



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

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Alexandria, VA  
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**DATE:** May 9, 2011

**MEMO CODE:** SFSP 14 - 2011

**SUBJECT:** Existing Flexibilities in the Summer Food Service Program

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum is intended to highlight flexibilities that already exist at the State level to simplify and improve the delivery of nutrition assistance to low-income children during the summer months through the Summer Food Service Program (SFSP). Additionally, we have offered clarification on issues that have come to our attention that may be limiting Program participation.

This past winter the Food and Nutrition Service (FNS) provided a number of opportunities for SFSP stakeholders to offer ideas for Program simplification. Some of the suggestions related to flexibilities in the Program that are already available, referenced State procedures that were not in compliance with the regulations, or related to additional State requirements and restrictions that are not required under Federal law.

With regard to additional State requirements, States are authorized by the regulations to impose additional operating requirements that are not inconsistent with the Federal requirements, do not deny access to the Program to eligible children, and have been reviewed and approved by the applicable FNS Regional Offices as required by 7 CFR §225.18(f).

However, we have heard that some additional State requirements are increasing the complexity of the Program and discouraging participation. Therefore, we encourage States to reconsider their additional requirements and take advantage of the currently available flexibilities to simplify SFSP requirements and increase participation.

Additionally, States should review the issues noted below and ensure that State policies and procedures relating to the SFSP are in compliance with the Federal requirements.

AN EQUAL OPPORTUNITY

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.

### **Application Deadlines and Review**

The regulations require that SFSP applications be submitted by June 15, but do not differentiate between sponsor types (7 CFR §225.6(b)(1)). Some States have established separate deadlines for school and private nonprofit organization sponsors to apply for participation in SFSP. This often means that private nonprofits do not get approved to operate until late Spring. Aligning the application due dates and approval timelines would provide private nonprofit sponsors with additional time to plan their summer programs and still allow States to provide a preference to school sponsors when reviewing the applications.

Similarly, the regulations require States to notify applicants of their approval or denial within 30 days of receiving a complete and correct application (7 CFR §225.6(b)(3)). State agencies should ensure that applications are reviewed within the required timeframes so that sponsors have adequate time to properly plan and organize their programs. States may not wait until the application deadline has passed to begin reviewing applications and notifying sponsors of their status.

### **Emergency Feeding Sites**

It has been suggested that State agencies should be able to pre-approve sponsors to operate emergency feeding sites during unanticipated school closures during their initial application process. Under the current regulations, States 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)). Under new permanent agreement requirements and in order to ensure rapid response to emergencies, States should encourage sponsors to plan for these situations as much as possible in their initial application and regular operations. We also encourage school food authorities participating in SFSP to plan which non-school sites they would use during an unanticipated closure.

### **Training**

The regulations require State agencies to provide SFSP training prior to the beginning of operations each year. State agencies must ensure that sponsor supervisory personnel responsible for the food service receive training in all necessary areas of Program administration and operation (7 CFR §225.7(a)). However, some States offer training at only limited times and locations, thus restricting access to the Program for those sponsors that are unable to travel to the training. In order to meet the training requirement and reach as many participants as possible, State agencies are encouraged to provide training at multiple venues throughout the year. States may also choose to make training available online or by video conference or webinars. Having a variety of training opportunities can accommodate varying sponsor needs, while at the same time minimizing the time and expense incurred by the State agency.

**Production Records**

The SFSP regulations require sponsors to maintain records:

- of participation and preparation or ordering of meals to demonstrate that the appropriate number of meals were ordered (7 CFR §225.15(b)(3)); and
- that justify all costs and meals claimed (7 CFR §225.15(c)(1)).

These should include records of: meal counts taken daily at each site; program operating costs, including food and other costs; program administrative costs, including labor and supplies; and funds accruing to the program.

Some States also require sponsors to maintain production records, which include detailed information about how food was purchased and the specific amounts of foods prepared and served. This is not a Federal requirement and is frequently cited by sponsors as an administrative burden. States that currently require sponsors to maintain production records are encouraged to reconsider this requirement.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

**Original Signed**

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Director  
Child Nutrition Division