

May 26, 2004

Subject: Summer Food Service Program (SFSP): Eligibility of Upward Bound Sites

TO: Regional Directors
Special Nutrition Programs
All Regions

We are issuing policy that will allow States to consider the information contained in an Upward Bound participant's application to be equivalent to that of the Summer Food Service Program meal application when making eligibility determinations to participant in the SFSP. This memorandum supercedes a similar one issued last year on March 20, 2003.

SFSP regulations, 7 CFR 225.15(f), Applications for Program Meals, state "Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites." The SFSP and Upward Bound program both have an income eligibility threshold of 185% of the national poverty guideline. (In addition, the Upward Bound program requires that a minimum of two thirds of its participants qualify as "low income" participants, which exceeds the 50% requirement of the SFSP.) We consider these conditions to satisfy the requirements of SFSP regulations with regard to available "information sources" that "can be used to determine eligibility of individual children in camps or sites." Please refer to the attachment that provides detailed answers to questions regarding this topic.

If you have any questions, please contact our office.

Original Signed

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Upward Bound Questions and Answers on SFSP — FY 2004

We are providing additional guidance regarding the stipulation that an Upward Bound application can be used in lieu of an SFSP meal application to make eligibility determinations. The basis for this is the cited regulatory provision [7 CFR 225.15 (f)], which says “Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites.”

Provided below are detailed answers regarding this issue. We believe the answers cover most eligibility situations you may encounter.

Q: In what ways can the Upward Bound application be used in-lieu of the SFSP meal application?

A: A vast majority of Upward Bound programs operate residential camps for their participants. As you know, camps may be reimbursed only for those meals served to income eligible children. Since not all Upward Bound children meet the SFSP free or reduced price meal eligibility standard, camps may use the Upward Bound application in-lieu of the SFSP meal application to determine the individual child’s eligibility.

Enrolled sites (but not residential camps) that exclusively serve Upward Bound participants may be reimbursed at the free rate for all meals served since Upward Bound requires that a minimum of two thirds of its participants qualify as “low income” participants, which exceeds the 50% requirement of the SFSP.

For enrolled sites that serve both Upward Bound and non-Upward Bound participants, applications must be on file for enough children to meet the 50% threshold. For Upward Bound participants, their application may be accepted in-lieu of the traditional SFSP meal application. For non-Upward Bound participants, the traditional SFSP meal application must be collected and reviewed for eligibility. Then a combination of Upward Bound and SFSP applications may be used to determine the 50% threshold for determining site eligibility. Should 50% of the children be determined eligible then all meals may be reimbursed.

Q: The SFSP requires the collection of meal benefit forms on an annual basis while the Upward Bound may collect their application less frequently. If Upward Bound collects their application less frequently than annually, can it still be considered in the current year for SFSP eligibility purposes?

A: Yes. We acknowledge the fact that Upward Bound applications are taken on a multi-year basis; however, we believe the potential differences in income eligibility between years is negligible and these differences will have a minimal impact on the overall Program.

Q: Do we have the legal right to review Upward Bound applications? (The concern is with regard to privacy issues.)

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

Q: On a review at an Upward Bound camp site, does the State need to review the Upward Bound application of each child in the same way they would review an SFSP meal application, or could the Upward Bound site provide either a list of eligible children or just certify that they are claiming only income eligible children?

A: This guidance allows an Upward Bound camp to use the Upward Bound application as a replacement for the SFSP meal application. There is no change in the method of reviewing applications - i.e. States need to review each Upward Bound application in the same way they would review an SFSP meal application to determine that it was properly classified as approved or denied.

Q: Does this guidance change any of the document retention requirements for sponsoring organizations as set forth in the regulations at 7 CFR 225.15(c).

A: No. All SFSP documentation and record retention requirements remain in effect.