sites have leftover food, sponsors should promptly adjust orders to better reflect the actual number of children receiving meals. Additionally, all alternatives allowed by Program regulations and State, local health and sanitation codes should be exhausted before throwing food away. Some suggestions for reducing food waste include:

For more tips, check out the **What to Do with Leftover Meals** toolkit page! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-LeftoverMeals.pdf

- **Plan Ahead**
  The form of the food should be appropriate for the age of the children so that it can be easily consumed within the meal service period. For example, if fruit is cut into smaller pieces, it is easier for young children to eat. Site staff should be aware of foods that may be difficult to eat, such as unpeeled oranges, and should provide assistance when necessary. Additionally, it is important to set meal service times that give children plenty of time to eat their entire meal.

- **Offer Second Helpings**
  A limited number of second meals served as a unit can be claimed for reimbursement, as long as the total number of second meals does not exceed two percent of first meals served by the sponsor, for all sites, during the claiming period. If the State agency determines that the sponsor has failed to plan ahead and incorrectly prepare or order meals, second meals may be disallowed.

- **Designate a "Share Table"**
  Sponsors may create a "sharing table" or stations where children may return whole items that they choose not to eat. Sponsor must check that "share tables" are in compliance with State and local health and safety codes first. Unopened, unused, whole food items left on the share table are then available to other children who may want additional helpings. This practice may be facilitated by serving meal components that can be easily "recycled." For example, if an apple is served as part of a meal, a child can return the apple to the share table.

- **When equipment is available, complete meals and nonperishable components that** remain on a share table may be appropriately stored for later service. All recycled food items must be stored in accordance with State and local health and safety codes and must be documented. Please check with your State and local health department or food service codes regarding sharing tables. (SFSP Memorandum 5-2016: Meal Service Requirements in the Summer Food Service Program, with Questions and Answers, November 12, 2015: http://www.fns.usda.gov/meal-service-requirements-summer-meal-programs-questions-and-answers).

- **Transfer Meals to Busier Sites**
  If allowed by State and local health and safety codes, extra meals can be transferred from a site with too many meals to a site with a shortage. It is important to note, though, that meals above the receiving site's approved site cap are not reimbursable.

  The safety of the leftover meals must be maintained. Meals or components that are transported or "shared" must be kept in compliance with all State and local health and safety standards (SFSP Memorandum 5-2016: Meal Service Requirements in the Summer Food Service Program, with Questions and Answers, November 12, 2015: http://www.fns.usda.gov/meal-service-requirements-summer-meal-programs-questions-and-answers).

- **Donate Meals to Charity**
  When it is not possible to reuse or store leftover food, FNS encourages sponsors to consider donating it to non-profit organizations working to address hunger in the community. Sponsors may also choose to send leftover meals or food home with children. Although donated meals, including non-reimbursable meals or meal components sent home with children, may not be claimed for reimbursement, food donation avoids unnecessary waste and can save expensive disposal and storage costs. Sponsor policies relating to food donations must comply with State and local health and sanitation codes.

  If health and food safety codes allow for donations, such options could include donating to eligible local food banks or charitable organizations, meaning any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3). These include homeless shelters, food pantries, or other types of facilities that serve meals or distribute food to needy persons. Donated meals may not be claimed for reimbursement (SFSP Memorandum 07-2012: Guidance on the Food Donation Program in Child Nutrition Programs, February 3, 2012 and SFSP Memorandum 5-2016: Meal Service Requirements in the Summer Food Service Program, with Questions and Answers, November 12, 2015: http://www.fns.usda.gov/meal-service-requirements-summer-meal-programs-questions-and-answers.

  As a result of USDA's Food Recovery and Gleaning Initiative of 1997, a "Best Practice" manual was created which highlighted measures to provide unused food to needy organizations. In addition, the "Let's Glean!" toolkit was developed as a resource guide on food recovery programs for businesses, community-based organizations, private citizens, and public officials and describes some of the food recovery activities taking place at that time and suggestions for new efforts which can be accessed at http://www.usda.gov/documents/usda_gleaning_toolkit.pdf.

➢Meals Served to Adults

Sponsors have the option to serve meals to anyone. However, only meals served to children may be claimed as reimbursable meals. Along with children ages 18 years and younger, SFSP regulations at 7 CFR 225.2 also defines children as persons over 18 years of age who are determined by the State or local educational agency or a local public education agency as having a mental or physical disability and who participate during the school year in a public or private non-profit school program established for the mentally or physically disabled. Therefore, meals served to any person who meets the above definition may be claimed as reimbursable meals (SFSP Memorandum 5-2016: *Meal Service Requirements in the Summer Food Service Program, with Questions and Answers*, November 12, 2015 http://www.fns.usda.gov/meal-service-requirements-summer-meal-programs-questions-and-answers.)

Meals served to adults (other than those provided for in 7 CFR 225.2) must be reported differently than those served to children, depending on the classification of the adult served, as either a Program or a non-Program adult.

- Program Adults work directly with the meal service at the site as either volunteers or paid employees. Meals may be served free to adults who meet this definition. These meals may not be claimed for reimbursement, but may be counted as operating costs [7 CFR 225.9(d)(5)].

- Non-Program Adults do not work in any direct way with the meal service at the site, such as a parent or guardian. If a sponsor chooses to serve meals to non-Program adults, the sponsor may charge a fee for the meal. The cost of meals served to non-Program adults may be counted as part of the sponsor's operating costs only if the adult pays at least the full cost of the meal (including food and non-food supplies, labor, and the value of commodities), or non-Program funds cover the full cost of the meal and the money received is reported as income to the Program. If the sponsor chooses to serve the meal at no charge, then the sponsor must use non-Program funds to cover the cost of these meals. The sponsor may include those funds as Program income and pay for these meal costs from its nonprofit food service account. [7 CFR 225.2 Definition of Income accruing to the Program].

When a sponsor chooses to serve meals to adults, the rules below must be followed:

- All children (including any person who meets the definition of 7 CFR 225.2) must be fed first;

- Income from the sale of adult meals and non-Program funds used to pay for adult meals must be documented as income to the Program to offset documented costs; and
- Meals served to children (including second meals), Program adults, and non-Program adults must be counted and recorded separately on the daily meal count form.

The calculation of meal costs should be based on the full cost of producing the meal (i.e., food, supplies, labor, and other costs incurred by the sponsor). Sponsors should also include the value of the USDA Foods used to prepare the meal or this value may be based on the current year annual entitlement per meal value of USDA Foods.

➢ Chapter 4: Questions and Answers

1. **How many and what type of meals can a sponsor serve each day?**
   Open, restricted open, or closed enrolled sites may be approved to serve up to two meals each day. For example, a site might serve breakfast and lunch or lunch and a snack. However, an open, restricted open, or closed enrolled site may not serve lunch and supper on the same day.

   Camps and sites serving primarily children of migrant families may serve up to three meals or two meals and one snack with State agency approval.

2. **What are the meal pattern requirements?**
   It is important that sponsors serve nutritious meals that meet meal pattern requirements and that are appealing to children. The meal pattern establishes the minimum portions of each component that must be served to each child for the meal to be reimbursable.
   - Breakfast must contain one serving of milk, one serving of a vegetable or fruit or full-strength juice and one serving of a grain. A meat or meat alternate is optional.
   - A lunch or a supper must contain one serving of milk, two or more servings of vegetables and/or fruits, one serving of a grain and one serving of meat or meat alternate.
   - A snack must contain two of the following food components: milk, fruit or vegetable, grains, and meat or meat alternate. However, juice may not be served when milk is served as the other component.

   The meal pattern chart on page 163 this handbook lists the required food components for each meal type and the minimum required serving sizes for each of those food components. Sponsors should also review the USDA's Food Buying Guide for Child Nutrition Programs (http://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs) for assistance with determining portion sizes and what quantities to purchase. See chapter on "Vending Options" for more information.

3. **What are the other requirements for the meals?**
   Besides serving meals that meet meal pattern requirements, sponsors must be certain that:

   1) All children eat all meals on site (unless the sponsor determines the site has enough staff to monitor to allow children to take one fruit, vegetable, or grain item off-site; see page 70 for more information), and,
   2) All children receive one meal before any child is served a complete second meal. Sponsors must also comply with State and local health and sanitation regulations, make adequate arrangement for food service during inclement weather, serve meals during the approved times of meal service, and notify the State agency if the site is planning a field trip affecting the meal service time and location.

4. **Are there time restrictions for any of the meal service?**
   No, there are no Federal time restrictions. Sponsors must continue to establish meal times for each site and provide this information to the State agency, but sponsors are not required to ensure that specific amounts of time pass between meal services. However, State agencies may establish meal time restrictions. Such restrictions would be considered additional State requirements and subject to FNS Regional office review and approval.

5. **May non-school sponsors purchase non-unitized meals from an FSMC when utilizing the OVS option?**
   Program regulations require all meals prepared by a FSMC 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 for sponsors a prototype contract that does not include the unitized meal requirement.

6. **What is a "reasonable accommodation," according to disability requirements?**
   The general guideline in making accommodations for children with disabilities is to ensure children with disabilities are able to participate in and receive benefits from programs that are available to children without disabilities. Sponsors are required to make reasonable accommodations for children whose disability restricts their diet. Section 15.b3 of USDA's Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance defines reasonable accommodations.

   In most cases, meal accommodations for disability and non-disability reasons can be met by selecting a food substitution from the list provided in the medical statement. The USDA recommended course of action in situations involving substitutions for disability and non-disability medical or special dietary needs is to encourage Program operators to work closely with the child's parents or guardians and the child's physician or health care professional (as described below) to protect the health and wellbeing of the child.

7. **When making a meal accommodation, who is considered an "acceptable medical professional?"**
   Along with a physician and at the State agency's discretion, "a State licensed health care professional who is authorized to write medical prescriptions under State law" is considered an acceptable medical professional. See SFSP Memorandum 15-2015, Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs, March 30, 2015: http://www.fns.usda.gov/sites/default/files/cn/SP32_CACFP13_SFSP15-2015os.pdf.

8. **Do meal accommodations need to meet the meal pattern requirements?**

   Meal accommodations for children with non-disability medical or special dietary needs must meet the meal pattern requirements in order to be reimbursable. Meal accommodations for children with disabilities that restrict their diet do not need to meet the meal pattern requirements in order to be reimbursed but should be

nutritionally sound and meet the nutritional needs of the child. For more information on this, contact your State agency.

9. Are there resources available to help sponsors plan their menus?

FNS has many resources sponsors can use to plan their menus, including the following:

- How to Serve a Reimbursable Meal Toolkit Page: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-ReimbursableMeal.pdf
- How to Plan Your Menu Toolkit Page: http://www.fns.usda.gov/sites/default/files/sfsp/SMT-PlanningYourMenu.pdf
- Team Nutrition Healthy Meals Resource System:
- http://healthymeals.nal.usda.gov/
- USDA Recipes for Child Care: http://www.nfsmi.org/Templates/TemplateDefault.aspx?qs=cElEPTYzJmlzTWdyPXRydWU=
- USDA Recipes for Schools: http://www.nfsmi.org/Templates/TemplateDefault.aspx?qs=cElEPTEwMiZpc01ncj10cnVl

10. What can sponsors do to improve the nutritional quality of the meals they serve?

Sponsors interested in serving healthier meals can refer to the following FNS resources:

- Team Nutrition Resource Library: http://www.fns.usda.gov/tn/resource-library
- Team Nutrition Healthy Meals Resource System: http://healthymeals.nal.usda.gov/
- Summer Nutrition Guidance for Sponsors Handbook: http://www.fns.usda.gov/sites/default/files/NutritionGuide.pdf
- USDA “What’s Cooking” Cookbooks: http://www.whatscooking.fns.usda.gov/usda_cookbooks
- Healthy Summer Meals Toolkit Page:
- http://www.fns.usda.gov/sites/default/files/sfsp/SMT-HealthySummerMeals.pdf
- USDA’s What’s Shaking: Creative Ways to Boost Flavor with Less Sodium: http://healthymeals.nal.usda.gov/whatsshaking
- USDA’s Farm to Summer page: http://www.fns.usda.gov/farmtoschool/farm-summer

Chapter 5: Vending Options

This chapter includes information on:

- Sponsor meal preparation;
- Purchasing meals from a SFA;
- Purchasing meals from a FSMC;
- Using USDA foods; and
- Additional food procurement options.

➢ Sponsor Meal Preparation

(7 CFR 225.2 definitions)

Many sponsors choose to prepare their own meals, which provide them with maximum control over the quality of preparation. Depending on the facilities available at its sites, a sponsor may prepare meals at each site location or at a central kitchen. Preparing meals at the site requires that each site have adequate kitchen and storage facilities. Sponsors preparing meals at a central kitchen must decide how to distribute the meals from the central kitchen to the sites, and safely deliver and store them until meal service. Sponsors preparing meals on site or in a central kitchen should refer to the 2015 SFSP Nutrition Guidance for Sponsors, available at http://www.fns.usda.gov/sites/default/files/NutritionGuide.pdf, for more information on planning, distributing, storing and serving meals. Sponsors preparing or assembling meals either at each site or at a central kitchen receive higher administrative reimbursement rates. (See “Chapter 9 – Program Costs and Reimbursements” for more information about special reimbursement rates.)

➢ Purchasing Meals from Schools

(7 CFR 225.15(b), 16(f))

Purchasing products and services for use in meals must achieve full and open competition in compliance with Program regulations. If sponsors choose not to prepare meals for sites, they may enter into a noncompetitive agreement to purchase meals from a school food service facility. Most schools have meal preparation and service facilities since they serve meals to children during the school year. Also, experienced school food service personnel are often available for summer jobs. Sponsors that wish to obtain SFSP meals from a school should contact the local superintendent of schools, or the principals of local non-profit private schools. SFA sponsors who participate in the NSLP or SBP at any time during the year may substitute the meal pattern requirements of the NSLP and SBP respectively for the SFSP meal pattern requirements for meals served at school sites. State agency approval of this substitution is not required. However, meals served at non-school sites using the NSLP or SBP meal pattern requirements by a SFA sponsor requires State agency approval.

If a non-SFA sponsor purchasing meals from an SFA wishes to substitute the meal pattern requirements of the NSLP and SBP respectively for the SFSP meal pattern requirements, a formal request for permission must be submitted to the State agency along with the application for Program participation. Such an arrangement will require either a written agreement or a contract between the sponsor and the SFA. (Attachment 17A in the Attachment Section includes a sample agreement between the school and sponsor to furnish prepared meals.)

Schools participating in NSLP or SBP are accustomed to preparing meals that meet Federal nutritional requirements. Sponsors serving meals that are prepared in schools may, with prior State agency approval, use the meal requirements of those programs instead of the SFSP meal patterns. SFA sponsors may use the meal requirements of the NSLP or SBP instead of the SFSP meal patterns without obtaining State agency approval. Sections 210.10 and 210.10(a) of NSLP regulations and Sections 220.8 and 220.8(a) of SBP regulations describe requirements for school meals. [(7 CFR 225.16(f)(1)(i))]

Soliciting Local Schools

(7 CFR 225.15(b)(1))

Federal regulations strongly encourage sponsors to first consider their local SFA as a source for obtaining meal service. Using the facilities of local public or private schools to prepare or obtain meals offers the sponsor several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and the staff to prepare meals for the SFSP. In addition, many schools are accustomed to preparing meals that meet USDA requirements if they participate in other Child Nutrition Programs. Also, the agreement needed to obtain the service of an SFA is simpler to execute than the formal competitive procurement process that is required to use a commercial company.

When assessing a school's ability to provide meal service, sponsors must consider whether or not an adequate delivery service to sites can be established and whether the meals prepared by the school are comparable in price and quality to those available from commercial vendors.

Sponsors that use local SFA facilities must enter into a written agreement with the school, but are not required to utilize the competitive bid procedures described below if the school itself does not obtain its meals from an FSMC. (Attachment 17 in the Attachment Section includes a sample agreement between the school and sponsor to furnish prepared meals.)

Year-Round Contracts with SFAs

Generally, if the school itself obtains its meals from an FSMC, the sponsor may not enter into an agreement for meal service, but must use the competitive bid procedures described below.

However, if a sponsor is considering using an SFA that has executed a year-round contract with an FSMC it may be permitted to enter into an agreement with the SFA. The sponsor should check with the State agency before implementing a contract to determine whether SFSP meals may be included in a contract that was competitively procured on a cost-plus-fixed fee basis (SFSP Memorandum 1-2004: Contract Requirements for School Sponsors, March 2, 2004).

Sponsors that are SFAs participating in the NSLP have the option to comply with the NSLP procurement standards found in 7 CFR 210.21 in lieu of SFSP procurement standards in 7 CFR 225.17. State agency approval is not required to utilize this option. 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 (SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*, November 23, 2012).

➢ Purchasing Meals from a FSMC

(7 CFR 225.15(m))

In the SFSP, the term "food service management company" is defined slightly differently than in the other Child Nutrition Programs. In SFSP, this means any commercial enterprise or non-profit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the Program, or for managing a sponsor's food service operations in accordance with the limitations set forth in the Program regulations on management responsibilities of sponsors. FSMCs may be (a) public agencies or entities; (b) private non-profit organizations; or (c) private, for-profit companies.

Check out the **Vended Meals** toolkit page for a guide to choosing the right vendor! http://www.fns.usda.gov/sites/default/files/cnd/SMT-Vended%20Meals.pdf

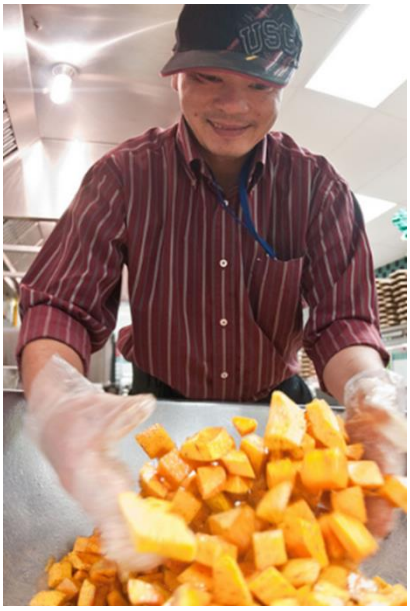
All SFSP sponsors may competitively solicit and award a contract with a FSMC or with a school to obtain their meals. SFSP sponsors are encouraged to enter into State and local intergovernmental agreements with schools or inter-entities, where appropriate, for procurement or use of common or shared goods and services. Generally, sponsors may not contract with a school using a FSMC unless the school's Request for Proposal, Invitation for Bid (IFB), and/or the contract with the FSMC included the provision of SFSP meals. Please contact the State agency with questions.

Consult “Chapter 6: Procurement and Bid Procedures” of this guide, for additional information about the various requirements and procedures that such sponsors must follow when they are contracting with a FSMC.

FSMCs and SFAs contracting to prepare SFSP meals must provide unitized meals to the sponsors' site(s) unless the State agency has approved a waiver of the unitized meal requirement. The unitized meal requirement specifies that the meal components (except milk or juice) must be packaged, delivered, and served as a unit. Milk or juice, which may be packaged and provided separately, must be served with the meal and only such complete meals are reimbursable. (7 CFR 25.6(h)(3))

Soliciting a FSMC

If a written agreement with a local school is not possible or is not beneficial, sponsors may competitively solicit and contract with an FSMC to prepare and deliver meals. There are specific management responsibilities that sponsors may not contract out, such as monitoring, staff training, enforcing corrective action, or preparing program applications and claims for reimbursement. Sponsors remain legally responsible for ensuring that the food service operation meets all requirements specified in the agreement they sign with the State agency. It is also important to note that the contract is between the sponsoring organization and the FSMC only, and neither USDA nor the State agency have jurisdiction to enforce it with either party, or to resolve any disputes that may arise.



Factors Involved with Contracting with an FSMC

(7 CFR 225.2 definitions, 225.6(g) and (h), and 225.15(m))

There are several factors that can influence a sponsor's decision to contract for meals with an FSMC. These factors may include the sponsor's lack of food preparation facilities or personnel, a site that is unsuited for meal preparation, or a large number of sites spread over a wide geographical area.

Sponsors that decide to contract with an FSMC to obtain meals are called "vended sponsors" and must meet various program requirements and follow certain procedures. FSMCs that enter into a contract with a sponsor to prepare and deliver meals must provide meals that comply with Program regulations and their contract with the sponsor.

The duration of an agreement with an FSMC generally is limited to a single year, due to the nature and design of the SFSP. However, to be consistent in the administration of all child nutrition programs, SFSP sponsors, with State agency approval, may execute agreements with FSMCs that include an option for renewal that does not exceed four additional years from the original agreement. This optional extended agreement streamlines the procurement process with FSMC contracts but does not compromise the integrity of SFSP. Every precaution must be taken to ensure procurements are conducted in accordance with Federal procurement standards. And, all contracts shall include a termination clause whereby either party may cancel for cause with a 60-day notification. Sponsors should contact the State agency for more details (SFSP 09-2007, July 27, 2007, *Food Service Management Company Contracts*).

It is important that both sponsors and FSMCs (including commercial meal vendors) are familiar with the information in this section. A successful vended operation depends on both parties fully understanding their mutual responsibilities in the Program.

FSMCs are required to have State or local health certification for the facilities in which they propose to prepare meals for use in the SFSP and must ensure that State and local health and sanitation requirements are met at all times. FSMCs also must ensure that meals are inspected periodically as required under Program regulations (SFSP Memorandum 7-2015*: Health and Safety Inspection Requirements*, December 11, 2014).

Additionally, as with all purchases for Program use, FSMC contracts must be competitively procured in compliance with 7 CFR Parts 225.15 and 225.17 as well as 2 CFR Part 200.317-.326.

FSMC Limitations

(7 CFR 225.15(a) (3))

There are some specific Program management responsibilities that sponsors may NOT contract out to an FSMC, including, but not limited to:

- Meal ordering;
- Assuming official recordkeeping responsibilities, including meal count information to substantiate claims;
- Submitting claims;
- Training and monitoring administrative and site staff;
- Announcing availability of meals to the news media; and
- Determining income eligibility and maintaining individual income eligibility statements.

Sponsors should check with the State agency before allowing an FSMC to undertake any other tasks that may have been identified as management functions that may not

be delegated. 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 (SFSP 04-2013 – REVISED: *Summer Feeding Options for School Food Authorities*, November 23,2012).

➢ USDA Foods

(7 CFR 225.9(b))

Sponsors eligible to receive USDA Foods (donated commodities) under the SFSP include:

- Sponsors preparing meals on site or at a central kitchen;
- Sponsors purchasing meals from a SFA that participates in the NSLP; and
- SFA sponsors that procure their SFSP meals from the same FSMC that competitively provided their most recent NSLP and/or SBP meals.

Contact your State agency regarding the current available list and how to receive USDA Foods for all eligible sponsors.

➢ Additional Foods

If a site chooses to purchase additional food with SFSP funds, the food must be a creditable food under the meal pattern requirements. Expenditures for foods that may not be served as part of the reimbursable meal based on the SFSP meal patterns are not allowable costs. Condiments served with a creditable food are exempt from this restriction. Sites wishing to serve additional foods that do not meet SFSP meal pattern standards must use non-Program funds.

Sites with additional funds available are encouraged to use the funds to improve the reimbursable meals served by using fresher, healthier, more nutritious products, such as fresh fruits and vegetables, lean meats, and unprocessed cheeses. Foods such as turkey wraps, fresh watermelon, grapes, and carrots with hummus are nutritious options that children enjoy. (SFSP Memorandum 6-2012: *Serving Additional Foods in SFSP*, November 23, 2011.) For more tips on adding fresh, healthy items to your menu, refer to the 2015 Nutrition Guidance for Sponsors available at http://www.fns.usda.gov/sites/default/files/NutritionGuide.pdf.

Recently, FNS has received a number of questions related to buying local meat, poultry, game, and eggs. SFSP operators must meet the conditions of the permit which has given them authority to operate as a food service establishment. Please refer to SFSP Memorandum 1-2016, Procuring Local Meat, Poultry, Game, and Eggs for Child

Nutrition Programs, October 22, 2015 for specific questions and answers related to these products available at http://www.fns.usda.gov/sites/default/files/cn/SP01_CACFP%2001_SFSP01-2016os.pdf.

➢ Chapter 5: Questions and Answers

1. **What are the sponsor's choices of meal preparation methods to use when providing meals to children?**

   Sponsors may choose from several methods of meal preparation when providing meals. They may either prepare and assemble their own meals, or obtain meals from a SFA, a FSMC, a commercial for-profit company or a private non-profit organization. Sponsors should check with their State agency for a list of establishments that they may contract with to prepare their meals.

2. **May a site sell à la carte items during an SFSP meal service?**

   Yes. The sale of à la carte items by SFSP sponsors or sites during a meal service is permitted. However, 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 non-profit food service operations.

3. **Are there any advantages to obtaining meals from an SFA?**

   Sponsors are encouraged to contact the local SFA about the possibility of obtaining meals under a written agreement with a school. Using the facilities of local public or private schools to prepare or obtain meals offers sponsors several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and staff for such a service. Many schools are also accustomed to preparing meals that meet USDA requirements if they participate in other Child Nutrition Programs.

4. **Are there certain requirements FSMCs need to fulfill?**

   Yes. FSMCs must have State or local health certificates for the facilities they use to prepare meals for the SFSP and they must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. Further, companies must maintain records supported by invoices, receipts, or other evidence that demonstrates Program responsibilities are met. These records must be kept by the companies for at least three years from the date of receipt of final payment under the contract. In addition, these types of companies may not subcontract with another company for the total meal or for assembling the meal because this will inflate costs and lessen control of the quality and supply of the meals.

5. **What options are available for sponsors who cannot contract with a FSMC?**

   Sponsors should work with their State agencies to find viable options for procuring meals. Sponsors can also contact their State Department of Agriculture, the USDA Rural Development office in their State, and other public agencies to identify potential FSMCs.

Chapter 6: Procurement and Bid Procedures

This chapter includes information on:

- Procurement options and methods
- Food Service Management Company contracts
- Procurement tips and strategies
- Strategies for buying local

➢ Procurement

All procurement of food, supplies, goods, and other services with Program funds by sponsors must comply with procurement standards prescribed in Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations located at 2 CFR Part 200 as well as 7 CFR Part 225. Procurement standards are specifically located in 7 CFR Part 225.17 and 2 CFR Part 200.317-326. (Note: Parts 3016 and Part 3019 have been superseded by 2 CFR Part 200 as adopted and supplemented by USDA in 2 CFR Part 400 for the SFSP and other Child Nutrition Programs.)

The State agency can provide more detailed information since, in addition to complying with the minimum Federal standards, sponsor purchases may have to meet more restrictive State and local standards, as well as special procurement requirements that may be established by the State agency, with approval of FNS, to prevent fraud, waste, and Program abuse.

➢ Procurement Methods

(2 CFR Part 200.320)

Check out Procurement by Micro-Purchases Webinar! https://www.youtube.com/watch?v=C-saG-g6fG4

Micro-Purchase (Purchases between $0- $3,500)

(2 CFR Part 200.320(a) and 200.67)

2 CFR Part 200 implemented a new micro-purchase threshold for the purchase of supplies or services, the aggregate amount of which does not exceed $3,500. Micro-purchases may be awarded without soliciting competitive quotations if the price is considered to be reasonable and must be equitably distributed among qualified suppliers. For example, a sponsor must not make all purchases from one source rather; the sponsor must make purchases from all qualified sources equally.

Small Purchase (Purchases between $3,500-$150,000, or most restrictive threshold)

(2 CFR Part 200.320(b))

The Federal Small Purchase Threshold as it relates to all FNS program procurements under Federal grants is currently set at $150,000 (SFSP Memorandum 01-2013: Federal Small Purchase Threshold Adjustment, October 2, 2012).

This threshold allows for more small purchase procurements to be conducted using simple and informal methods, such as price or rate quotations, for securing products and services, provided that each procurement is conducted in a manner that ensures free and open competition. Price or rate quotations must be obtained from an adequate number of qualified sources prior to purchasing from one of them. The institution must document the date, vendors consulted, and quotes received (including for verbal quotes). Store advertisements may be considered as documentation. State and local agencies may set a lower small purchase threshold and thereby impose more restrictive procurement procedures as authorized by 2 CFR Part 200.318(a).Therefore, all State and local procurement requirements still apply.

Contracts using the small purchase threshold may be subject to required Federal contract provisions found at 2 CFR Part 200, Appendix II (Attachment 21).

When purchases are estimated to *exceed* the most restrictive small purchase threshold (Federal is $150,000), sponsors must conduct a cost or price analysis (2 CFR Part 200.323). The following two formal procurement options are used for procuring a contract over $150,000 (such as with a FSMC):

Competitive Sealed Bids (formal advertising) (Purchases over $150,000 or most restrictive threshold)

(2 CFR Part 200.320(c))

Bids are publicly solicited from two or more responsible bidders and a firm fixed-price contract (lump) sum or unit price is awarded to the lowest price responsive and responsible bidder whose bid conforms with all contract specifications, terms, conditions, and required provisions. Fixed priced contract is (with or without adjustment factors) based on a specified price index such as the Consumer Price Index (CPI). The public solicitation is an Invitation for Bid (IFB).

- Bids must be solicited from an adequate number of known suppliers, providing
- them sufficient response time prior to the date set for opening the bids and the IFB must be publically advertised;
- The IFB, which will include any specifications and pertinent attachments, must define the items or services to be procured in order for the bidder to properly respond;
- All bids will be publicly opened at the time and place prescribed in the IFB;
- A firm fixed price contract award will be made in writing to the responsible bidder with the lowest responsive bid. Where specified in bidding documents, factors

such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of;

- Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals

(2 CFR Part 200.320(d))

Competitive proposals are publicly solicited from an adequate number of qualified sources with more than one source submitting an offer with either a fixed-price or cost-reimbursable type contract awarded. It is used when conditions are not appropriate for the use of sealed bids.

The Public Solicitation is a Request for Proposal (RFP)

A RFP is used to solicit responses in a competitive negotiation procurement method. A RFP is more qualitative in nature, and the vendor solicitation responses are scored based on evaluation criteria specified in the solicitation. For example, a portion of the score could be based on a taste test, or performance history with delivery times. Price must be the primary consideration when awarding a contract under this competitive procurement method.

- The RFP must be publicized and identify all evaluation factors and their relative importance and any response must be considered.
- The RFP must be solicited from an adequate number of qualified sources.
- The institution must have a written method for conducting the technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the proposal that is most advantageous to the program, with price and other factors considered.

➢ Food Service Management Company Contracts

It is important that FSMCs respond to the IFB or RFP accurately and completely. FSMCs that attempt to modify any provision of the IFB or RFP, or otherwise fail to comply with all IFB or RFP requirements, will be considered "non-responsive" and ineligible for contract award.

A State agency may require each food service management company, operating within the State, to register based on State procedures. A State agency may further require the food service management company to certify that the information submitted on its application for registration is true and correct and that the food service management company is aware that misrepresentation may result in prosecution under applicable State and Federal statutes. [7 CFR Part 225.6(g)]

The solicitation needs to outline the need and scope of the required products and services and, if this includes purchasing, menu planning services, etc., the solicitation needs to include having the FSMC provide menus. The FSMC needs to respond with a full understanding of the meal requirements, sanitation, meals to be served and meal patterns, sites, and 7 CFR Part 225.17 procurement standards related to geographic preference. Including all contract provisions and regulations as well as meals to be served by the sponsor, pattern requirements, cycle menus, and meal quality standards help sponsors evaluate FSMC proposals to determine the most responsive and responsible offer or with price as the primary consideration.

Standard Contracts for FSMCs

State agencies may require sponsors to use a standard contract developed by the State agency for meals provided by an FSMC. These standard contracts may vary according to different State and local requirements. This document can serve a dual purpose. It may contain the specific information a bidder needs to submit (IFB) and, upon acceptance of the bid and execution, it becomes the contract.

The standard contract threshold sets a contract award amount that triggers additional procurement requirements. If a FSMC contract exceeds the $150,000 threshold, the sponsor must use the State agency-developed standard contract. Sponsors must apply this threshold to the aggregate value of FSMC contracts which include projected costs from multiple Child Nutrition Programs (SFSP Memorandum 07-2013: *Summer Food Service Program Standard Contract Threshold*, January 24, 2014).

For example, a sponsor that receives funds from the SFSP and the CACFP and contracts with a FSMC to procure meals for both programs must apply the standard contract threshold to the projected value of the contract. Public entities and organizations with exclusive year-round contracts are exempt from the standard contract requirement.

Sponsors with individual contracts that do not exceed the standard contract threshold may use their existing or usual form of contract provided it has been submitted to and approved by the State agency. Individual contracts that exceed $150,000 in aggregate value require use of the State agency's standard contract and must adhere to the stricter bid opening and acceptance procedures as required by the SFSP regulations.

SFAs in exclusive year-round contracts with FSMCs are not required to use the standard contract developed by the State agency for SFSP (7 CFR 225.6(h)(2)). These SFAs also are not required to use separate competitive bidding procedures in procuring SFSP meals, provided all SFSP-related requirements are included in the solicitation and resulting contract [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 (SFSP Memorandum 4-2013: *Summer Feeding Options for School Food Authorities*,

November 23, 2012). 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).

Formal Competitive Bid Waivers

(7 CFR 225.15(m)(4))

Sponsors that choose to purchase meals from SFAs are not required to conduct competitive procurements to obtain those meals but must still enter into agreements which include the terms and conditions of the purchasing arrangements with the SFAs. Sponsors that are schools or SFAs and have an exclusive contract with an FSMC for year-round service; sponsors whose total contracts with FSMCs will not exceed $150,000, or any applicable State or local thresholds, are not required to comply with the competitive sealed bid procedures provided below. In addition to any applicable State or local laws governing bid procedures, all other sponsors that contract with an FSMC shall comply with the competitive sealed bid procedures below. The State agency is responsible for ensuring that contracting and bidding procedures meet USDA requirements and will provide technical assistance to sponsors to help them meet these requirements (SFSP Memorandum 13-2014: *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014).

Competitive Sealed Bid Procedures for FSMC Contracts exceeding $150,000

(7 CFR 225.15(m)(4)(i)-(xii) and SFSP Memorandum 13-2014: Procurement Thresholds in the Summer Food Service Program, January 10, 2014)

Formal competitive sealed bid procedures include the following steps:

- Preparing the IFB.
- Publicly announcing not less than 14 days before bids are opened. Announcements must include the time and place of the bid opening.
- Notifying the State agency of the time and place at least 14 days before the bid opening.
- Publicly opening all bids.
- Submitting bid to State agency prior to accepting.
- Submitting to the State agency copies of all contracts, a certificate of independent price determination, and copies of all bids received, as well as the sponsor's reason for selecting the chosen FSMC. (In some cases, these documents must be submitted to the State agency before issuing a contract award.)

Careful preparation is the most important step in the competitive bid process. Sponsors must supply the IFB to all companies responding to the public announcement.

The IFB must include:

- A cycle menu approved by the State agency.
- Food specifications and meal quality standards.
- A statement requiring compliance with SFSP regulations.
- Nonfood items essential for conducting the food service.
- Special meal requirements to meet ethnic or religious needs or dietary modifications for children with special physical or medical needs, only if these are necessary to meet the needs of the children to be served.
- The location of the sponsor's sites and the estimated range of meals required.

The IFB must **NOT**:

- Specify a minimum price;
- Provide for loans or any other monetary benefit, term, or condition to be made to sponsors by FSMCs; nor
- Include nonfood items that are not essential to the conduct of food service.

FSMC Bid Bond/Bonding Requirements

(7 CFR 225.15(m)(5)) and (2 CFR Part 200.325)

If FSMCs submit a bid over $150,000, they must submit a bid bond/guarantee in an amount not less than 5 percent and no more than 10 percent of the value of the contract for which the bid is made, as determined by the sponsor and specified in the IFB. FSMCs are prohibited from posing any alternative forms of bid bonds (SFSP Memorandum 13-2014: *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014).

Cash, certified checks, letters of credit, and escrow accounts, are not acceptable substitutes for bid bonds. The bond must be from one of the surety companies listed in the most recent issue of the United States Department of Treasury (TRE) Circular 570, which is available from the Government Printing Office (GPO) for a small fee. Sponsors may obtain a copy by calling (202) 512-1800, or by downloading at: http://www.fms.treas.gov/c570/index.html.

FSMC Bid Specifications

(7 CFR 225.6(h)(2))

It is important that the FSMC respond to the IFB accurately and completely. FSMCs that attempt to modify any provision of the IFB, or otherwise fail to comply with all IFB requirements, will be considered "non-responsive" and ineligible for contract award.

FSMC regulations on cycle menus and meal quality standards in 225.7(c) and (d)(6), and 225.15(m)

The sponsor must include the following information in the IFB so that bidders will know the exact terms of the bid:

- **Site Information**
  (7 CFR 225.6(h)(2)(iii))
  The sponsor must include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. With this information, a bidder can estimate the cost of delivery and the feasibility of meeting the sponsor's requirements. The sponsor should specify in the IFB that single deliveries for multiple meals (e.g., breakfast and lunch) are allowed only at those sites that are equipped with adequate storage and refrigeration facilities.

- **Cycle Menu**
  (225.15 (m)(4)(v) and (vii) and 7 CFR 225.6(h)(2)(vi))
  The sponsor also must attach a cycle menu that lists the types and amounts of food in each meal. Program regulations specify minimum meal pattern requirements, but sponsors may improve upon these minimums to increase the variety and appeal of menus. Sponsors may request approval from the State agency for variations from the meal requirements only when necessary to meet ethnic, religious, economic, or nutritional needs.

- **Meal Requirements**
  (7 CFR 225.15(m)(4)(vi) and 225.7(c))
  As part of the IFB, the sponsor must provide the FSMC with a copy of the meal requirements outlined in Section 225.16 of the SFSP regulations. The sponsor also must provide a copy of the minimum food specifications and model meal quality standards required by Section 225.7(c) of the SFSP regulations. The FSMC must deliver meals that meet these meal requirements and minimum food specifications and model meal quality standards.

- **Reimbursable Meals**
  (7 CFR 225.6(h)(2)(ix) and 225.15(m)(4)(ix))
  Under the provisions of the contract between the sponsor and the FSMC, the sponsor is required to pay only for the delivered meals that meet these requirements and should not pay for ineligible meals. Similarly, the sponsor will receive payments from the State agency only for meals that meet these requirements.

- **Quality Control**
  (7 CFR 225.7(c) and (d)(6))
  An effective quality control system is essential for verifying that meal components meet the minimum quantity requirements. During food preparation, the FSMC should regularly inspect and measure items to ensure correct sizes and weights. Setting production equipment for the desired specifications is no substitute for a quality control system, because equipment settings may become distorted during operation. State agencies and sponsors are responsible for sampling meals and disallowing payment for meals that fail to meet minimum standards. The entire meal must be disallowed for reimbursement if any component does not meet minimum standards.

- **Delivery of Meals**
  (7 CFR 225.16(c)(5))
  Sites without adequate facilities for holding meals within the temperature ranges established by State or local health ordinances must receive all meals not more than one hour before the beginning of the meal service. The FSMC should carefully plan delivery routes and schedules and review them with the sponsor. Delivery personnel for FSMCs should become familiar with their routes before the SFSP begins to help avoid confusion. The FSMC or sponsor should evaluate and restructure the routes if deliveries for some sites are consistently late. The FSMC is responsible for ensuring that sufficient equipment is available to handle such changes (for example, additional trucks, refrigeration, etc.). Sponsors must plan a system for serving meals when the weather is bad or for canceling meal deliveries and service at sites lacking sheltered facilities. The FSMC should be notified of these contingency plans.

- **Unitized Meals**
  (7 CFR 225.6(h)(3))
  Sponsors must ensure that FSMCs provide "unitized" meals with or without milk or juice. This means that meals must be individually portioned, packaged, delivered, and served as a unit. The milk or juice may be packaged and provided separately, but must be served with the meal unit. Other variations of unitized meals can be approved by the State agency.

- **USDA Foods**
  (7 CFR 225.9(b))
  Sponsors of vended programs can only receive USDA Foods if the vendor is a school or school district, or if the sponsor is an SFA that competitively procures its SFSP meals from the same FSMC that competitively provided its most recent NSLP meals.

- **Meal Range Adjustments**
  (7 CFR 225.6(h)(2)(xi))
  Actual participation under a given sponsorship frequently varies from the estimate specified in the IFB. The FSMC bases a bid on the specifications and expects to be serving close to the number of meals listed in the estimate. A sizeable discrepancy between estimated and actual participation can increase or decrease the FSMC's unit production cost. Therefore, the sponsor must carefully estimate the number of meals it will need each day. Sponsors also should consider including a provision that will decrease the per-meal price if the number of meals served exceeds expectations. Sponsors may increase or decrease the number of meals specified in the IFB only after notifying the FSMC. Sponsors should consider specifying in the IFB a time period during which changes in a site's meal orders may be made to the vendor. A reasonable time frame for notifying the vendor may be within 24 to 36 hours of the change. Increases in maximum meal service levels at sites receiving vended meals must be approved by the State agency.

- **Special Accounts**
  (7 CFR 225.6(f))
  The State agency may require sponsors to set up special accounts at financial institutions. If such accounts are established, the sponsor must deposit any payments received from the State agency in the special account. Both the FSMC

and the sponsor must authorize any checks drawn on this account. This is to help ensure that the company receives payment for the eligible meals it provides to the sponsor's Program.

Additional FSMC Requirements

There are several specific requirements FSMCs should be aware of before submitting a bid. These requirements are:

- **Health Certification and Inspection**
  (7 CFR 225.6(h)(2)(v))

  A FSMC must have State or local health certification for each facility preparing or serving meals for the SFSP. The company must ensure that health and sanitation requirements are met at all times. In addition, the company must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. These levels must conform to the standards set by local health authorities. The company must submit the results of the inspections promptly to the sponsor and the State agency. Your State agency will provide more information on these inspections during your training.

- **State Agency Inspections / Administrative Reviews**
  (7 CFR 225.7(d)(6) and (e))
  The State agency will conduct administrative reviews of the sponsor's Program operations. The reviews are designed to ensure that the sponsor's overall Program is operating according to requirements. The results of these reviews may affect the amount of reimbursement a sponsor will receive and the payment to the FSMC. The FSMC should designate an official to be familiar with the total Program, particularly with the sponsor's responsibilities. For example, in addition to reading the SFSP regulations, this guide, and other aids for the sponsor, the FSMCs representatives may attend training sessions arranged by sponsor for food service personnel.

  FSMCs also should be aware that the State agency must inspect the FSMC's facilities as part of the sponsor review. In addition, the State agency may conduct inspections of food preparation facilities and food service sites and perform meal quality tests. This inspection is independent of the one the FSMC provides.

- **Records**
  (7 CFR 225.6(h)(2)(vii))
  FSMCs must maintain records (supported by invoices, receipts, or other evidence) that the sponsor needs to meet Program responsibilities. Companies must report to the sponsor at the end of each month, at a minimum. The FSMC must keep the books and records concerning the sponsor's food service operations for three years, or longer if required by the State agency, from the date of receipt of final payment under the contract. Representatives of the State agency, USDA, and the United States GAO may examine or audit these records at any reasonable time and place. Records must be retained longer if there is an unresolved audit or investigation.

- **Subcontracts**
  (7 CFR 225.6(h)(2)(ii))
  FSMCs may not subcontract with another company for the total meal (with or without milk) or for assembling of the meal. Subcontracting is prohibited because it inflates costs and lessens the sponsor's control over the quality and supply of the meals.

- **Contract Responsibility and Payment**
  (7 CFR 225.6(h)(2)(ix)
  It is important for the prospective FSMC to realize that the contract is a private contract between the FSMC and the sponsor. Neither USDA nor the State agency has any jurisdiction in the payments made to the FSMC. Before contracting to provide meals for the Program, the FSMC needs to assess the sponsor's capability to meet the terms of the contract and the sponsor's capability to pay them for all meals that are properly delivered. If applicable, the company should become familiar with the sponsor's past performance in this or other federally funded programs.

  The FSMC must understand that the sponsor must pay for meals delivered by the FSMC in accordance with the contract. State agencies and USDA are not parties to such contracts. Federal reimbursement to sponsors is based solely upon the number of complete meals that are properly served to eligible children. Therefore, if sponsors do not meet their responsibilities (such as ensuring that meals are served as a unit), meals must be disallowed. Although the sponsor remains contractually liable for the number of meals delivered in accordance with the contract, the FSMC should make sure that it is informed of any sponsor disallowances made by the State agency.

State Agency Approval of FSMC Bids

(7 CFR 225.6(h)(6))
All FSMC bids totaling $150,000 or more must be submitted to the State agency for approval before the sponsor can accept a bid. In addition, any bids (regardless of dollar amount) that exceed the lowest bid must be submitted to the State agency for approval before acceptance, with an explanation of why that particular bid was chosen. The IFB that the sponsor accepts will become the contract for Program operations between the sponsor and the FSMC. The State agency will keep copies of all contracts between sponsors and FSMCs (SFSP Memorandum 13-2014: Procurement Thresholds in the Summer Food Service Program, January 10, 2014).

Awarding the FSMC Contract

Sponsors must award the contract to the responsive and responsible bidder whose per-meal bid was lowest in price. "Responsive" bidders are those whose bids conform to all of the terms, conditions, and requirements of the IFB. The sponsor should award the contract at least two weeks before Program operations will begin to allow time for both the FSMC and the sponsor to prepare. The sponsor must give to the State agency copies of all bids the sponsor received and the reason it chose that particular FSMC.

Sponsors are encouraged to use the services of small and minority businesses, and women’s business enterprises, and should consult local and State authorities regarding

the applicability of preference and set-aside provisions. Only statutory or court decreed preferences and set-asides that are not excessive may be used.

Award Conference

After awarding but before executing the contract, all sponsor and FSMC representatives should meet to discuss their mutual and individual responsibilities in the SFSP. In this meeting, which is called the award conference, the representatives should review the IFB's required procedures for adjusting meal deliveries, cycle menus, food quality specifications, and meal packaging, as well as sanitation requirements.

The FSMC also must be familiar with all State and local health requirements, particularly those concerning food preparation and meal delivery. Most vended meals are packaged to prevent contamination. Thus, the greatest danger usually results when meals are held too long or are stored under improper temperature controls. Sponsors should also inform the FSMC of the function of monitors, reviews, and statistical monitoring, if applicable as directed by your State agency, in the operation of SFSP.

Contracts using federal funds must contain the Federal contract provisions identified in 2 CFR Part 200, Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards (Attachment 21) as required by 2 CFR 200.326.

FSMC Performance Bond

(7 CFR 225.15(m)(6)) and 2 CFR Part 200.325(b))

When an FSMC and a sponsor enter into one or more contracts totaling over $150,000, the company must obtain a performance bond from a surety company listed in the current United States TRE Circular 570. The Circular is available from the GPO for a small fee. Sponsors may obtain a copy by calling (202) 512-1800 or downloading the file from: http://www.fms.treas.gov/c570/index.html (SFSP Memorandum 13-2014: Procurement Thresholds in the Summer Food Service Program, January 10, 2014).

The amount of the bond must be no less than 10 percent or no more than 25 percent of the value of the contract, as determined by the State agency and specified in the IFB. FSMCs are prohibited from posing any alternative forms of performance bonds. Cash, certified checks, letters of credit, and escrow accounts are not acceptable substitutes for performance bonds. The FSMC must furnish a copy of the bond to the sponsor within 10 days of the contract's award.

Use of Small, Minority, and Women's Businesses

(2 CFR Part 200.321 and 7 CFR 225.17(d))

All sponsors are encouraged to take affirmative steps to ensure that small, minority firms and women's business enterprises and labor surplus area firms are used when possible. Affirmative steps may include placing such businesses on solicitation lists and ensuring such businesses are solicited whenever they are deemed potential sources. When economically feasible, sponsors may wish to divide their total requirements into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises. They may also want to establish delivery schedules that will help these business enterprises meet deadlines. Sponsors can use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and require the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

Assistance Provided By the Small Business Administration (SBA)

(7 CFR 225.17(d)(5))

The SBA is an independent Federal agency established to provide assistance to all small businesses. The SBA provides prospective, new, and established members of the small business community with financial assistance, management training, and counseling. SBA's policy is to extend the fullest opportunity for minorities and disadvantaged people to participate in the small business sector. For more information about the SBA and its services, visit the web site at http://www.sbaonline.sba.gov.

The SBA may be able to help minority-owned and disadvantaged FSMCs/commercial meal vendor improve or develop their businesses in the following areas.

- **Financial Assistance**

  FSMCs that need money and cannot borrow it on reasonable terms from conventional lenders may be able to get assistance from the SBA's loan programs. However, by law, the SBA may not make a loan if a business is able to obtain funds from a bank or other private source. The SBA may either participate with a bank or other lender in a loan, or it may guarantee up to 90 percent of a loan against loss. If the bank or other lender cannot provide funds using either of these methods, the law provides that the SBA can consider lending the entire amount as a direct government loan, if the funds are available. The SBA loans may be used to help FSMCs purchase equipment, facilities, and supplies.

- **Surety Bonds**

  Under the SFSP, FSMCs that submit bids over $150,000 and that enter into a food service contract for over $150,000 must obtain bid and performance bonds. The SBA makes the bonding process accessible to small and emerging contractors that find bonding unavailable to them. The SBA is authorized to guarantee a qualified surety up to 90 percent of losses incurred under bid payment bonds. The SBA can also guarantee performance bonds that are issued to contractors on contracts up to $1 million. FSMCs that anticipate problems in obtaining bid and performance bonds for the SFSP may contact the SBA for assistance (SFSP Memorandum 13-2014: Procurement Thresholds in the Summer Food Service Program, January 10, 2014).

- **Management and Counseling Assistance**

  The SBA places special emphasis on improving the management ability of small business owners and managers. Accordingly, small business specialists may be able to assist minority-owned FSMCs with their management problems. They also may provide counseling on the problems or concerns FSMCs may have in meeting requirements for the SFSP.

Minority-owned FSMCs should contact SBA's nearest field office for prompt assistance.

Default and Disallowances

Sponsor Disallowances

(7 CFR 225.11(d) and (e))

If the State agency disallows meals for any of the following reasons, the sponsor is still responsible for paying the FSMC:

- Excess meals, which are a result of failure to plan and prepare, or order and adjust, meal orders with the objective of providing only one meal per child at each meal service;
- Allowing meals to be eaten off-site;
- Failure to serve meals as a unit;
- Claiming meals served to adults;
- Serving meals outside the approved timeframes; and
- Serving meals in excess of approved levels.

FSMC Disallowances

(7 CFR 225.6(h)(2) and (3))

Violations that would cause disallowances in the FSMCs payment from the sponsor's reimbursement are:

- Delivering meals that are not unitized;
- Delivering meals that are wholly or partially spoiled;
- Delivering meals outside the designated delivery times;
- Delivering meals with components that are less than the required size or weight;
- Delivering meals that are missing components; and
- Changing menus or substituting components without the sponsor's prior approval.

Default of FSMC Contract

A sponsor should ensure that the FSMC contract contains a default or termination clause that allows the sponsor to terminate the contract if the FSMC does not comply with the contract terms. The sponsor will notify the FSMC (and Surety Company, if a performance bond is in effect) of specific instances of unsatisfactory performance. If the FSMC does not immediately take corrective action, the sponsor may request the surety company to provide another FSMC, or the sponsor may negotiate another contract. The sponsor can negotiate this other contract on a competitive or non-competitive basis. The clause should state that the defaulting FSMC (or Surety Company if applicable) is liable for any difference in price between the original price and the new contract price.

Other procurement regulations related to FSMCs include:

- Debarment, Suspension, (2 CFR Part 180) and Lobbying (2 CFR Part 418 and 200.450);
- Civil Rights Statement (FNS Instruction 113 Appendix B).

Best Practices for FSMC Contracts

- **Food Service Sites**

  Sponsors should provide the FSMC with a list of approved food service sites, along with the limit on the number of meals that may be claimed for reimbursement for each site. It is likely that some approved sites, for one reason or another, may have been canceled or dropped from participation before food service operations begin. A new list should be provided to the FSMC well before it is to start food service operations and at any other time during the Program when sites are added or deleted. The sponsor should notify the company within the time limits mutually agreed upon in the contract if any site on its delivery schedule is going to be dropped or canceled.

- **Approved Meal Levels**

  During the application approval process, the State agency will approve sponsors that purchase meals from a FSMC to serve a maximum number of meals at each meal service for each site. The approved level represents the maximum number of meals sponsors can serve and claim for reimbursement at each meal service at their vended sites. The State agency may reduce the approved level at any time if it determines that a site's attendance is below its approved level. If a sponsor finds that the approved level is too low, the sponsor may seek an adjustment by requesting the State agency to conduct a site review; or the sponsor may document in writing (to the State agency) that attendance at a site exceeds the approved level.

  Sponsors must plan for and adjust meal orders with the objective of serving only one meal to each child at each meal service. A vended sponsor must inform its FSMC of:

  - The approved level for each meal service at each site where the FSMC will deliver meals; and
  - Any adjustments in the approved level for its sites.

  Such sponsors must advise the FSMC that the approved level for each site is the maximum number of meals that can be served at that site. This does not mean that these sites will serve that specific number of meals each day. The sponsor must clearly inform its FSMC that it will only be ordering the number of meals actually needed, based on participation trends and with the intent of serving only one meal to each child at each meal service. During reviews, State agencies will disallow all served meals that exceed the approved level for each site.

- **Adjusting Meal Deliveries**

  One of the most important topics for discussion in the award conference is the adjustment of meal deliveries. As a sponsor, you should establish a system for collecting information on attendance changes from its sites, translating these changes into adjustments in the meal order, and communicating these adjustments to the FSMC. In turn, the FSMC should have an organized system for:

  - Receiving orders for delivery adjustments;
  - Documenting orders for delivery adjustments;

- Adjusting production levels, if necessary;
- Ensuring that delivery receipts are changed to reflect adjusted meal orders; and
- Ensuring that adjusted meal orders for each site are correctly packaged and loaded for delivery.

The FSMC's key personnel must be aware of these responsibilities. For example, the FSMC's delivery personnel must understand that site supervisors cannot independently request more or fewer meals. These requests must be channeled through the sponsor. Meal deliveries may be adjusted only by the sponsor. If the sponsor wants to order in excess of the approved meal level, State agency approval is required.

The attendance at sites will probably fluctuate during the duration of the Program, especially if there is no organized activity at a site other than the food service. Sponsors should try to anticipate certain fluctuations in attendance (such as local events that may interfere with site participation) and make arrangements in advance with the FSMC to adjust orders. For example, a consistent drop in attendance each Friday should be handled by reducing the number of meals delivered on Fridays.

Whenever possible, meals should be transferred from a site with too many meals to a site with a shortage, provided that the site's approved meal level is not exceeded. Monitors should be aware of the procedures for handling extra meals so they can assist the site supervisors in making transfers or other arrangements.

During the course of the Program, sites may cease food service operations on either a temporary or permanent basis. Also, new sites may be authorized to participate in the SFSP. Site deletions and additions may necessitate changes in delivery routes and production levels, and will require the FSMCs cooperation. Sponsors are responsible for making sure the FSMC is informed of such changes.

- **Communication**

  Good communication is essential for smooth Program operations. Even with good management and good intentions, complaints about the food service can arise. FSMCs and sponsors should establish a system for communicating and resolving complaints. Experience indicates that problems can be most efficiently resolved when both the sponsor and the FSMC designate officials to receive and respond to suggestions and complaints.

Procurement Ethics

(2 CFR Part 200.318(c)

State agencies and Child Nutrition Program operators are required to write a code of conduct to govern the performance of employees (and sponsors) engaged in procurement. These written standards must prohibit employees from soliciting gifts and other incentives from prospective contractors, and also prohibit employees from participating in the selection, award, or administration of any contract to which they have a personal or financial connection. The code of conduct must also provide for disciplinary action to be applied in the event the standards are violated.

(SFSP Memorandum 09-2015: *Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts*, November 21, 2015)

➢ Procurement Tips and Strategies

Improving Product Selection and Specifications

Careful selection of products and meals in the procurement process can be critical to the success of a site. Sourcing items that both meet meal pattern requirements and are palatable and appealing to children yields numerous benefits:

- Children are more likely to finish snacks and meals, thereby receiving optimal nutrition;
- Food waste is reduced;
- Sites are more likely to maintain or increase participation; and
- Program goals of teaching children to enjoy healthy foods and develop lifelong healthy eating habits are facilitated.

Sponsors may want to consider any number of the following when developing bid specifications: taste, grade, appearance, brand preference, ethnic or cultural acceptability, seasonality, and geographic origin. For more information on developing food specifications, refer to the Food Purchasing and Receiving section in the 2014 Nutrition Guidance for Sponsors handbook or download Choice Plus: A Reference Guide for Foods and Ingredients from the Institute of Child Nutrition (formerly known as the National Food Service Management Institute) at: http://nfsmi.org/documentLibraryFiles/PDF/20080201030612.pdf.

➢ Local Procurement Strategies

In many regions across the country, summer brings new opportunities to source local foods. Sponsors may decide to target local products for inclusion in their Program in order to increase the quality and appeal of meals, provide enhanced opportunity for nutrition education to Program participants, and contribute to the local economy.

Local foods can span the entire plate, and can be included within all components of a meal. While fruits and vegetables are a logical starting point for summer meal providers, grains, beans, fish, poultry, and meat can also be sourced locally during the summer months. For specific guidance on purchasing local meat see SFSP Memorandum 01-2016, *Procuring Local Meat, Poultry, Game, and Eggs for the Child Nutrition Programs*: http://www.fns.usda.gov/sites/default/files/cn/SP01_CACFP%2001_SFSP01-2016os.pdf.

Below are some factors to consider when adding local foods:

- **Defining Local**

  There are many options for defining “local,” and definitions vary widely depending on the unique geography and climate where a sponsor and its meal sites are located. Sponsors can define local as within a certain number of miles, within the county, State, or region.

  A sponsor’s definition of local may change with seasonality; for instance during the school year, a district may decide that their definition of local is within the State, but during the summer months, the district selects a more narrow definition due to a greater abundance of local products available during that season. There is no Federal definition of local.

- **Sourcing Local Products**

  Sponsors can find local foods through a variety of sources. Sponsors may start by asking their mainline distributor or meals vendor to label the source of origin for their products, and in doing so may find that the vendor is already providing local products. If a vendor is not already sourcing locally, the sponsor may ask them to do so in the future and include language in product specifications or solicitations that communicate a preference for products from local sources.

  Sponsors may survey their area to see if there is a food hub that is buying and aggregating food from local producers. If buying directly from a farm is a viable option, sponsors may wish to start by surveying producers in their area through phone calls, farm visits, or a stop by the local farmer’s market to see what’s available during summer months. Sponsors that have access to a garden may consider planting specifically for the Program.

- **Methods of Procurement**

  Due to the requirement to maintain fair and open competition at all times, a sponsor may not require that product come from a local source. The purchase of products from local sources must be communicated as a preference to ensure that other producers, vendors, and distributors have the chance to bid. There are many ways to communicate a preference for food from local sources whether sponsors are following the informal or formal bidding process.

  If a sponsor is making a purchase under the new micro-purchase threshold (below $3,500), the sponsor may do so without obtaining price quotes provided the price is reasonable and purchases are distributed equitably among qualified suppliers. For purchases below the most restrictive applicable small purchase threshold, as discussed earlier in this chapter, a sponsor can simply gather three quotes from producers that meet their definition of local, and guarantee that the food comes from a local source. If making a purchase that is over the small purchase threshold, the sponsor may include language in the solicitation that will target foods from local sources. For instance, the bid request can state that a responsive vendor will provide product within 24 or 48 hours of harvest, or that they will offer farm field trips. A product specification may include a variety of produce that is native to the

sponsor's region. As with any procurement, sponsors must ensure that these requirements are not restricting competition.

- **Geographic Preference**

  A sponsor may decide to use Geographic Preference to target products from local sources through a formal solicitation. In 2011, the Food and Nutrition Service published the Final Rule titled, "*Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in the Child Nutrition Programs*" (76 Federal Register 78" 22 April 2011, 22603-22608). This allows sponsors to give a point or price preference to bidders that meet their definition of local for unprocessed products. Using this option enables a sponsor to award its contract to a bidder that did not necessarily provide the lowest bid, but the original bid price must still be paid.

For more information on the variety of ways to source products locally for Child Nutrition Programs, please visit the procurement section of USDA's Farm to School website (http://www.fns.usda.gov/farmtoschool/procuring-local-foods) and consult the *Guide to Procuring Local Foods for Child Nutrition Programs* (http://www.fns.usda.gov/sites/default/files/f2s/F2S_Procuring_Local_Foods_Child_Nutrition_Prog_Guide.pdf).

➢ Chapter 6: Questions and Answers

1. **What type of information does the sponsor need to provide to FSMCs when they are inviting to bid on the contract?**

   Sponsors will need to include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. They should also include a cycle menu that lists the types and amount of food in each meal, a copy of the meal pattern requirements and minimum food specifications, and model meal quality standards. Sponsors will need to ensure that the companies they plan to contract with provide "unitized" meals. Additionally, sponsors must carefully estimate the number of meals needed each day because a sizable difference between estimated and actual participation can increase or decrease the FSMCs unit production cost. Sponsors must clarify that commodities will be received only if the vendor is a school or school district, or if the sponsor is a SFA that procures its meals from the same FSMC that currently provides NSLP meals.

2. **Do commercial FSMCs need to be registered with the State agency?**

   It depends. Commercial FSMCs are no longer required by Federal law to register with the State agency. However, States may continue to require their own registration procedures. This policy gives State agencies flexibility in managing the SFSP. Some State agencies have found the registration process to be beneficial and continue to require it.

3. **To whom should a sponsor award the contract?**

   Sponsors should award the contract to the responsive and responsible bidder whose per meal bid was lowest in price. Responsive bidders would be considered those

whose bids conform to all of the terms, conditions, and requirements of the IFB. Sponsors are encouraged to use the services of small and minority businesses and women's business enterprises and should consult local and State authorities regarding the applicability of preference and set-aside provisions. For bids totaling $150,000 or more, or to select a bid that is not the lowest bid, sponsors must first receive State agency approval before acceptance.

This requirement should not be interpreted to allow sponsors the ability to arbitrarily award the contract other than to the lower price responsible bidder whose bid conforms to all the material terms and conditions of the solicitation. Additionally, in situations where a sponsor wishes to disallow the bid of a previous FSMC due to poor performance, the sponsor should bring forth documentation of specific incidents and deficiencies, correspondences regarding these matters, and any requests for corrective actions or resolution. This documentation should clearly demonstrate why the award to this specific contractor would not be in the best interest of the sponsor, or the SFSP.

4. **Is it possible for an organization such as a college or university to have year-round contracts that provide meal service for the SFSP in conjunction with other on campus meal services?**

   Yes. This arrangement can work provided the scope of the SFSP meal service is included in the original solicitation (i.e., RFP/IFB) and the resulting contract.

5. **Must SFA sponsors use SFSP procurement standards?**

   No. SFAs participating in the NSLP may choose to comply with the NSLP procurement standards found in 7 CFR 210.21 in lieu of SFSP procurement standards at 7 CFR 225.17 (SFSP Memorandum 4-2013: Summer Feeding Options for School Food Authorities, November 23, 2012).

6. **What is the standard contract threshold and in what situations must a sponsor use a standard contract?**

   The standard contract threshold is set at $150,000. Non-profit sponsors conducting procurement with an anticipated value greater than $150,000 must use the State agency supplied standard contract. This requirement only applies to non-profit sponsors operating exclusively in the summer, and does not apply to public institutions and organizations with year-round contracts.

7. **What are the advantages of contracting with a minority business?**

   Contracting with small, minority, and women's business enterprises and labor surplus firms is a government-wide requirement at 2 CFR Part 200.321 as well as in procurement standards in Program regulations. [7 CFR Part 225.17(d) and 7 CFR Part 226.22(f)]. Contracting with these entities may be a way of attracting local businesses and potentially achieving lower prices as these entities often do not have the overhead expenses of larger companies.

8. **Must sponsors always accept the lowest bid?**

   Procurement regulations at 2 CFR Part 200.320(c)(2)(iv) for sealed bids requires that a fixed price contract be awarded to the lowest responsive and responsible bidder; 200.320(d) for competitive proposals requires that a fixed price or cost-

reimbursable type contract be awarded to the responsible firm whose proposal is most advantageous to the Program with price and other factors considered. Policy guidance, Procurement Questions dated July 14, 2005, primarily addressed to school food authorities operating NSLP and SBP, requires price to be the primary factor. However, SP 12, CACFP 05, SFSP 09-2016: *Guidance on Competitive Procurement Standards for Program Operators,* dated November 13, 2015, clarified this guidance in that price must be the primary factor for contract awards in all Programs. The lowest bidder may be a FSMC with which the sponsor has had problems during the prior year. This is one reason that it is important that sponsors document issues with vendors. For example, make sure to document if meals are incomplete, delivered outside of required temperature, etc. Sponsor should not have to accept lowest bidder if there have been ongoing compliance issues with that bidder. Consult with your State agency as needed.

For an IFB, the terms and conditions must be written in such a way that they require bidders to demonstrate their ability to be a responsible bidder without restricting competition. These include clear and accurate written specifications, terms, and conditions that bidders must meet to ensure that the contract award is based on price alone. Such provisions may include evidence of liability insurance, proof of financial viability, or other conditions as clearly identified in the IFB.

9. What is the Super-Circular and who does it apply to?

The Office of Management and Budget (OMB) published regulations commonly referred to as the Super-Circular on December 19, 2014. These regulations are located at 2 CFR Part 200 and replace 7 CFR Parts 3015, 3016, 3017, 3018, 3019 and 3052, as well as a number of other OMB circulars such as A–122 (*Cost Principles for Non-Profit Organizations*), A-110 (*Uniform Administrative requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*), A-21 (*Cost Principles for Educational Institutions*), A-87 (*Cost Principles for State, Local and Indian Tribal Governments*), A-102 (*Grants and Cooperative Agreements with State and Local Governments*), and A-133 (*Audits of States, Local Governments, and Non-Profit Organizations*). The regulations apply to awards of Federal financial assistance to all "non-Federal entities" that carry out Federal awards including States, local governments, Indian tribes, institutions of higher education, or nonprofit organizations such as SFSP local Program operators. 2 CFR Part 200 regulations apply to all grant funds received after December 26, 2014. For more information related to the Super-Circular, see SFSP 18-2015, *Office of Management and Budget Super-Circular 2 CFR Part 200,* March 18, 2015, at http://www.fns.usda.gov/office-management-and-budget-super-circular-2cfr-part-200 and also SFSP 02-2016, *Questions and Answers on the Transition to and Implementation of 2 CFR Part 200*, October 30, 2015, at http://www.fns.usda.gov/questions-and-answers-transition-and-implementation-2-cfr-part-200.

10. What is considered a "transaction" when using aggregate cost and micro-purchase methods?

A transaction is an occurrence in which two or more entities exchange goods, services, or money between or among them under an agreement formed for their

mutual benefit. The following examples illustrate transactions in the context of micro-purchasing:

A Program operator purchases computer paper, ink cartridges, paper towels, and cleaning fluids from the same supplier at the same time. That would be a single transaction. If the aggregate cost of these items (that is, the total bill) does not exceed the micro-purchase threshold, the transaction is a micro-purchase under 2 CFR Part 200.320(a).

A Program operator makes the following purchases on the same day at two separate locations: computer paper and ink cartridges at a retail office supply store, and paper towels and cleaning fluids at a different retail store. The dollar amount spent at each supplier is less than the micro-purchase threshold. Each purchase is a separate transaction made from different suppliers. Neither supplier is involved in the transaction with the other. Therefore, these transactions are micro-purchases and the Program operator has distributed purchases among qualified suppliers.

11. What is meant by distributing micro-purchases equitably among qualified suppliers and "spreading the wealth"?

Program operators using the micro-purchase method may not always purchase from only one source; rather, purchases must regularly be made using available qualified sources. This provides qualified sources the opportunity for business or "spreading the wealth". For example, a purchase of computer paper valued $1,000 qualifies as a micro-purchase. No competitive price quotation is necessary for the purchase and no cost or price analysis applies. However, the Program operator's written procurement procedures, as required in 2 CFR Part 200.318(a), must include a procedure that such purchases must be rotated among qualified suppliers.

12. How do the new procurement standards affect Program operators purchasing cooperatively?

Program operators purchasing cooperatively for common or shared goods and services through State and local intergovernmental agreements or inter-entity agreements are encouraged (see 2 CFR Part 200.318(e)). When entering into these agreements, Program operators are reminded that all procurement standards in Program and government-wide regulations apply to the cooperative in the same way as to the Program operator. The Program operator is responsible for ensuring all contracted vendors have been properly procured and contract monitoring is performed. Often in such cooperative arrangements, Program operators fail to take into account that "piggybacking" onto an awarded contract without a provision for "piggybacking" in the original solicitation may create a material change, thereby requiring a new solicitation. Likewise, paying a fee and becoming a member of a third-party vendor that manages or buys products on behalf of the cooperative, or Program operator, is not allowed unless the services of a third-party vendor has been competitively procured.

Chapter 7: Staff Duties and Training

This chapter includes information on:

- The responsibilities of various staff members
- Sponsor training duties
- Volunteer activities and recruitment strategies
- How to use meal count forms

➢ Staff Duties

The size and type of a sponsor's SFSP will dictate many of the sponsor's staffing needs. Depending on a sponsor's program, many positions will require only part-time employment, particularly in the planning and close-out phases. Also, varied opening and closing dates of individual site operations affect staffing needs. In every case, however, the sponsor must provide adequate personnel for overall Program management and monitoring.

The following are examples of duties and responsibilities by position. Small programs may not need a different person for the staff positions described. Sponsors needing more specific staffing guidance should consult with the State agency.

Director Responsibilities

- Annually attend State agency training
- Provide overall management and supervise the SFSP
- Select sites
- Submit applications/agreements to State agency
- Correspond with State agency
- Coordinate with other agencies and conduct outreach efforts
- Hire, train, and supervise staff
- Arrange for food preparation or delivery
- Ensure that all monitoring requirements are met
- Adjust meal orders
- Submit reimbursement vouchers
- Ensure civil rights compliance
- Handle all negotiations with vendors for purchased meals
- Coordinate and delegate outreach responsibilities

- Ensure all program documents are maintained for 3 years plus the current year
- Ensure site information with the State agency is current and reflects the operation of each site including change in meal service types, meal service times, and the average number of children served (for meal cap)
- Ensure site supervisors know how meals will be provided (vended or self-prep delivered) and the menu
- Ensure office and sites have Justice For All poster

Assistant Director Responsibilities

- Provide initial and ongoing training for sponsor and site personnel
- Design forms for recordkeeping purposes
- Maintain liaison with vendor to adjust meal delivery
- Check reimbursement vouchers
- Maintain time and attendance records of staff
- Maintain records on number of meals served

Area Supervisor Responsibilities

- Ensure area schools have access to outreach materials
- Schedule monitors' visits
- Check monitors' reports
- Prepare weekly summaries of monitoring efforts
- Provide ongoing training for monitors
- Visit sites with monitors
- Determine need for and following through on corrective action
- Review the meal counts submitted by sites for unusual meal count patterns, (e.g., first meals always or usually equals meals delivered)
- Oversee several monitors
- Report site problems to the Director or Assistant Director

Bookkeeper Responsibilities

- The bookkeeper should maintain records on the following:
- Daily site reports, invoices, and bills
- Food costs
- Labor costs
- Administrative costs
- Other costs
- Program income
- Prepare reimbursement vouchers

- Prepare payroll
- Purchase office supplies

Monitor Responsibilities

- Monitors are critical to the successful operation of SFSP sites. They are the “eyes and ears,” providing valuable feedback about how the sites are operating by visiting sites on a regular basis and observing meal services.
- To meet Program monitoring requirements, USDA recommends no less than one monitor for every 15 to 20 sites in urban areas. The number of monitors necessary for rural sites may increase depending upon the geographic area to be covered. Monitors should:
- Check on site operations to ensure that site personnel maintain records
- Ensure the Program operates in accordance with the requirements
- Visit all sites within the first week of food service operations
- Review food service operations of all sites within the first four weeks of operation
- Prepare reports of visits and reviews
- Report unresolved or critical issues to the director
- Revisit sites as necessary
- Suggest corrective actions for problems encountered
- Ensure that sites take corrective actions
- Conduct on-site training as necessary
- The monitor visits sites on a regular basis and observes meal service operations. See “Chapter 8: Program Integrity,” for more information.

Site Supervisor Responsibilities

- Attend sponsor training
- Ensure civil rights is properly implemented
- Stay at the site for the entire meal service
- Inform director or assistant director of field trips
- Have communication with director or assistant director for changes in meal service
- Serve meals
- Clean up after meals
- Ensure safe and sanitary conditions at the site
- Ensure the safety of food, and comply with local health and safety standards
- Receive and account for delivered meals
- Ensure that children eat all meals on site
- Plan and organize daily site activities, including nutrition education
- Implement alternate food service arrangements during inclement weather

- Take accurate meal counts at point of service (unless an alternate system that provides an accurate count has been approved by the State agency)

➢ Training

Training is one of the major administrative responsibilities of a sponsor. A smoothly operated Program demands that sponsors provide training throughout the duration of the Program. After a comprehensive training effort on Program requirements is complete, a weekly or bi-weekly meeting will help ensure that monitoring, site, and administrative personnel are performing according to program regulations, that all meals will be eligible for reimbursement, and that accurate and adequate records are available to document the costs and meals claimed. Comprehensive training and coordination of efforts can also improve site quality and maximize the benefit received by participating children.

To enhance this training effort, good communications (both internal and external) should be established with the State agency, the school vendor or FSMC, the in-office staff members, the monitors, the site staff and the health officials/inspectors. For example, meetings and telephone contacts with site and monitoring staff will provide opportunities to ask questions, discuss site operations, and provide specific training on any problem area. In addition, discussions of job descriptions and explanations about the organizational structure enable staff members to understand their own responsibilities as well as those of their coworkers.

Sponsor Training Duties

(7 CFR 225.7(a) and 225.15(d)(1))

Sponsors are required to annually attend State agency training and must train all administrative staff and site staff before they undertake their responsibilities. Because these staffing groups have different program responsibilities, most sponsors will want to offer two different training sessions to focus on each group's specific functions. All staff should receive a letter or flyer announcing the date, time, location, and importance of attending the training session that has been planned for their particular function. Sponsors should also remind staff shortly before the date of the session. The date, names of attendees, and documentation of the topics covered must be recorded for each training session offered. (See Attachments 27 - 28 for training checklists for administrative, monitor, and site staff training sessions.) Sponsors that provide SFSP meals during emergency school closure situations (from October through April or anytime of the year in an area with a continuous school calendar) may be exempted from attending the State agency annual training prior to beginning operations.

Sponsor Training of Administrative Staff

(7 CFR 225.15(d)(1))

The training session offered for administrative staff will explain the responsibilities and duties of all sponsor personnel helping to administer the SFSP at the sponsor level. These personnel include the office staff (assistants, clerks, bookkeepers, and secretaries), area supervisors, and most importantly, monitors.

The specific training needs of sponsor administrative staff will vary. Specific areas of the training may require greater depth with different employees. However, all training for administrative staff should cover the following topics and use the training materials listed in the sample outline. This outline also is provided in the Attachment Section as Attachment 27.

1. Provide a general explanation of the Program, emphasizing the following topics:
   - Purpose of the Program
   - Site eligibility
   - Recordkeeping requirements
   - Organized site activity
   - Meal requirements
   - Nondiscrimination compliance
   - Outreach

2. Describe how the Program will operate within the framework outlined in this guide (use the menu schedule, sample delivery receipts, and sample daily reporting forms for sites), including:
   - How meals will be provided
   - The delivery schedule (if applicable)
   - What records are kept and what forms are used

3. Outline the specific duties of monitors (use monitor review form and visit report and the mileage log), including:
   - Conducting site visits/reviews
   - Sites for which they are responsible
   - Monitoring schedule
   - Reporting procedure
   - Follow-up procedure
   - Office procedures

Sponsor Training of Monitor Personnel

Monitors should be present at both the site and administrative training to ensure a comprehensive understanding of program operations at both levels. The sponsor must provide monitors with thorough training because only those monitors knowledgeable in program requirements and duties will be able to provide meaningful feedback to the sponsor. Since the monitoring function is so important to proper program operations and full reimbursement, sponsors should conduct separate training sessions for monitors that highlight their specific functions. This training should outline the specific duties of monitors including:

- Sites for which they will be responsible
- Conducting site visits/reviews
- Monitoring schedules
- Reporting/recordkeeping procedures
- Follow-up procedures
- Office procedures
- Local sanitation and health laws
- Civil rights
- Reporting of racial/ethnic data
- Considerations for personal safety, if necessary

This training outline may be found in Attachment 27. Materials to use include the site visit and review forms, monitor mileage log, Monitor's Guide, and ethnic/racial data form.

Sponsor Training of Site Staff

(7 CFR 225.15(d)(1))

SFSP regulations require that no food service site may operate until personnel at the site have attended at least one of the sponsor's training sessions. This is an annual requirement.

> **Note**: State agencies may waive this requirement for sponsors that provide program benefits during emergency situations from October through April or at any time in an area with a continuous school calendar. Check with your State Agency for additional guidance.

Sponsors must document the attendance at site training sessions and schedule additional sessions for those staff that are absent. Regulations also require that at least one person who has been trained by the sponsor be present at each of the sponsor's sites during the time of the meal service. This means that if a site supervisor who has attended the sponsor's training session resigns during the summer, the sponsor is responsible for ensuring that the new site supervisor receives all necessary training before taking charge of the site.

A notice of the site training session should be sent to local health inspectors so that they have the opportunity to attend the training and become more familiar with the food service operations. If any site receives meals through a FSMC or SFA the company or school representatives should be invited to attend the training and participate in the discussion of menus and delivery schedules.

At a minimum, sponsors should be certain that they cover the following topics in the training session for site personnel. (See Attachment 27 for this training outline.)

1. Provide a general explanation of the Program.
   - Purpose of the Program
   - Site eligibility
   - Necessity for accurate records
   - Importance of organized activities at sites

2. Describe how the site will operate.

   For sites obtaining meals from FSMCs/commercial meal vendors/commercial meal vendors, SFAs, or sponsor's central kitchen:
   - Meal pattern requirements and the meal service offered (use planned menus)
   - Delivery schedules (exact times)
   - Adjustments in the delivery amount
   - Facilities available for storing meals
   - Who to contact about problems (provide sponsor's name/phone number)
   - Approved level of meal service or “site cap”

   For sites where meals are prepared on site:
   - Meal pattern requirements
   - Inventory (use inventory forms)
   - Meal adjustments (use production records)
   - Meal preparation adjustments

3. Explain recordkeeping requirements:
   - Daily recordkeeping requirements
   - Delivery receipts (sample forms)
   - Seconds, leftovers, and spoiled meals
   - Daily labor: actual time spent on food service and time and attendance records
   - Collection of daily record forms
   - Maintain copies of meal service forms

4. Outline the Monitor's responsibilities.
   - Use the Sponsor Monitoring Handbook: http://www.fns.usda.gov/sites/default/files/MonitorsGuide.pdf
   - Duties and authority
   - Areas of assignment and introduction to site supervisors

5. Explain Civil Rights requirements.
   - Use the Site Supervisor’s Guide:
     - English: http://www.fns.usda.gov/sites/default/files/SiteSupervsGuide.pdf
     - Spanish: http://www.fns.usda.gov/sites/default/files/sp-SiteSupervsGuide.pdf

6. Explain other miscellaneous policy (use sponsor's policy), such as:
    - Problems of inclement weather and alternate service areas
    - Problems with unauthorized adults eating Program meals
    - Problems with discipline
    - Review of equipment, facilities, and materials available for organized recreational activities
    - Review of trash removal system
    - Corrective action
    - Nutrition education

Sponsor Training of Food Service Staff

All food service staff must be trained on Program operations and must understand:

- The goals of SFSP
- The meal pattern requirements
- The importance of preparing nutritious meals that meet the Dietary Guidelines for Americans
- The food safety rules and sanitation guidelines
- Operation of food service equipment
- Development of and following standardized recipes

It is important for sponsors to have regular meetings with food service staff to get input from them on an on-going basis. During these meetings, encourage new ideas on how to improve the current menu, food production, and food service areas. Make sure to ask employees what they would like to see to make their jobs better.

Sponsors should contact the State SFSP administering agency for training materials promoting nutrition education, food safety information, recipes, and more. Video packages are available for group training or self-study. You can also visit the Institute of Child Nutrition's website (http://www.theicn.org/) for many more resources.

Note: **No site may operate until staff has attended a SFSP operations training session.**

➢ Volunteer Opportunities

Volunteers provide a great support system for the Program. There are a number of services volunteers can assist with, including:

- **Outreach**

  Volunteers can help with promotion by posting fliers in their neighborhood, writing letters to their local newspaper in support of the Program, and serving as "Summer Meal Spokespeople" throughout their community. Sponsors may direct outreach volunteers to the "Raise Awareness" webpage on the FNS website: http://www.fns.usda.gov/sfsp/raise-awareness.

- **Site Supervision**

  Trained volunteers can serve as site supervisors. See "Site Supervisor Responsibilities" (below) for more information about this role. The Site Supervisor Guide, available online, provides a more detailed overview of this position: http://www.fns.usda.gov/sites/default/files/SiteSupervsGuide.pdf (English) and http://www.fns.usda.gov/sites/default/files/sp-SiteSupervsGuide.pdf (Spanish).

- **Meal Preparation**

  Sponsors preparing their own meals can utilize volunteers for meal preparation activities. Volunteer groups can also provide free meals to the parents and guardians, who under Program regulations are not eligible to receive meals. (See "Chapter 5: Vending Options" for more information about self-prep.)

- **Site Activities**

  Volunteers can bring their unique expertise and interests to the Program by providing site activities. Volunteers can coordinate an art project, give a musical performance, provide a nutrition lesson, read a story, or host an athletic competition for the children. Site activities can be regular (for example, every Friday could be "Music Day") or a one-time affair, depending on the volunteer's preference.

There are a number of places sponsors can look when searching for volunteers:

- **Local Employers**

  Local businesses are always looking for ways to "give back" to the community, and may be interested in sending employees to a site to serve meals over the lunch hour. Employers can "claim" one day each week as their own – for example, the local bank can send staff members to their neighborhood site every Tuesday.

- **Internship Programs**

  Sponsors can create a "Summer Meals Internship" opportunity to encourage high school or college students to become involved. Internship opportunities, paid or unpaid, can be a resume builder for students. Giving a young volunteer an "official" title may also boost their commitment level, providing children a reliable mentor they can count on all summer long.

- **Senior Citizen Programs**

  Local senior organizations represent an excellent source of committed volunteers. A number of senior volunteer organizations exist across the country, including AARP's "Create the Good" (http://www.createthegood.org/) and Senior Corps (http://www.nationalservice.gov/programs/senior-corps). Sponsors interested in working with senior groups may consider hosting an "Intergenerational Meals" site by coordinating their Program with a senior meal program.

Check out the **Intergenerational Meals Model** toolkit page for more! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Intergenerational_Model.pdf

- **Volunteer Directories**

  Sponsors can post volunteer opportunities in local volunteer directories, often available in print and online. Sponsors can also share opportunities on national volunteer websites, such as Volunteer.gov (https://www.volunteer.gov/), Idealist (http://www.idealist.org/), or VolunteerMatch (http://www.volunteermatch.org/).

Accurate Point-of-Service Counts are Critical!

It is critical that site personnel and monitors understand the importance of accurate point-of service meal counts. Only complete meals served to eligible children can be claimed for reimbursement. Therefore, meals must be counted at the actual point of service, i.e., meals are counted as they are served, to ensure that an accurate count of meals served is obtained and reported. Counting meals at the point of service also allows site personnel to ensure that only complete meals are served.

➢ Chapter 7: Questions and Answers

1. What should a sponsor consider when deciding their staffing needs?

It is very important for the sponsor to provide adequate personnel for overall Program management and monitoring in order to fully comply with Program requirements. Depending on a sponsor's Program, many positions will require only part-time employment, particularly in the planning and closeout phases. The need for recordkeeping personnel varies according to the size of the Program. To meet monitoring requirements, USDA recommends one monitor for every 15 to 20 sites in urban areas. The number of monitors necessary for rural sites may increase

depending upon the geographic area to be covered. Also, varied opening and closing dates of individual sites may affect staffing needs. In every case the sponsor must provide adequate personnel for overall Program management and monitoring.

2. I have to hire staff to operate the kitchen. What are some of the things I have to take into consideration?

Before you hire your meal service staff, you will have to first determine the number and the type of meals you will be serving and consider the budget amount you will have at your disposal. From there, you can determine how many staff you need to hire. Take into consideration their experience, and don't be afraid to utilize qualified volunteers in your operations. Also make sure they meet health standards outlined by your local and State authorities. Once you have selected your food service employees, ensure they understand, at a minimum, the goals of the SFSP, the meal pattern requirements, the importance of serving meals that meet the Dietary Guidelines, and food safety and sanitation rules. You can contact your State administering agency for training resources.

3. Once a sponsor is approved to operate the Program, what are their training responsibilities?

Training is one of the sponsor's major administrative responsibilities. A smoothly operating Program will require that training be provided by sponsors throughout the duration of the summer. A comprehensive training effort, including weekly or biweekly meetings on Program requirements, will help to make certain that the monitor, site, and administrative personnel are performing according to USDA regulations. Sponsors should attend State agency training and then train both their administrative and site personnel before these staff members undertake their responsibilities. SFSP regulations require that no food service site may operate until personnel at the site have attended at least one of the sponsor's training sessions. This is an annual requirement.

4. Are unpaid staffs or volunteers also required to be trained?

Yes; training should be commensurate with the type of activities the volunteers will be participating in.

Chapter 8: Program Integrity

This chapter includes information on:

- Monitoring requirements for sponsors and sites;
- Preparing for State agency reviews; and
- Civil rights requirements.

➢ Monitoring Sites

Monitoring is essential to making a Program successful. Having knowledgeable trained monitors will enable Program operations to comply with Program requirements and run more smoothly. Having an efficient and capable monitoring staff is one of the first steps towards successful operations. A monitor serves as a direct link between the sponsor's administrative office and the actual food service sites. Establishing a proper monitoring system will help prevent problems from occurring and will make it easier to correct any problems that arise during the summer. The size of the monitoring staff will, of course, depend on the size of the sponsor's Program. This is discussed in greater detail in Chapter 7 – Staff Training and Duties.

Refer to the *Sponsor Monitor's Guide* for detailed information on sponsor monitoring requirements and sample forms.

The sponsor must ensure that the monitor's responsibilities and authority are clear to the monitoring staff, site supervisors, and office personnel. Monitors must:

- Participate in annual training, understand Program requirements, including civil rights requirements;
- Ensure that sites operate according to Program guidelines;
- Carry a supply of all necessary forms during site visits and reviews;
- Provide training for site personnel when needed; and
- Spend enough time at each site to ensure proper Program operations.

Visits and Reviews

Monitors are required to perform site visits and site reviews at various times throughout program operations. These are further discussed in the *Sponsor Monitor's Guide*, which provides more detailed information on sponsor monitoring requirements and sample forms. These reviews are an important part of the State agency's responsibility to ensure the integrity of the Program. Site visits and reviews are defined as:

- Site Visit: Requires monitor to ensure that the food service is operating smoothly and that any apparent problems are immediately resolved.
- Site Reviews: Requires monitor to determine if the site is meeting all the various Program requirements. Monitor must observe a complete meal service from beginning to end, including delivery or preparation of meals, the meal service, and clean up after meals.

Sponsor Monitoring Requirements

(7 CFR 225.14(c)(6) and 225.15(d)(2) and (3))
Sponsors must ensure that the following minimum monitoring requirements are met:

- Pre-operational Visits
  7 CFR 225.15(d)

  Prior to submitting a request for approval to the State agency, sponsors must certify that all required sites (such as new sites and sites with previous serious deficiencies) have been visited and have the capability and the facilities to provide the meal service planned for the number of children anticipated to be served.

- Site Visits
  7 CFR 225.15(d) (2) and (3)

  Sponsors must visit each site at least once during the first week of operation. However, the first week site visit requirement is waived for returning sites that operated successfully during the previous summer (or other most recent period of operation) and had no serious deficiency findings. Sponsors of these sites are still required to review the site within the first four weeks of operation (SFSP Memorandum 12-2011: Waiver of Site Monitoring Requirements in the Summer Food Service Program, April 5, 2011).

  Check with your State Agency for additional guidance

  State Agencies have the authority to waive the requirement that sponsors visit each site at least once during the first week of Program operations [7 CFR 225.15(d)(2)] for sponsors in good standing with the CACFP and NSLP (SFSP Memorandum 06-2014: Available Flexibilities for CACFP At-Risk Sponsors and Centers Transitioning to Summer Food Service Program (SFSP), November 12, 2013).

- Site Reviews
  7 CFR 225.15(d)(3)

  Sponsors must conduct a review of the food service at least once in the first four weeks of Program operations. If a site operates less than four weeks, the sponsor must still conduct a review. After this initial period, sponsors must conduct a “reasonable” level of monitoring

- Monitoring Reports

All visits and reviews must be documented. Records of visits and reviews will help sponsors assess the operation of sites. Records are only useful, however, when they are carefully reviewed by sponsor personnel and when follow-up monitoring is scheduled to ensure that any corrective actions have been taken to improve site operations.

Note: Sponsors must maintain all records for three years after the end of the fiscal year of operation, or longer if required by the State agency. These records must be accessible to Federal and State agency personnel for audit and review purposes (7 CFR 225.8(a)). See "Chapter 10: Recordkeeping."

Each sponsor must, therefore, design a tracking system for handling monitor reports. Sponsors should have a system that will ensure that monitors return reports frequently – if possible every day. The reports should be immediately reviewed by a specific member of the sponsor's staff who is responsible for following up on any problems. The staff member should:

- Review any problems found by the monitor;
- Call the site supervisor, if necessary;
- Document corrective action taken at the site;
- Schedule a follow-up review, if necessary; and
- Sign and date the report.

The sponsor review official should base the timing of a follow-up review on the severity of the problem.

Reviewing Monitor Reports

When sponsors or their staff review monitor reports, they also should pay attention to the quality of the reports. There are several indicators that may be apparent in the monitors' reports that may suggest the monitor's lack of program knowledge or the monitor's misunderstanding of his or her responsibilities. Additional training would be appropriate if the monitor:

- Did not answer all questions on the report, or if the responses are incomplete;
- Rarely notes problems and does not include comments in the remarks section of the report;

- Observes that the number of meals delivered and/or served and the number of children who are in attendance are always the same and yet does not follow-up on this suspicious pattern to see if meal counts are being taken appropriately;
- Recommends a corrective action and fails to note the action taken or fails to initiate correction of the problem(s);
- Fails to recommend adjustments in orders when the number of meals exceeds attendance; or
- Arrives at sites late and/or does not stay for the entire meal service.

Sponsors must be sure that monitors schedule visits and reviews so that they can meet the Program requirements. A good monitoring schedule and an efficient system for the review and follow-up on the monitor's reports are necessary for effective Program operations.

➢ Administrative Reviews of Sponsors by the State Agency

(7 CFR 225.7(d)(2))
During the summer, State agencies will complete an administrative review of most sponsors' Program operations. This administrative review will involve visits by State agency personnel to the sponsor's site(s) and office. The reviews are designed to ensure that a sponsor's overall program is operating according to requirements and to provide technical assistance to a sponsor if there are questions about Program operations.

A State agency review of site operations should involve observing the meal service operations and the recordkeeping at the site. A review at the sponsor level should involve a review of the records maintained by the sponsor. All sponsors must make their records available for the State agency's review and must implement all corrective actions recommended by the State agency. The results of a State agency review may affect the amount of reimbursement a sponsor receives.

Violations

(7 CFR 225.11(c)(1-4))
Violations of Program requirements may result in withholding or recovery of reimbursements, corrective action, or termination and exclusion from future Program participation.

Corrective Action Plan

(7 CFR 225.11(f))
When the State agency finds violations during a site review, it will require the sponsor to correct the problems found. If the State agency finds a high level of meal service violations at a site, it will immediately require the sponsor to follow a specific corrective action plan. The State agency will initiate a follow-up system to ensure that sponsors take the specific action (as outlined in the plan) for correcting site violations.

Program violations include but are not limited to:

- Failure to maintain adequate site or sponsor records.
- Failure to adjust meal orders to conform to changes in site attendance.
- Failure to have a trained site supervisor at each site during the meal service.
- Serving more than one meal to a child at one time.
- Children eating complete meals off-site (Note: This does not refer to the permissible practice of allowing children to take a fruit, vegetable, or grain component off-site.)
- Claiming meals that were not served to eligible children.
- Serving meals (or in the case of OVS sites, offering meals) that do not include all required meal components and/or correct quantities.
- Failure to report sites to health department.
- Continued use of FSMCs/commercial meal vendor that violate health codes.
- Submission of false information to the State agency.
- Use of Program funds for unallowable costs.
- Failure to return excess start-up or advance payments to the State agency.
- Not adhering to competitive bid procedures.
- Noncompliance with civil rights laws and regulations.
- Failure to count meals at point of service.
- Meal count consolidation errors.
- Failure to meet training or monitoring requirements.

➢ Civil Rights Requirements

(7 CFR 225.7(g) and FNS Instruction 113-1)

All participating sponsors must inform potential participants of the availability of the SFSP. In addition, all sponsors and their sites are required to:

- Display in a prominent place at the site and in the sponsor's office, the "And Justice for All" poster developed by USDA or approved by FNS;
- Make Program information available to the public upon request;
- Take reasonable steps to ensure meaningful access to services for limited English proficient persons by providing information in the frequently encountered, non-English languages of individuals eligible to be served or likely to be affected by the program;
- Ensure that translations are accurate concerning the availability and nutritional benefits of the Program;
- Make reasonable modifications in policies and procedures to ensure individuals with disabilities have equal access and effective communication when accessing the Program;
- Include the nondiscrimination statement, and instructions for filing a complaint, in their public release and in any Program information directed to parents of participants and potential participants;
- Ensure that meals are served to all attending children, regardless of their race, color, national origin, sex, age, or disability; and
- Ensure that all children have equal access to services and facilities at the site regardless of race, color, national origin, sex, age or disability.

Race and Ethnic Data

Each year, every sponsor must determine the number of potentially eligible participants by racial/ethnic category for the area served. This information may be obtained from census data or public school enrollment data.

The sponsor also must collect ethnic/racial category data each year by ethnic/racial category for each site under the sponsor's jurisdiction. Sponsors of residential camps must collect and maintain this information separately for each session of the camp. For all other sites, the sponsor must count the participating children at least once during the site's operation. The sponsor may use visual identification to determine a participant's racial/ethnic category. For collection purposes, a participant may be included in the group to which he or she appears to belong, identifies with, or is regarded as a member of by the community.

To provide flexibility and ensure data accuracy, separate categories must be used when collecting and reporting race and ethnicity. Ethnicity must be collected first. Respondents must be offered the option of selecting one or more racial designations. The minimum designations for collection are:

1. Ethnicity:
   a) Hispanic or Latino.
   b) A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”
   c) Not Hispanic or Latino.

2. Race:
   a) American Indian or Alaskan Native.
   b) A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
   c) Asian.
   d) A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
   e) Black or African American.
   f) A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” can be used in addition to ‘Black or African American.’
   g) Native Hawaiian or Other Pacific Islander.
   h) A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
   i) White.
   j) A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

The sponsor must retain data, as well as documentation for the data, for the required three years. The sponsor must use safeguards to prevent the data from being used for discriminatory purposes. Such safeguards include allowing access to program records containing this data only by authorized personnel. A sample Race and Ethnic Category Data Form is shown as Attachment 32 in the Attachment Section.

Disability Accommodations

The general guideline in making accommodations for children with disabilities is to ensure children with disabilities are able to participate in and receive benefits from programs that are available to children without disabilities. Under Federal statute and Program regulations sponsors are required to provide reasonable accommodations for children whose disability restricts their diet when supported by a medical statement that includes recommended alternate foods and is signed by a licensed physician or a health care professional who is authorized to write medical prescriptions under State law (FNS Instruction 783-2, Rev. 2, *Meal Substitutions for Medical or Other Special Dietary Reasons*; SFSP 15-2015: *Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs*, March 30, 2015). The definition of a “reasonable accommodation” is found in section 15b.13 of USDA’s Nondiscrimination in Programs or Activities Receiving Federal Financial Assistance.

Additionally, sponsors may make substitutions in the meal patterns due to a non-disability medical or special dietary need. Such substitutions may only be made when supported by a medical statement signed by a recognized medical authority that includes recommended alternate foods. Meal accommodations for non-disability medical or special dietary needs must be within the meal pattern requirements in order to be reimbursable.

In most cases, meal accommodations for children with a disability or non-disability medical or special dietary needs can be met by following the recommended alternate food substitutions included on the medical statement. For additional information on accommodating food allergies, sponsors may refer to "Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs," a joint report from the Department of Health & Human Services and the Centers for Disease Control and Prevention: http://www.cdc.gov/healthyyouth/foodallergies/pdf/13_243135_A_Food_Allergy_Web_508.pdf.

Sponsors must take appropriate steps to ensure that communication with people with disabilities is as equally effective as communication with people without disabilities. Sponsors must also provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities. http://www.ada.gov/effective-comm.htm

➢ Chapter 8: Questions and Answers

1. What are the sponsor's monitoring requirements for the SFSP?

An efficient and capable monitoring staff is essential to the success of any sponsor's program. Monitors must ensure that the site operates the Program according to Program guidelines. This requires a pre-operational visit, which is conducted before a site operates the SFSP. These visits are required for all sites to determine that the sites have the facilities to provide meal service for the anticipated number of children in attendance. Also, a sponsor must visit all new sites and sites that experienced operational problems the previous year at least once during the first week of operation to make sure the food service operation is running smoothly and to verify information such as the site address, storage, holding and preparation facilities, and serving capabilities. Further, sponsors must conduct site reviews at least once during the first four weeks of program operations to observe delivery or preparation of meals, service of meals, children eating the meals, and clean up after meals.

2. What are the sponsor's Civil Rights requirements?

All participating sponsors must inform potential beneficiaries, particularly minorities, of the availability of the SFSP. Sponsors are required to display the "And Justice for All" poster in a prominent place at the site and the sponsor's office. Also sponsors need to make Program information available to the public, take reasonable steps to provide information in appropriate languages other than English based on the frequently encountered, non-English languages of individuals eligible to be served or likely to be affected by the program. Ensure translations are accurate, and include the nondiscrimination statement and instructions for filing a complaint on all materials directed to participants and their families. Sponsors also must take appropriate steps to ensure that communication with people with these disabilities is as equally effective as communication with people without disabilities. In addition, sponsors must ensure meals are served to all attending children regardless of race, color, national origin, sex, age or disability, and make sure all children have equal access to services and facilities. All sponsors must collect beneficiary data each year by racial/ethnic category for each site under the sponsor's jurisdiction. The sponsor must count the participating children at least once during the site's operation.

3. Will the sponsor's Program be reviewed by the State agency?

Sponsors will receive a periodic administrative review by the State agency or FNS Regional office staff during the course of operations, which will include a review of the office and at least one site. Sponsors must make records available for the State agency reviewer and must take any corrective actions required by the State agency. Results of an administrative review may affect the amount of reimbursement a Program will receive. The review may involve assessing how the claim for reimbursement is prepared and looking at the records maintained by the organization. It will also include a look at site operations to observe the meal service operation and recordkeeping.

Chapter 9: Program Costs and Reimbursements

This chapter includes information on:

- Advance Program payments;
- Program reimbursements for allowable costs;
- Special reimbursement rates;
- Other sources of program income;
- Unallowable costs; and
- Non-contractible management responsibilities.

➢ Advance Payments

(7 CFR 225.9(c))

When sponsors apply for the Program, they may request advance payments for their total Program costs, for their operating costs, or for their administrative costs. Although sponsors are no longer required to categorize costs as operational or administrative when submitting claims for reimbursement, advance payments are still categorized as such. Therefore, sponsors may not request an advance for operating and administrative costs combined, but must make these requests separately.

When determining the amount of the advance payment, the State agency will make the best possible estimate based on the sponsor's request and any other available data. These payments are advances on the reimbursement that sponsors will receive for a month of operations and will be deducted from future reimbursement payments. The advances should help sponsors maintain a positive cash flow because they will have funds available to meet program costs as they arise throughout the month.

Sponsors can refer to SFSP Memorandum 11-2015: *Assessing Costs in the Summer Food Service Program*, February 25, 2015 for more information. The memo also includes a tip sheet sponsors may use when budgeting for their Program: http://www.fns.usda.gov/assessing-costs-summer-food-service-program. Also refer to SFSP memorandum 08-2016: *Summer Food Service Program Question and Answers* November 12, 2015 for more information.

Advances for Operating Costs

(7 CFR 225.9(c)(1))

Sponsors must request each advance payment for operating costs from the State agency at least 30 days before the payment dates of June 1, July 15, and August 15. If sponsors participated in the previous year's Program, the advance payments for operating costs usually will be based on the reimbursement they earned during the same month of the previous year. The State agency also may estimate advance

payments as a percentage of anticipated costs. The State agency must receive certification that a sponsor (except for school sponsors) has held training sessions on program requirements for site and sponsor personnel before it will release the second month's operating advance to the sponsor. A sponsor may not receive an advance for operating costs in any month when it will not be operating for at least 10 days.

Advances for Administrative Costs

(7 CFR 225.9(c)(2))

Sponsors must request each advance payment for administrative costs from the State agency at least 30 days before the payment dates of June 1 and July 15. If sponsors operate the Program less than 10 days in June but at least 10 days in August, they will be issued the second month's payment for advance administrative costs on August 15. Sponsors planning to operate the Program for less than 10 days cannot receive advance payments for administrative costs. State agencies may adjust the amount of advances based on monitoring or audits. Finally, per 225.9(c), State agencies are required to offer advances to all SFSP sponsors requesting advances. If the State agency has reason to deny the request, they must offer the institution appeal rights (225.13(a)).

Start-up Payments

(7 CFR 225.2 definitions and 225.9(a))

The State agency may, at its discretion, provide the sponsor with a limited amount of start-up payments (up to a maximum of 20 percent of the sponsor's approved administrative budget). These start-up payments, which are deducted from later administrative reimbursements, are for administrative costs incurred in planning a food service and in establishing effective management procedures for that service. Sponsors may request the start-up payments if they are available, when they apply for the Program. If approved, the start-up payments may not be provided any earlier than two months before food operations begin (SFSP Memorandum 7-2014*: Expanding Awareness and Access to Summer Meals*, November 12, 2013).

➢ Program Reimbursement

(7 CFR 225.9(d))

Reimbursements are based on the number of reimbursable meals served multiplied by the sum of administrative and operational rates. Sponsors must maintain complete records to document all costs and meals they claim for reimbursement. Sponsors are not eligible for reimbursement unless they have signed an agreement with the State

Check out the **Cost Assessments** toolkit page to learn more! http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Assessing_Costs.pdf

agency. (The necessary records are discussed in “Chapter 10: Recordkeeping” of this guide.)

Allowable Operating Costs

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)
Reimbursements may be used to cover allowable operating costs that include, but are not limited to, the cost of food used, nonfood supplies, and space for the food service.

Allowable Administrative Costs

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)
Reimbursements may be used to cover allowable administrative costs incurred by your organization for activities related to planning, organizing, and administering the Program.

Claim for Reimbursement

Sponsors receive their Program payments based on the number of meals served multiplied by the appropriate combined administrative and operating rates for reimbursement. Sponsors assume complete responsibility for all of the information they submit on their claims. Claims for reimbursement must reflect only meals that meet SFSP requirements and are actually served to eligible children during the claiming period (SFSP Memorandum, January 2, 2008; Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures).

Based on records that are regularly submitted by the sites, sponsors must report the number and type of first and second meals served to all children; sponsors of camps need to report the meals served to eligible children only. The total number of second meals claimed cannot exceed two percent of the number of first meals, for each type of meal served during the claiming period. State agencies can provide further guidance on serving second meals and on those situations where second meals will not be reimbursed. A sample Consolidation Form for 1st and 2nd Meals is included as part of Attachment 40.

Sponsors must maintain records of all operating and administrative costs, as well as any Program income received. These records must be available for review by the State agency.

After the reimbursement claim form is completed, a sponsor must sign the form and send it to the State agency as soon as possible within the month following the month covered by the claim. Claims will not be paid if they are submitted more than 60 days after the last day of the month covered by the claim unless an exception is granted by FNS. The State agency may impose a shorter deadline for submission of the claim within the 60-day requirement. Revised claims that reflect a change in reimbursement amount must be submitted within 60 days, unless the revision is a downward adjustment. All claims submitted by sponsor after 60 days that would generate a

payment for reimbursement (an upward adjustment) must follow the late claim policy in which the State agency may grant an exception once every 36 months.

State agencies may establish additional Program requirements, which are reviewed and approved by the appropriate FNS Regional office (SFSP Memorandum 06-2013: Additional State Requirements in the SFSP REVISED, January 24, 2013). Sponsors can check with their State agency to see if there are additional, State-level requirements

Sponsors are encouraged to streamline recordkeeping and reporting systems by establishing an Internet or electronic-based system, including but not limited to application submissions and claims processing. However, any electronic system must include a means to fully access Program benefits without Internet or computer access and must not create a barrier to participation. Otherwise, an individual might be denied access to Program benefits.

In cases where participating institutions are unable or unwilling to implement electronic based systems, it may not be reasonable to expect that a State agency will be able to provide the same level of service that users of electronic systems receive. On the other hand, States must still meet all regulatory requirements (SFSP Memorandum 07-2007: Electronic Record and Reporting Systems, June 15, 2007).

State agencies may allow sponsors to consolidate claims as follows: (7 CFR 225.9(d)(3)):

- 10 days or less in their initial month of operation combined with the claim for the subsequent month; or
- Up to three consecutive months may be combined, as long as the combined claim only includes 10 days or less from the first and last month of Program operations (i.e., a total of 20 extra days).

If a sponsor operates for less than 10 days in the final month, it may combine the claim from the last operating days with the claim for the previous month. This combined claim must be submitted to the State agency within 60 days of the last day of operation (SFSP Memorandum; Authority for Sponsors to Combine Claims for Reimbursement, May 15, 2000).

➢ Other Sources of Program Income

Funds accruing to the food service include all funds received from Federal, State, local, and other sources, except program advances, start-up funds, or reimbursement payments received from the State agency. Sources of funds that are considered program income include:

Check out the **Sources of Additional Funding** to learn more!
http://www.fns.usda.gov/sites/default/files/cnd/SMT-SourcesofAdditionalFunding.pdf

- Cash donations specifically identified for use in the Program; and
- Any Federal, State or local funds specifically provided to the Program.

These funds must be designated specifically for the SFSP. Records reflecting income may include:

- Deposit records;
- Voucher stubs; or
- Receipts.

Any reimbursements or funds that exceed a sponsor's expenditures must be used in a way that benefits SFSP services to children or other Child Nutrition Programs operated by the sponsor. Sponsors with funds remaining at the end of the Program year should use them as start-up funds or for improving SFSP services in the following year. Sponsors may not transfer excess funds to operations that are not related to the Child Nutrition Programs or to increase salary or fringe benefit costs when the sole purpose of the increase is to reduce the food service program balance. If the sponsor will not be participating in SFSP the next year, funds may be used towards the sponsor's provision of other Child Nutrition Programs. If the sponsor does not operate any other Child Nutrition Programs, the State will collect the excess funds.

➢ Unallowable Costs

(FNS Instruction 796-4, Rev. 4)

Unallowable costs are costs for which Program funds may not be used. They include, but are not limited to:

- Costs for excess meals ordered or prepared but not served to eligible children, i.e., meals in excess of legitimate Program adult meals and reimbursable meals, unless specifically approved by the State agency;
- Meals served in violation of Program requirements; e.g. additional foods served that are not compliant with the meal patterns, meals or ineligible components consumed off-site, second meals served in excess of the 2 percent tolerance;
- Rental costs for periods beyond the close-out date for Program operation;
- Any other costs incurred that Program officials determine to be in violation of applicable laws or regulations;
- The cost to purchase food (including coffee, etc.) for use outside of the SFSP;
- The cost of meals served to administrative adult personnel, or any other adults that are not in the operation of the food service;
- Cost of spoiled or damaged meals;
- For vended sponsors, the cost of meals delivered by a FSMC to a non-approved site, or for meals not delivered within the agreed upon delivery time, meals served in

Check out the **Budgeting for Success** toolkit page for tips on controlling your expenses!
http://www.fns.usda.gov/sites/default/files/sfsp/SMT-Budgets.pdf

excess of the approved cap (SFSP Memorandum 16-2015: Site Caps in the Summer Food Service Program: Revised, April 21, 2015), spoiled or unwholesome meals, or meals that do not meet meal requirements or quality standards;

- Bad debts, which are any losses arising from non-collectible accounts and other claims and related costs;
- Repayment of over-claims and other Federal debts;
- Contributions and donations including contingency reserves, USDA-donated commodities and other donated food, labor, and supplies;
- Fines or penalties resulting from violations of, or failure to comply with Federal, State, or local laws and regulations;
- Entertainment and fundraising costs;
- Interest on loans, bond discounts, costs of financing and refinancing operations, and legal and professional fees paid in connection therewith;
- Costs resulting from an under-recovery of costs under other grant agreements; and
- Direct capital expenditures or option to purchase rental costs for: acquisition of land or any interest in land; acquisition or construction of buildings or facilities, or the alteration of existing buildings or facilities; non-expendable equipment of any kind; repairs that materially increase the value or useful life of buildings, facilities, or non-expendable equipment; and other capital assets, including vehicles.

Non-Reimbursable Meals

Sponsors may claim reimbursement only for those meals that meet SFSP requirements. Reimbursement may not be claimed for:

- Meals not served as a complete unit (except in “OVS” sites where complete meals must be offered to participants);
- Meal patterns or types not approved by State agencies;
- Meals served at sites not approved by State agencies;
- Meals consumed off-site , except for field trips for which the State agency was notified in advance (this does not include a fruit, vegetable, or grain component that the State agency and sponsor may allow to be taken off-site);
- More than one meal served to a child at a time;
- Second meals in excess of 2 percent of the number of first meals served by type during the claiming period;
- Meals served outside of approved timeframes or approved dates of operation;
- Meals served to ineligible children in camps (those not meeting the income eligibility guidelines for free or reduced-price school meals);
- Meals that are spoiled or damaged;
- Meals in excess of the site’s approved level of meal service (cap for vended sponsors) (SFSP Memorandum 16-2015: *Site Caps in the Summer Food Service Program: Revised*, April 21, 2015);
- Meals missing /inadequate component;

- Meals over the cap;
- Meals served to adults but included in count of reimbursable meals;
- Meals that were not served; and
- Meals served to anyone other than eligible children.

➢ Non-Contractible Management Responsibilities

(7 CFR 225.15 (a)(3))
Sponsors may NOT contract out management responsibilities of the Program, including but not limited to the following tasks:

- Meal ordering;
- Assuming official recordkeeping responsibilities, including meal count information to substantiate claims;
- Submitting claims;
- Training and monitoring administrative and site staff;
- Announcing availability of meals to the news media; and
- Determining income eligibility and maintaining individual income eligibility statements.

Sponsors should check with the State agency before allowing a FSMC to undertake any other tasks that may be considered management functions or any tasks that are related to the bulleted items listed above.

Note: FNS Instruction 796-4, Rev. 4, Financial Management – Summer Food Service Program for Children, provides information on establishing standards, principles and guidelines in the development and maintenance of financial management systems. The State agency can provide this information.

➢ Chapter 9: Questions and Answers

1. **Can a sponsor request an advance payment from the State agency?**

   Yes. When sponsors apply for the Program they may request advance payments to assist in meeting operation and administrative expenses. These payments will be advances on the reimbursement received for a month of operation and will be deducted from future reimbursement payments. The advances help maintain a positive cash flow by making funds available to meet program costs as they arise throughout the month

2. **Is the sponsor required to inform the State agency how much of an advancement they want and the purpose? Or can a sponsor simply check a box that indicates yes, they want a June advance or a July advance, and the State agency calculates the amount?**

   Yes, the sponsor must specify the amount. The State agency will determine if and how much of the amount requested will or will not be granted.

3. **Will a sponsor be reimbursed for all costs associated with running the SFSP?**

   The amount of reimbursement a sponsor receives is an amount equal to the number of eligible meals served to children, multiplied by the current combined administrative and operating reimbursement rates. The reimbursement is intended to help cover the administrative and operating costs of running the SFSP. However, the reimbursements may not be enough to cover all Program costs. The sponsor is responsible for all costs incurred above the amount reimbursed. More information about how reimbursements are calculated may be found at http://www.fns.usda.gov/sites/default/files/sfsp/SFSP-2015-Rates.pdf.

4. **How does a sponsor receive their reimbursement?**

   Reimbursement is based on the claims for reimbursement that a sponsor submits to their State agency. Claims for reimbursement reflect meals that meet SFSP requirements and are served to eligible children during the claiming period. Claims must be submitted to the State agency within 60 days after the last day of the operating month, unless the State has established an earlier deadline.

5. **Do sponsors have to submit documentation of their costs when claiming reimbursement?**

   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, sponsors still must maintain documentation indicating that their reimbursements were spent on allowable Child Nutrition Program costs. This documentation must be available for State agency review (SFSP Memorandum 03-2008: Simplified Procedures in Summer Food Service Program, February 14, 2008).

6. **If sponsors do not have to submit documentation of their costs when claiming reimbursement, why do they still have to document my expenses?**

   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 Child Nutrition Program costs. Therefore, if a sponsor lacks required documentation (identified as a result of administrative review), 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)).

7. **Can sponsors contract out any of their management responsibilities?**

   Sponsors may not contract out certain management responsibilities of the SFSP such as monitoring, staff training, enforcing corrective action, or preparing Program applications and claims for reimbursement. Sponsors remain legally responsible for ensuring that the food service operation meets all requirements specified in the agreement they sign with the State agency.

   SFAs, however, 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 that choose to contract with FSMCs for some or all aspects of the management of the NSLP may allow the FSMC to conduct the same activities for SFSP that are performed for NSLP. The SFA, however, must maintain responsibility for submitting claims and remains accountable for ensuring all SFSP requirements are met (SFSP Memorandum 4-2013: Summer Feeding Options for School Food Authorities, November 23, 2012).

8. **How can sponsors without access to an electronic documentation system submit claims for reimbursement?**

   While electronic recordkeeping systems have been helpful in streamlining Program administration, FNS recognizes that it is important to ensure that implementing an electronic system does not create a barrier to participation. State agencies are encouraged to establish electronic systems, but must also include a means to fully access Program benefits without internet or computer access. State agencies are required to provide the same level of service to users of non-electronic systems as those with electronic systems, and must still meet all regulatory requirements (SFSP Memorandum 07-2007: Electronic Record and Reporting Systems, June 15, 2007).

9. **Does FNS have other resources available to help a sponsor with cost assessment?**

   Sponsors looking for additional cost assessment resources should refer to SFSP Memorandum 11-2015: *Assessing Costs in the Summer Food Service Program*, February 25, 2015, in addition to the FNS Instruction 796-4, Rev. 4, Financial Management – Summer Food Service Program for Children. The memo includes a tip sheet that sponsors can use when considering proposed uses of the non-profit food service account funds for SFSP-related costs. The memo and tip sheet can be found at http://www.fns.usda.gov/assessing-costs-summer-food-service-program.

Chapter 10: Recordkeeping

This chapter provides information on what records must be kept to justify claims for reimbursements, including:

- Administrative cost records;
- Operating cost records; and
- Maintaining cost records and tracking funds.

There are a number of additional records sponsors must maintain in their files. These records and the records discussed in this chapter are summarized in Attachment 45 – Checklist of Records.

➢ Administrative Records

Sponsors must keep full and accurate records so they can substantiate the number of Program meals that they have submitted on each claim for reimbursement and that SFSP funds are used only for allowable SFSP costs. Records must also be kept to confirm the sponsor is in good standing with all Program requirements.

Meal Count Records

All sponsors must use daily site records in order to document the number of Program meals they have served to children. The sponsor must provide all necessary record sheets to the sites. Site supervisors are then responsible for keeping the records each day. The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation. Site personnel must be sure that they record all required counts. These counts should include the number of:

- Meals delivered or prepared, by type (breakfast, snack, lunch, supper). A designated member of the site staff must verify the adequacy and number of meals delivered by checking the meals when they are delivered to the site.
- Vended programs must support this information with a signed delivery receipt.
- Programs with a central kitchen should also support this information with a signed delivery receipt for good Program management.
- Complete first meals served to children, by type.
- Complete second meals served to children, by type.
- Excess meals or meals leftover.
- Non-reimbursable meals.

- Meals served to Program adults, if any.
- Meals served to non-Program adults, if any.

Sponsors should collect these site records at least every week. They may have their monitors pick up site reports on designated days, or the site supervisors may be asked to mail the records to the sponsor's office. When they collect the site records, sponsors should check for the site supervisor's signature. Any sponsor serving vended meals must be sure that the figure entered as the number of meals delivered on the site record is the same as that entered on the vendor's report. If there is any discrepancy between the numbers, the sponsor should immediately contact the vendor and site supervisor and resolve the problem. The sponsor should make a permanent note of the discrepancy as well as the action that was taken to resolve it.

A sample Daily Meal Count Form is included in the Attachment Section behind Tab 10, as Attachment 40.

Training Records

(7 CFR 225.9(c)(1))

Sponsors must keep records that document:

- Date(s) of training for site and administrative personnel;
- Attendance at each training session by having attendees sign an attendance form; and
- Topics covered at each training session.

Sponsors that have requested advance payments for operating costs must send certification that they have completed training for site and administrative personnel to the State agency. Without this certification, the State agency will not release the second advance payment for operating costs to the sponsor. This requirement, however, does not apply to school sponsors.

Site Visit Records

(7 CFR 225.14 (c)(6) and 225.15 (d)(2) and (3))

Sponsors must be able to document that they have met their monitoring requirements. Monitors must submit a report for:

- Pre-operational site visits;
- Site visits during the first week of Program operations; and
- Site visits throughout the summer.

A sample First Week Site Visit Form can be found in the SFSP Sponsors Monitors Guide, available at http://www.fns.usda.gov/sfsp/handbooks.

Site Review Records

(7 CFR 225.15(d) (3))

Monitors must submit a review report form for each site review during the first four weeks of Program operations, and for site reviews throughout the duration of the Program. This form will contain much of the same information as the Site Visit Form plus information concerning meal preparation and delivery schedules, the quality and accuracy of site records and recordkeeping, the regular adjustment of meal orders, and whether changes are made in menus. A Site Review Form can be found in the SFSP Sponsors Monitors Guide, available at http://www.fns.usda.gov/sfsp/handbooks.

➢ Operating Cost Records

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)

Operating costs are allowable costs incurred by the sponsor for preparing and serving meals to eligible children and Program adults. These costs include, but are not limited to, cost of food used, labor, nonfood supplies, and space for the food service. Rural sites may include costs that are directly incurred in transporting children from rural homes to rural food service sites. All costs must be fully documented and they must represent actual Program costs.

Food Costs for On Site Preparation

(FNS Instruction 796-4, Rev. 4)

The data that is necessary for computing the cost of food used is more extensive when sponsors prepare their own meals on site or at a central kitchen. Records to support the cost of food used should include, at a minimum:

- Receiving reports that record the amount of food received from the supplier;
- Purchasing invoices;
- Records of any returns, discounts, or other credits not reflected on purchase invoices;
- Inventory records that show the kinds of food items on hand at the beginning and end of the inventory period, the quantity of each item, documented major inventory adjustments, and the total value of the beginning and ending inventory; and
- Cancelled checks or other forms of receipt for payment.

Food costs cover the cost of purchases and the cost of processing, transporting, storing, and handling food that is donated (including USDA Foods) or purchased by the sponsor. Sponsors cannot charge the Program for major reductions of food in stock that are the result of fire, theft, spoilage, contamination, or any event other than normal usage. Attachment 38 in the Attachment Section provides a sample inventory form and instructions for sponsors that prepare meals on site or at a central kitchen.

Food Costs for Vended Programs

(FNS Instruction 796-4, Rev. 4)
The cost of food used means the cost of the preparation or the cost of preparation and delivery of meals charged to the sponsor by the FSMC or the school facility. This cannot include charges for meals delivered to non-approved sites, meals not delivered within the established delivery time, meals that are spoiled or do not meet meal pattern requirements, or meals that do not meet the requirements or terms of the contract. The sponsor should not pay the FSMC or school facility for these meals. The sponsor must maintain records that include the signed delivery slips to support the claim for reimbursement.

The delivery slip must provide sufficient detail to document compliance with SFSP requirements. The delivery slip is the sponsor's only identifier that the meal served matched the menu for that day, unless a substitution has been indicated. Although the Federal regulations do not specifically define what should be addressed on the delivery slips, the site supervisor or designated site personnel should:

- Determine what meals they are signing for on the delivery slip;
- Check the quantity;
- Ensure that meals meet the meal pattern requirements;
- Note any errors/differences on the delivery slip; and
- Maintain the signed detailed delivery slip to support the sponsors claim for reimbursement.

It is strongly encouraged that, at a minimum, the delivery slip includes:

- What meal is being delivered;
- The number of meals delivered; and
- The delivery date and time.

Administrative Costs

(7 CFR 225.2 definitions, FNS Instruction 796-4, Rev 4)
Administrative costs are costs incurred by the sponsor for activities related to planning, organizing, and administering the Program. Generally, these activities include:

- Preparing and submitting an application for participation, including a management plan containing budgets of operating and administrative costs, and staffing and monitoring plans;
- Establishing the eligibility of open or restricted open sites by collecting school or census tract data or family household applications for closed enrolled sites to determine if 50 percent or more of the children are eligible;
- For camps, determining the number of children eligible based on a review of family size and income forms;
- Attending training provided by the State agency;

- Hiring and training site and administrative personnel;
- Visiting sites, reviewing and monitoring operations at sites, and documenting these visits and reviews;
- Preparing and submitting a plan for and summary of the invitation to bid when the sponsor wants to contract with a FSMC;
- Preparing and submitting claims for reimbursement; and
- Performing other activities that are necessary for planning, organizing, and managing the Program.

Generally, costs incurred for these activities are:

- Labor costs for administrative activities;
- Rental costs for offices, office equipment, and vehicles;
- Vehicle allowance and parking expenses;
- Office supplies;
- Communications;
- Insurance and indemnification;
- Audits; and
- Travel.

Labor Costs

(FNS Instruction 796-4, Rev. 4)

Labor costs include compensation by sponsors for labor that is required to prepare and serve meals, to supervise children during the meal service, and to clean up after the meal service. These costs may include wages, salaries, employee benefits, and the share of taxes paid by the sponsor. Sponsors must keep accurate time and attendance records for all labor costs that are attributed to the SFSP. A sample Staff Time Report for food service and site staff is included in the Attachment Section as Attachment 39.

Other Operating Costs

(FNS Instruction 796-4, Rev. 4)

Other operating costs may include, but are not limited to:

- Costs of nonfood supplies;
- Rental costs for buildings, food service equipment, and vehicles;
- Utility costs; and
- Mileage allowances.

A sample mileage form for food service and site staff is included in the Attachment Section as Attachment 41. If sponsors feel that they may have “other” costs that are not listed, they may contact the State agency for a determination as to whether or not they may use reimbursement to cover those costs. Sponsors must keep all records and documentation to support any costs that they claim for reimbursement.

➢ Maintaining Records of Costs and Tracking Funds

(7 CFR 225.15(c))
Records must be maintained that document the amount and purpose of all administrative costs attributed to SFSP. For example, time and attendance records must be kept to document labor costs.

Sponsors must be able to account for the receipt, obligation, and expenditure of all SFSP funds. However, this does not mean that sponsors are necessarily required to maintain SFSP funds in a separate bank account from other institution expenditures. Sponsors must ensure that all SFSP reimbursements are being used solely for conducting non-profit food service operations.

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 institution must ensure that the SFSP non-profit food service Program component does not support any non-Program food service activities such as vending or catering operations or adult meal services.

Attachments 39 and 41 are sample forms for tracking administrative costs. Attachment 41 is a sample form for administrative staff (including monitors) to use in keeping track of mileage, Attachment 39 tracks administrative staff hours worked.

Retention of Records

(7 CFR 225.8(a))
Sponsors must maintain all records for three years after the end of the fiscal year of operation, or longer if required by the State agency. These records must be accessible to Federal and State agency personnel for audit and review purposes. Further, these records can only be disposed of after three years if there are no unresolved audit findings or the Program is not under investigation.

➢ Chapter 10: Questions and Answers

1. What type of records do sponsors need to keep for the Program?

To substantiate your claim for reimbursement, sponsors must keep all records of meal counts taken daily at each site, operating costs including food and other costs, administrative costs including labor and supplies, and funds accruing to the Program. In addition, records need to be maintained that document the training sponsors have provided for their site(s) and administrative personnel and document they have met monitoring requirements. Additionally, records that document the sponsor's eligibility for the SFSP, such as the application to participate in the SFSP and the signed agreement with the State agency, must be maintained.

2. How long are sponsor's required to maintain these records?

Sponsors must maintain all records for three years following the submission date of the final claim for reimbursement, or longer if required by the State agency. For audit and review purposes these records will need to be made available upon request to Federal and State agency personnel. Further, records can only be disposed of if there are no unresolved audit findings or the Program is not under investigation.

SUMMER FOOD SUMMER FUN!

Administering Agency

In Wisconsin, the Summer Food Service Program is administered by the Department of Public Instruction (DPI). For additional information visit: wisummerfood.org or for more information, contact:
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