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# Summer Food Service Program Administration Guide

2024

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# Introduction to the Summer Food Service Program Administration Guide

2024

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# Table of Contents

Table of Contents ..... 1

Welcome to the Summer Food Service Program!..... 2

How to Use This Guide ..... 3

Acronyms Found Throughout the Guide..... 4

General Overview of the Summer Food Service Program ..... 7

# Welcome to the Summer Food Service Program!

No child should have to spend their summer hungry or without nutritious food. SFSP is a USDA Summer Nutrition Program that was established to ensure that children continue to receive nutritious meals when school is not in session. SFSP connects children with the nutrition they need to help them be healthy and ready to learn when they return to school. Free meals that meet Federal nutrition guidelines are provided to all eligible children at approved SFSP meal sites.

USDA's Summer Nutrition Programs now provide more ways to reach more kids than ever before. Group meal sites for children, to-go delivered meals in rural communities, and food benefits for purchasing groceries provide new opportunities fight child hunger.

Traditional in-person summer meal sites for kids provide nutritious food that is served and eaten onsite at community centers, schools, and other central locations. Group meal sites remain a vital part of the summer nutrition programs, providing a sense of community and enrichment opportunities for kids. Meal sites are dedicated to serving healthy, appetizing meals, often with recreation and enriching activities that ensure kids are productive when school is out of session.

In rural communities where in-person meal service may not be available, summer meals grab-and-go and home-delivered meals are options for ensuring that children have the nutrition they need throughout the summer. It is one more way to serve nutritious food to children through pickup or delivery or taken home as an alternative to eating them at a specific site. Rural communities may also consider offering non-congregate meal service along with their existing group meal service.

The newest Summer Nutrition Program option provides food benefits for purchasing groceries in the summer months. It is designed to work hand-in-hand with other USDA nutrition programs to connect every eligible child with nutritious food in the summer. Research shows that providing families with summer grocery benefits reduces child hunger and supports healthier diets.

This guide describes operating SFSP at traditional in-person summer meal sites and alternate meal service options for rural communities.

# How to Use This Guide

The Summer Food Service Program Administrative Guide describes the policies and best practices for successful operation of in-person congregate meal sites and options for serving non-congregate meals in rural communities. It is tailored to anyone who is interested in learning Program policy including, but not limited to, how to participate, apply, administer, and operate SFSP at various levels. The information is organized into the following units and appendices:

- **Unit 1: Participating in SFSP** explains how SFSP works, identifies the types of organizations that may sponsor the Program and the requirements they have to meet, and describes the various types of sites that may provide congregate and non-congregate meals to children.
- **Unit 2: Applying to SFSP** describes the application process, including what is required for new and experienced sponsors, how sponsors document site eligibility, and what happens once a sponsor's application is approved.
- **Unit 3: Administering SFSP** focuses on what is required to operate SFSP at the State agency and sponsor levels. This includes staff responsibilities, reporting and recordkeeping requirements, monitoring expectations, and the management of Program finances.
- **Unit 4: Operating the Meal Service for SFSP** discusses the requirements that must be considered when planning the meal service, including possible meal preparation methods and procurement methods and procedures.
- **Appendix 1: SFSP Definitions and Basics** includes SFSP definitions and additional supporting information, such as diagrams and charts that reinforce the information provided in the guide.
- **Appendix 2: Prototype Forms** includes sample forms that may be used as guides for State agencies and sponsors that operate, or plan to operate, the Program.

The Guide and individual units are available on the FNS website. Readers may download the Guide in its entirety, or download a specific unit of interest. While each unit covers a specific topic, there are references to other units for additional details on the topic or to learn more information related to a topic. The table below includes definitions to commonly used acronyms in this Guide.

# Acronyms Found Throughout the Guide

Abbreviation	Full Name
<b>CACFP</b>	Child and Adult Care Food Program
<b>CBG</b>	Census Block Group
<b>CEP</b>	Community Eligibility Provision
<b>CFR</b>	Code of Federal Regulations
<b>CHIP</b>	Children’s Health Insurance Program
<b>CN</b>	Child Nutrition
<b>CNP</b>	Child Nutrition Program
<b>CPI</b>	Consumer Price Index
<b>CSP</b>	Coordinated Services Plan
<b>DEIP</b>	Deployment Extension Incentive Payment
<b>DHHS</b>	United States Department of Health and Human Services
<b>DOC</b>	Department of Commerce
<b>DOD</b>	Department of Defense
<b>DOE</b>	Department of Education
<b>FBG</b>	Food Buying Guide
<b>FDPIR</b>	Food Distribution Program on Indian Reservations
<b>FNS</b>	Food and Nutrition Service
<b>FNSRO</b>	Food and Nutrition Service Regional Office
<b>FSMC</b>	Food Service Management Company
<b>GAO</b>	Government Accountability Office
<b>HUD</b>	Department of Housing and Urban Development

Abbreviation	Full Name
<b>IEG</b>	Income Eligibility Guidelines
<b>IFB</b>	Invitation for Bid
<b>IRS</b>	United States Internal Revenue Service
<b>ISP</b>	Identified Student Percentage
<b>LEA</b>	Local Education Agency
<b>MAP</b>	Management and Administrative Plan
<b>MOU</b>	Memorandum of Understanding
<b>NSLA</b>	Richard B. Russell National School Lunch Act
<b>NSLP</b>	National School Lunch Program
<b>NYSP</b>	National Youth Sports Program
<b>OMB</b>	Office of Management and Budget
<b>OIG</b>	Office of Inspector General
<b>OVS</b>	Offer Versus Serve
<b>PSA</b>	Public Service Announcement
<b>RCCI</b>	Residential Child Care Institution
<b>RD</b>	Rural Development
<b>RFI</b>	Request for Information
<b>RFP</b>	Request for Proposals
<b>SAT</b>	Simplified Acquisition Threshold
<b>SBA</b>	Small Business Administration
<b>SBP</b>	School Breakfast Program
<b>SFA</b>	School Food Authority
<b>SFSP</b>	Summer Food Service Program
<b>SMP</b>	Special Milk Program



Abbreviation	Full Name
<b>SNAP</b>	Supplemental Nutrition Assistance Program
<b>SNAP-Ed</b>	Supplemental Nutrition Assistance Program Education
<b>S-EBT</b>	Summer Electronic Benefit Transfer Program
<b>SSO</b>	Seamless Summer Option
<b>SY</b>	School Year
<b>TANF</b>	Temporary Assistance to Needy Families
<b>TRE</b>	Department of Treasury
<b>U.S.C.</b>	United States Code
<b>USDA</b>	United States Department of Agriculture
<b>WIC</b>	Special Supplemental Nutrition Program for Women, Infant, and Children

# General Overview of the Summer Food Service Program

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 operate on a year-round basis or a continuous school calendar, or during unanticipated school closures from October through April. All Summer Meals must meet Federal nutrition guidelines and are provided to children free of charge.

SFSP is a flexible Program that can operate at the times and places that work best to meet the needs of communities. Examples of sites include schools, parks, recreation centers, farmers markets, Friday night basketball games, and mobile meal sites. SFSP can also operate as a grab and go or meal distribution Program in approved rural areas. SFSP brings Federal dollars into communities in the form of combined reimbursements for meals and operational and administrative costs. SFSP can help keep school food service workers employed during the summer months and, through food purchases, support local farmers and businesses. Local government and community leaders can help by making SFSP a priority.

While USDA's FNS administers SFSP at the national and regional levels, the Program is administered in each State by the State department of education or an alternate state-designated agency. Locally, SFSP relies on innovative collaborations with valued non-profit, government, and faith-based institution partners to build cost effective and customer-focused summer sites. 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 through the State agency to cover the costs of preparing and serving meals to eligible children at one or more meal sites. FNS can help with startup costs for new sponsors, while ongoing Federal reimbursement can help organizations already operating SFSP improve their current programming. SFSP regulations can be found at 7 CFR 225, <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-225?toc=1>.



# Unit 1: Participating in the Summer Food Service Program

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2024

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# Table of Contents

Table of Contents .....	3
Introduction .....	5
How to Participate in the Summer Food Service Program .....	6
Role of the State Agency .....	6
Role of a Sponsor .....	7
Role of a Site.....	8
Participating as a Vendor.....	8
Volunteer Opportunities .....	9
Sponsor Identification and Eligibility.....	9
Sponsor Eligibility .....	9
Requirements for Sponsor Participation .....	10
General Requirements.....	10
Requirements for Certain Types of Sponsors .....	11
Application Review by the State Agency.....	13
Site Identification and Eligibility .....	14
Sponsor Site Selection.....	14
Capacity Builder.....	15
Community Partnerships.....	15
Sponsor Success .....	15
Site Types and Eligibility.....	16
Open .....	17
Restricted Open.....	17
Closed Enrolled .....	18
Day Camp.....	18

Residential Camp .....	19
Migrant.....	19
National Youth Sports Program .....	20
Conditional Non-Congregate.....	20
Meal Service Options for Sites .....	21
Sites with Non-Congregate Meal Service .....	21
Sites Offering Congregate and Non-Congregate Meal Services.....	22
Sites Offering Congregate and Non-Congregate Meal Services.....	23
.....	23
Identifying Sites in Rural Areas.....	24
Sites with a Mobile Meal Service.....	25
Home Delivery .....	26
Year-Round Sites on a Continuous School Calendar.....	27
Ensuring Site Access Through Promotion.....	28
Participation in Other Child Nutrition Programs.....	28
Additional Requirements for Sponsors Participating in Multiple Child Nutrition Programs.....	29
National School Lunch Program .....	29
Seamless Summer Option .....	29
The Special Milk Program .....	30
Child and Adult Care Food Program.....	30
Flexibilities for School Food Authorities and Child and Adult Care Food Program Institutions in Good Standing .....	32
Questions and Answers.....	33

# Introduction

SFSP is a Federal program overseen by USDA's FNS, administered by States, and operated by community organizations. State agencies recruit organizations that already provide services to the community, have capable staff, and have good management practices to become Program sponsors. Some organizations may not have the capacity to sponsor the Program, but they can still participate in the SFSP by supervising a meal service along with recreational or enrichment activities at a site. Unit 1 explains how SFSP works, identifies the types of organizations that may sponsor the Program, and describes the various types of sites that can provide congregate and non-congregate meals to children. For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Administration Guide* and *Appendix 1*, respectively.

# How to Participate in the Summer Food Service Program

## Role of the State Agency

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7 CFR 225.3, 225.6(a)

State agencies enter into a written agreement with FNS to administer SFSP according to the regulations described in 7 CFR Part 225. The State education agency or another State agency may be designated to administer the Program. States may also elect to participate in other Child Nutrition Programs, including SSO and S-EBT.

State agencies:

- Implement Program outreach;
- Approve sponsor applications;
- Sign agreements with sponsors;
- Conduct training of sponsors;
- Monitor Program operations; and
- Process Program payments.

Outreach efforts must include identifying areas in which poor economic conditions exist, seeking eligible applicant sponsors, identifying rural areas with no congregate meal service, and targeting outreach efforts to priority areas. State agencies must employ qualified staff to effectively carry out Program responsibilities.

The State agency enters into a permanent written agreement with each approved sponsor to operate the Program. SFSP reimburses approved sponsors for serving meals that meet Federal nutritional guidelines. The State agency receives payments from FNS to provide reimbursement to sponsors. All meals are served free to eligible children.

# Role of a Sponsor

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7 CFR 225.2, 225.6(h)(1)(iv)

Sponsors must be organizations that are fully capable of managing a meal service program, follow regulations, and be responsible, financially and administratively, for operating the Program. For additional information on who can be a sponsor, see the *Sponsor Eligibility* section in this unit.

An organization that becomes a sponsor will:

- Attend State agency training;
- Locate and recruit eligible sites;
- Hire, train, and supervise staff and volunteers;
- Arrange for meals to be prepared or delivered;
- Monitor sites;
- Prepare claims for reimbursement; and
- Comply with civil rights requirements.

Sponsors may operate during the summer months when school is not in session, or during an unanticipated school closure, meaning any period from October through April, or any time of the year in an area with a continuous school calendar, during which children are not in school due to an emergency or unexpected incident that disrupts school meal programs.

Sponsors may operate SFSP at one or more sites for which they assume responsibility for the administration of SFSP. A sponsor may choose to operate a congregate meal service, in which meals are provided to children for onsite consumption in a supervised setting, a non-congregate meal service in which children consume all of the meal components off-site, or a combination of both. A site means the place where a child receives a Program meal. A site may be:

- A congregate indoor or outdoor location;
- A stop on a delivery route of a congregate mobile meal service;
- The distribution location for a non-congregate meal service, or
- The home delivery or mobile meal route for a non-congregate meal service.



For sponsors operating during an unanticipated school closure, the meal service must take place at non-school sites. A sponsor may prepare its own meals, purchase meals through an agreement with a local school, or contract to obtain meals through a food vendor.

## Role of a Site

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Sometimes organizations do not have the financial or administrative capability to manage the Program, but they can participate in SFSP by hosting a site. By hosting a site, an organization is responsible for supervising a meal service for children, along with any recreational or enrichment activities at that site.

An organization hosting a site will:

- Attend a sponsor training;
- Supervise activities and the meal service;
- Distribute meals by following SFSP guidelines;
- Keep daily records of meals served;
- Store food properly; and
- Keep the site clean and sanitary.

## Participating as a Vendor

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Organizations with existing kitchens and food service staff such as schools, food service companies, and public or private nonprofit institutions may participate in the SFSP as food vendors. A food vendor signs an agreement or a contract with a sponsor to provide prepared meals for SFSP sites. The vendor has no responsibility for administering the Program or operating the meal service at the site. A vendor will:

- Register with the state agency, if required;
- Meet appropriate health and sanitation standards;
- Prepare meals meeting Federal nutritional guidelines;
- Deliver meals on schedule;
- Keep delivery records; and
- Fulfill the terms of the agreement or contract.

# Volunteer Opportunities

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If an organization is unable to serve as a sponsor or food vendor, there are still ways to participate in SFSP. Volunteers provide a great support system for the Program. For additional information on opportunities for volunteers, see *Volunteer Opportunities* in Unit 3: Administering the SFSP.

## Sponsor Identification and Eligibility

Potential sponsors should talk with the SFSP coordinator at the State agency to learn more about the Program and express their interest, find out if the community already participates in SFSP, talk with current or former sponsors to learn about the benefits and challenges of running the Program, and inquire about potential mentorship opportunities. Attending the annual training provided by the State agency will help an organization decide whether sponsoring SFSP is the right decision. For additional information about the State agency training, see *State Agency Training Requirements*, in Unit 2: Applying to the SFSP.

Potential sponsors are encouraged to talk with people in the community to help identify potential sites and partners. With the support of community organizations, sponsors can pick out potential areas where the organization could run a successful meal service program for children, then work closely with the State agency to determine if the potential sites are located in eligible areas. Once appropriate sites are selected, the organization should complete a sponsor application. For additional information about the application process, see *Application Requirements for New and Experienced Sponsors and Sites*, in Unit 2.

## Sponsor Eligibility

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7 CFR 225.2, 225.14(b)

A sponsor must be a public or private non-profit SFA; a public or private non-profit college or university that is currently participating in the NYSP; a public or private non-profit residential summer camp; a unit of local, municipal, county, Tribal or State government; or any other type of private non-profit organization.

# Requirements for Sponsor Participation

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7 CFR 225.2, 225.6(b)(4) and (9), 225.14(c) and (d), and 225.15(d)(2)

## General Requirements

### Conduct a Non-Profit Food Service

Sponsors must operate 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.

### Demonstrate Financial and Administrative Capability

Potential and returning sponsors must 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 their sites, in accordance with 7 CFR 225.6(d). For additional information on demonstrating financial and administrative capability, see *Viability, Capability, and Accountability* in Unit 2.

### 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 for sites that qualify as a camp or a conditional non-congregate site. For more information on camps and conditional non-congregate sites see the section *Site Types and Eligibility* of this unit.

### Not Be Seriously Deficient

No applicant can be approved if it has been declared seriously deficient or terminated from the SFSP or any other Child Nutrition Program in previous years. However, 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.

## Exercise Management Control Over Sites

In general, sponsors must demonstrate that they have adequate supervisory and operational personnel for overall monitoring and management of each site, including a site supervisor, and adequate personnel to conduct the required visits and reviews.

## Provide Year-Round Service

Sponsors must provide a year-round public service to the area in which they intend to provide the SFSP. However, the State agency may grant an exception if the sponsor:

- Operates a residential camp site.
- Operates a site that primarily serves children of migrant workers.
- Operates a site in an eligible area where children otherwise would not have Program access if not for this site.
- Operates a site in a lower-income area where a significant number of children will not have reasonable access to the Program.
- Proposes to serve an area affected by an unanticipated school closure.

## Conduct Pre-Operational Visits

Before approving a site's application, sponsors must complete pre-operational visits for new sites, sites that experienced operational problems the previous year, and existing sites that are new to serving non-congregate meals. Sponsors must certify that the required pre-operational site visits have been conducted and that sites have the capability and the facilities to provide meal service for the number of children as planned.

## Sign Written Agreements with the State Agency

An approved sponsor must sign a written, permanent agreement with the State agency, as required in 7 CFR 225.6(i). For additional information, see *State-Sponsor Agreement* in Unit 2.

## Requirements for Certain Types of Sponsors

In addition to the general eligibility requirements for sponsors outlined above, there may be additional requirements depending on the type of sponsor that is operating the Program.

- If the sponsor administers the Program at sites that provide summer school sessions, it must ensure that these sites are open to children enrolled in summer school and to all children residing in the area served by the site.
- Sponsors which are units of local, municipal, county, or State government, and sponsors which are private non-profit organizations, must administer the Program at sites where they have administrative oversight.
- If the sponsor administers NYSP sites, it must ensure that all children at these sites are enrolled participants in the NYSP.
- If the sponsor is a private non-profit organization, it must certify that it:
  - Exercises full control and authority over the operation of the Program at all sites under the sponsorship of the organization.
  - Provides ongoing year-round activities for children or families.
  - Has adequate management and the fiscal capacity to operate the Program.
  - Is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code.
  - Meets applicable State and local health, safety, and sanitation standards.
- If the sponsor operates a non-congregate meal service that will deliver meals directly to a child's residence, it must obtain written parent or guardian consent prior to providing meals to children in that household.
- If the sponsor is a camp or operates a conditional non-congregate site, it must certify that it will collect information to determine children's Program eligibility to support its claim for reimbursement.
- If the sponsor is not an SFA, it must enter into a written agreement or MOU with the State agency or SFA if it chooses to receive school data to determine children's Program eligibility, as required under 225.15(k).

All non-profit sponsors must also be tax-exempt and must demonstrate the administrative and financial capability to manage a food service effectively. To ensure eligibility, sponsors should check their tax-exempt status prior to applying to participate in SFSP. The State agency must annually review the IRS Automatic Revocation of Exemption List to determine whether any SFSP sponsors or applicants are listed. Any applicant sponsor appearing on the IRS list cannot be approved to operate SFSP.

Private non-profit organizations apply for and receive documentation of tax-exempt status through IRS Form 1023. However, churches are not required to verify that they have Federal tax-exempt status through Form 1023. All other types of private non-profit organizations must provide IRS Form 1023 to the State agency as documentation of tax-exempt status.

For more information on tax-exempt status and its automatic revocation, see SFSP 04-2017, *Automatic Revocation of Tax-Exempt Status – Revised*, December 1, 2016, <https://www.fns.usda.gov/sfsp/automatic-revocation-tax-exempt-status%E2%80%93revised>. For more information on the tax-exempt requirements for private non-profit sponsors electing to operate SFSP sites, see SFSP 09-2013, *Tax Exempt Status for Private Nonprofit Organizations and Churches in the Child and Adult Care Food Program and Summer Food Service Program*, January 24, 2013, <https://www.fns.usda.gov/cn/tax-exempt-status-private-nonprofit-organizations-cacfp-and-sfsp>.

A Tribal government that is recognized as a public entity under law may sponsor SFSP sites as a unit of local government, as long as other eligibility requirements are met. However, a Tribal government that is granted non-profit status would be considered a private non-profit organization for Program purposes. Tribal governments and authorities are encouraged to work with the State agency in their State in order to participate as an SFSP sponsor. State agencies are encouraged to work with Tribes to ensure that any additional barriers to participation within the States are also addressed (SFSP 14-2012, *Tribal Participation in the Child and Adult Care Food Program and Summer Food Service Program*, July 24, 2012, <https://www.fns.usda.gov/cn/tribal-participation-cacfp-and-sfsp>).

## **New Versus Experienced Sponsors**

Some requirements may vary depending on whether the sponsor is new or experienced. New sponsors did not participate in the Program in the prior year, or, as determined by the State agency, experienced significant staff turnover from the prior year. Experienced sponsors have successfully participated in the Program in the prior year, as determined by the State agency. For additional information, see *Applying to the SFSP* in Unit 2.

## **Application Review by the State Agency**

Sponsor applications are thoroughly reviewed by State agencies. To learn more about the application process, and additional considerations State agencies must take when approving sponsor applications, see *Review of Applications by the State Agency* in Unit 2.

## Site Identification and Eligibility

### Sponsor Site Selection

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When selecting a site, sponsors must determine which type of site they are eligible to operate, and what kind of meal service they will provide. A new site is a site which did not participate in the Program in the prior year, an experienced site that is proposing to operate a non-congregate meal service for the first time, or, as determined by the State agency, a site which has experienced significant staff turnover from the prior year. An experienced site is a site which, as determined by the State agency, has successfully participated in the Program in the prior year.

Some sponsors have a legal affiliation with their sites, such as a Parks and Recreation Department sponsoring SFSP at one of its recreation centers, while other sponsors may have no legal affiliation with their sites other than an agreement to conduct a meal service. Affiliated sites are part of the same legal entity as the sponsor. An unaffiliated site is not generally part of the same legal entity as its sponsor.

It is important for sponsors and State agencies to evaluate the needs and resources of the communities they hope to serve. Mapping and other data tools and community partnerships can help sponsors locate areas of high-need and potential site locations at schools, parks, recreation centers, public pools, libraries, museums, and other community facilities. A site may be the indoor or outdoor location where congregate meals are served, a stop on a delivery route of a mobile congregate meal service, or the distribution location or route for a non-congregate meal service.

# Capacity Builder

The *Capacity Builder*, <https://www.fns.usda.gov/sfsp/capacitybuilder>, 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.

## Community Partnerships

Partnering with community-based organizations can help State agencies and sponsors create a strong meal service program, build awareness of the Program, find additional financial support, coordinate site activities, and recruit volunteers to serve meals to children. What types of organizations are potential partners? Here are some examples:

- 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;
- Community action agencies;
- Food hubs, farmers markets, and local food and gardening organizations;
- Cooperative Extension and SNAP-Ed;
- Faith-based organizations, such as churches, synagogues, or mosques; and
- National and affiliated anti-hunger organizations, such as Share Our Strength, Feeding America, and the Food Research and Action Center.

## Sponsor Success

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.

Sponsors should 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 capacity or experience should carefully consider the number of sites at which it can ensure a quality meal service will be provided.



The most successful sites:

- Are accessible for kids to safely reach by foot, car, or public transit, in places with no physical barriers that could prevent a child's access, such as busy streets without crosswalks or no wheelchair ramps.
- Have tables and chairs readily available; facilities for meal preparation, clean up, and storage; and restrooms including a place for kids and staff to wash their hands.
- Offer activities that provide education, enrichment, and recreation to attract children to the meal site.
- Have a strong volunteer base, such as a soup kitchen or local faith-based organization, that helps ensure that the site will be fully staffed and well-promoted in the community.

## Site Types and Eligibility

7 CFR 225.2, 225.6(c)(2) and (3)

Eligible sites are the sites that qualify to participate in the Program. There are multiple types of sites that may provide SFSP meals. Requirements for determining and documenting eligibility are different depending on the site type. This section discusses how to determine eligibility for sites. For more information on documenting site eligibility see *Documenting Site Eligibility* in Unit 2.

- *Open sites* serve meals to children in low-income areas. Any child who comes to the site may receive a Program meal.
- *Restricted open sites* are meal sites in low-income areas that may limit attendance to address space, security, safety, or control issues.
- *Closed enrolled sites* are sites that serve groups of low-income children who sign up to receive Program meals.
- *Day camps and residential camps* are sites that offer a regularly scheduled food service as part of an organized program for enrolled children.
- *Migrant sites* are sites where the majority of children receiving meals are from families of migrant workers.
- *NYSP sites* serve meals to children enrolled in a program administered by the National Collegiate Athletic Association.

- *Conditional non-congregate sites* are rural sites with no congregate meal service that are not camps and are not located in areas in which poor economic conditions exist.

## Open

An open site is a site that provides meals to all children in an area in which poor economic conditions exist, on a first-come, first-served basis.

The sponsor must publicize to the community that meal services are available and ensure that the meal service is accessible to all children requesting a meal at the site. Each child may receive up to two reimbursable meals each day.

An open site 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 sources.

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 approved by the State agency.

## Restricted Open

A restricted open site provides meals in an area in which poor economic conditions exist to children on a first-come, first-served basis. However, the sponsor may limit attendance to address concerns about space, security, safety, or control.

The sponsor must make the community aware that the meal service site is open, but that attendance may be limited. Each child in attendance may receive up to two reimbursable meals each day.

A restricted open site 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 sources.

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 approved by the State agency.

# Closed Enrolled

Closed enrolled sites are only open to enrolled children, as opposed to the community at large. Sponsors of closed enrolled sites must establish that at least 50 percent of the children enrolled at the site are eligible for free or reduced price school meals, or be in an area eligible location.

If establishing area eligibility through the children enrolled, the sponsor must monitor actual participation during early program visits to ensure that the 50 percent level is reached. This percentage must be documented by collecting free or reduced price meal household applications, using area eligibility data, or requesting a list of children approved for free or reduced price meals from an LEA.

The projected number of children eligible for free or reduced price school meals and the projected total enrollment for each site must be documented in the sponsor's application.

A closed enrolled site may be established where:

- An identified group of needy children live in a pocket of poverty; or
- Identified low-income children are brought 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 an identified group of children.

Meals are served to all children in attendance. A closed enrolled site may be approved to serve up to two reimbursable meals to each child each.

# Day Camp

A nonresidential day camp is a meal site that offers a regularly scheduled meal service as part of an organized program for enrolled children. The camp must provide a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.

With State agency approval, a day camp may claim reimbursement for serving up to three meals to eligible children each day. Camps are reimbursed only for meals served to children who are determined to be eligible for free or reduced price meals. A day camp may charge non-eligible children a separate fee for meals.

A day camp cannot use area eligibility data to establish site eligibility. The sponsor must establish each individual child's eligibility for free or reduced price meals.

The sponsor must document the number of enrolled children in each session who are eligible for free or reduced price meals and certify that it will collect information to determine each child's eligibility to support its claim for reimbursement. Documentation that demonstrates the eligibility of each child whose meal is claimed for reimbursement must be kept and made available for review by the State agency.

## Residential Camp

In residential camps, children spend the duration of the organized program in a 24-hour supervised care setting and receive regularly scheduled meal services. A residential camp site provides meals as part of an organized program for enrolled children.

With State agency approval, a residential camp may claim reimbursement for serving up to three meals to eligible children each day. Camps are reimbursed only for meals served to children who are determined to be eligible for free or reduced price meals. Residential camps may charge non-eligible children a separate fee for meals.

Residential camps cannot use area eligibility data to establish site eligibility. The sponsor must establish each individual child's eligibility for free or reduced price meals.

The sponsor must document the number of enrolled children in each session who are eligible for free or reduced price meals and certify that it will collect information to determine each child's eligibility to support its claim for reimbursement. Documentation that demonstrates the eligibility of each child whose meal is claimed for reimbursement must be kept and made available for review by the State agency.

## Migrant

A migrant site provides meals to children of migrant workers. A migrant site operates like an area-eligible open or restricted open site and receives reimbursement for meals served to all children attending the site.

With State agency approval, a migrant site may claim reimbursement for serving up to three meals to each participating child each day.

The sponsor establishes the site's eligibility based upon a determination that the site predominantly serves children of migrant workers. To confirm migrant status, the sponsor must submit information obtained from a migrant organization that certifies that a majority of the children attending the site are children of migrant workers. See SFSP 04-2007, *Migrant Site Eligibility Determinations*, February 23, 2007, <https://www.fns.usda.gov/sfsp/migrant-site-eligibility-determinations>.

## National Youth Sports Program

An NYSP site provides meals as part of a national program that gives children, ages 9 through 16, the opportunity to receive daily sports and educational instruction at universities and colleges.

An NYSP site may be approved to serve up to two reimbursable meals to each child each day. The sponsor must certify that all of the children who will receive SFSP meals are enrolled in NYSP.

Children are automatically eligible for free SFSP meals at colleges and universities that offer NYSP with individual eligibility requirements that are as strict or stricter than the SFSP income guidelines.

The sponsor establishes the site's eligibility by certifying that the children are enrolled in NYSP and meet the NYSP income requirements. The sponsor must review the site's records to verify that the eligibility information is correct. The sponsor must also certify that all of the children who will receive SFSP meals are enrolled in NYSP.

## Conditional Non-Congregate

A conditional non-congregate site qualifies for participation because it conducts a non-congregate meal service for children in rural areas who are eligible for free or reduced price meals, but it is not located in an area in which poor economic conditions exist and it is not eligible as a camp.

The sponsor must document that the site is rural. The sponsor must also document the number of enrolled children who are eligible for free or reduced price meals and certify that it will collect information to determine each child's eligibility to support its claim for reimbursement.

The sponsor must obtain a parent or guardian's prior written consent, if meals are to be delivered to a child's home.

A conditional non-congregate site may receive reimbursement only for meals served to enrolled children who meet the eligibility standards for free or reduced price meals. Non-congregate meals may be served to children who are not eligible for free or reduced price meals in rural areas, but they may not be claimed for reimbursement. In these cases, the conditional non-congregate site may charge for meals served to those children who do not meet the eligibility standards for free or reduced price meals.

A conditional non-congregate site may distribute up to the allowable number of reimbursable meals that would be provided to each enrolled child over a 10-calendar day period, depending on site type and with State agency approval.

To establish eligibility, the sponsor must provide information to allow the State agency to determine that the proposed conditional non-congregate site is in a rural area that will not be served by a congregate meal site and that the sponsor has safeguards to ensure that children will not receive more than the maximum allowance of SFSP meals per day.

## Meal Service Options for Sites

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### Sites with Non-Congregate Meal Service

Non-congregate meal service may be provided at any site that is in a rural community with no congregate meal service. Children receive food at a distribution location or along a route where the food can be consumed anywhere, without adult supervision. Sponsors that offer non-congregate meal services must also comply with the specific requirements that are applicable for the type of site they operate.

Sites can select the model that best fits their operations. For instance, non-congregate meals may be delivered directly to homes, or picked up for consumption at a later time through “grab and go,” curbside service, or take-home backpacks. The sponsor must obtain a parent or guardian’s prior written consent if meals are to be delivered to a child's home.

The sponsor must document that the non-congregate meal site will serve a rural area. The non-congregate site cannot be located in an area where children could receive the same meal at a congregate site unless the sponsor can demonstrate that the non-congregate site will serve a different group of children who may not be otherwise served.

A non-congregate meal service may distribute up to the allowable number of reimbursable meals that would be provided to each enrolled child over a 10-calendar day period based on site type. For example, a non-congregate migrant site could serve up to 30 meals at a time, since migrant sites can serve up to 3 meals per day, and non-congregate sites can provide up to 10 days' worth of meals at a time.

To establish eligibility, the non-congregate sponsor must also provide information to allow the State agency to determine that the proposed non-congregate site is in a rural area that will not be served by a congregate meal site and that the sponsor has safeguards to ensure that children will not receive more than the maximum allowance of SFSP meals per day.

For additional information, see *Approval of Sites* in Unit 2 and *Non-Congregate Meal Service in Rural Areas* in Unit 4: Operating the Meal Service for the SFSP.

## Sites Offering Congregate and Non-Congregate Meal Services

### 7 CFR 225.6(h)(4)

The State agency may approve a site to operate as a hybrid site that will provide a combination of congregate and non-congregate meals. The proposed site must meet applicable site approval requirements at 7 CFR 225.6(h)(1), (h)(2), and (h)(3), and ensure that a non-congregate meal service will be conducted only when the site is not providing a congregate meal service.

The sponsor must have the administrative capability and capacity to operate a hybrid meal service with integrity at all of its proposed sites. The State agency should carefully consider meal service times, operational days, and the sponsor's procedures to prevent overlap between meal services and ensure that the numbers and types of meals served daily to children, as described in 7 CFR 225.16(b)(3), are not exceeded.

Here are examples of how a site may offer a combination of congregate and non-congregate meals:

- A site that only offers breakfast through a congregate meal service may be approved to provide a lunch through non-congregate meal service.

- A congregate meal site that serves lunch and breakfast 3 days a week may be approved to provide non-congregate meals on days, including weekends, when there is no congregate meal service.
- A congregate meal site that operates for part of a month may be approved to provide non-congregate meals for the 10-day period following their last congregate meal service day.

## Sites Offering Congregate and Non-Congregate Meal Services

### 7 CFR 225.6(h)(4)

The State agency may approve a site to operate as a hybrid site that will provide a combination of congregate and non-congregate meals. The proposed site must meet applicable site approval requirements at 7 CFR 225.6(h)(1), (h)(2), and (h)(3), and ensure that a non-congregate meal service will be conducted only when the site is not providing a congregate meal service.

The sponsor must have the administrative capability and capacity to operate a hybrid meal service with integrity at all of its proposed sites. The State agency should carefully consider meal service times, operational days, and the sponsor's procedures to prevent overlap between meal services and ensure that the numbers and types of meals served daily to children, as described in 7 CFR 225.16(b)(3), are not exceeded.

Here are examples of how a site may offer a combination of congregate and non-congregate meals:

- A site that only offers breakfast through a congregate meal service may be approved to provide a lunch through non-congregate meal service.
- A congregate meal site that serves lunch and breakfast 3 days a week may be approved to provide non-congregate meals on days, including weekends, when there is no congregate meal service.
- A congregate meal site that operates for part of a month may be approved to provide non-congregate meals for the 10-day period following their last congregate meal service day.



# Identifying Sites in Rural Areas

## 7 CFR 225.2

SFSP regulations include a comprehensive set of measures for classifying rural populations and territories. A rural area includes:

- Any area in a county which is not a part of a Metropolitan Statistical Area based on OMB's Delineations of Metropolitan Statistical Areas;
- Any area in a county classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Continuum Codes and Urban Influence Codes;
- Any census tract classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Commuting Area codes;
- Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area;  
or
- Any area of a State which is not part of an urban area as determined by USDA.

Sponsors may use the FNS *Rural Designation* map, <https://www.fns.usda.gov/rural-designation>, to determine that a site is rural.

FNS recognizes that any one objective measure cannot capture all rural pockets. The State agency may identify rural pockets within a Metropolitan Statistical Area based on other data sources with FNSRO approval.

FNS is also aware that classification measures may change in the future. A rural site may be established based on future Federal actions to update these measures. For more information on Metropolitan Statistical Areas and rural designations in SFSP, see:

- OMB Bulletin No. 18-04, *Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of the Delineations of These Areas*, September 14, 2018, <https://www.whitehouse.gov/omb/information-for-agencies/bulletins/>.
- OMB Bulletin No. 15-01, *Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of the Delineations of These Areas*, July 15, 2015, <https://www.whitehouse.gov/omb/information-for-agencies/bulletins/>.

- SFSP 04-2024, *Rural Designations in the Summer Meal Programs – Revised*, January 19, 2024, <https://www.fns.usda.gov/sfsp/rural-designations-memo>.

## Sites with a Mobile Meal Service

Traditionally, SFSP sites are located in schools, playgrounds, parks, faith-based organizations, community buildings, or similar places. Mobile meals may provide the flexibility sponsors need to reach children who do not have access to traditional sites.

With mobile meals, the sponsor delivers meals to an area using a route with a series of stops at locations in the community. The State agency must approve each of these locations as a meal service site. Just like other sites, the meal service must take place on approved days and the sponsor must serve reimbursable meals during approved service times.

Sponsors operating sites with mobile meal service must follow these requirements:

- Each location where a vehicle stops to serve congregate meals 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 changes in attendance.
- Each site along a non-congregate mobile meals route must be rural, have designated meal service times, and either meet area eligibility requirements or be designated as a conditional non-congregate site.
- 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. Food must be maintained at proper temperatures along the entire delivery, route temperatures must be monitored with a food thermometer, and staff serving meals must follow appropriate hand washing procedures.
- A site supervisor must be present at each congregate meal service. Some mobile sites operate as a full service route, where the site supervisor travels with the vehicle along the route and supervises the site at each stop. Other mobile sites operate by delivering meals to each stop where an on-site supervisor is waiting to receive them. Site supervisors must remain on site during the entire approved meal service time, regardless of site attendance levels.

- State and sponsor monitors must conduct visits and reviews at mobile sites under the same requirements as traditional SFSP sites. A child’s residence is not considered a site for monitoring purposes.

SFSP 02-2014, *Mobile Feeding Options in Summer Feeding Programs*, November 8, 2013,

<https://www.fns.usda.gov/cn/mobile-feeding-options-summer-feeding-programs-0>, has more information about the requirements for operating a mobile meal service and sources of additional funding.

## Mobile Route Maker

FNS has a routing tool, *Mobile Route Maker*, <https://www.fns.usda.gov/mobile-route-maker>, for sponsors, vendors, and State agencies that work with the Capacity Builder. The map includes various layers which can be added by users, including a layer of rural areas to assist planning non-congregate delivery routes. Sponsors can use this tool to identify areas of need, locate potential sites, plan routes for conducting monitoring, and find the best routes to deliver meals to each summer meal site. State agencies can also use this tool to plan the most efficient monitoring routes.

## Home Delivery

7 CFR 225.14(d)(6) and 225.16(b)(5)(i)

Under home delivery, meals are delivered directly to homes in eligible areas with eligible children. If the sponsor operates a non-congregate meal service that will deliver meals directly to a child’s residence, parent or guardian consent must be obtained prior to providing meals to children in that household.

The *Offering Multiple Meals as Part of Summer Non-Congregate Meal Service* webpage,

<https://www.fns.usda.gov/tn/offering-multiple-meals-part-summer-non-congregate-meal-service>, has tips to help sponsors package multiple meals for pick-up or delivery with foods that are easy to serve and safe to eat.

# Year-Round Sites on a Continuous School Calendar

## 7 CFR 225.2

When schools operate on a year-round or continuous school calendar, SFSP offers meals to students in low-income areas who are on vacation at times other than the summer. The vacation periods must be at least 15 continuous school days during the months of October through April. A continuous school calendar must also have students attending regularly scheduled classes during most of the months of May through September.

Some school districts use a calendar that provides less than 15 days for periods of vacation. In these situations, the State agency may waive the 15-continuous-school-day requirement for schools that are operating regular class sessions—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 students on vacation. Meals may be served at open or closed enrolled sites at the school or at other locations.

The meal service at an open site that operates at a location other than the school must be area eligible and open to all children in the community.

While the SFSP meal service is intended to serve students on vacation, it is possible that a student who is not on vacation may show up at the site. In these situations, sponsors are not expected to identify or exclude any students. Sponsors should plan for or prepare 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 students who are on vacation.

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 students participating in NSLP or SBP. FNS encourages SFAs that operate year-round SFSP and school meal programs to establish different meal services for students in school and

students on vacation, keep separate meal counts, and develop cost allocation plans for proper proration of overhead and administrative costs.

SFSP 9-99, *Meal Service to On-Track Students at Year-Round Sites*, December 4, 1998,

<https://www.fns.usda.gov/sfsp/120498b>, provides additional guidance, on serving meals to children on a continuous school calendar.

## Ensuring Site Access Through Promotion

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### 7 CFR 225.15(e)

Sponsors are required to annually announce the availability of free meals in the media serving the area from which the sponsor draws its attendance. Sponsors of camps, closed enrolled sites, and conditional non-congregate sites must notify participants of the availability of free meals and if a free meal household application is needed. Once sites are identified, it is important that families are aware of open site locations and the availability of meals. Sponsors may make use of FNS communication resources, like the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>, to promote summer meals. Sponsors may also work with traditional and social media outlets to spread the word about SFSP. For sample media releases, see Appendix 2.

## Participation in Other Child Nutrition Programs

Sponsors participating in additional Federal Child Nutrition Programs must meet the requirements for participation in each of these Programs. Sponsors participating in multiple Child Nutrition Programs may also be eligible for specific flexibilities, as outlined below.

# Additional Requirements for Sponsors Participating in Multiple Child Nutrition Programs

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## National School Lunch Program

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 SFSP, NSLP and SBP, or NSLP SSO. Schools that intend to serve meals only to children enrolled in academic summer school programs may receive reimbursement only through NSLP and SBP (SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>).

SFAs that plan to serve children in the community at large, in addition to children enrolled in their accredited summer school program, may operate an open site through SFSP or SSO. However, the SFA must ensure that these sites are open to all children in the area served by the site, not just to children enrolled in summer school.

Schools operating an accredited summer school program may not enroll in SFSP as a restricted open site and only serve meals to summer school participants. This is not the intent of the restricted open site designation. The purpose of the restricted open site designation is to allow sponsors that operate an open site to limit site participation due to reasons of space, security, safety, or control. For more information on the different types of sites, see the *Site Identification and Eligibility* section of this unit.

## Seamless Summer Option

SFAs can choose to operate NSLP SSO instead of SFSP. SSO offers streamlined administrative requirements and combines features of NSLP, SBP, and SFSP to encourage more SFAs to provide meals during summer and other school vacation periods. This option allows SFAs to provide free summer meals in low-income areas during the traditional summer vacation and, for year-round schools, school vacation periods longer

than 10 school days, instead of the 15 day requirement for SFSP. For year-round schools that have breaks for shorter periods of time, the State agency may waive the 10-day requirement to allow for SSO participation.

Guidance and clarification on all summer meal options available to schools is provided through:

- SP 09-2017, *2017 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option*, December 1, 2016, <https://www.fns.usda.gov/cn/2017-edition-questions-and-answers-national-school-lunch-programs-seamless-summer-option>.
- SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.
- *Comparison of Programs SFSP/NSLP/Seamless Option Chart*, <https://www.fns.usda.gov/cn/comparison-programs-sfsp-nslp-seamless-option>.

## The Special Milk Program

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

Sponsors electing to administer SMP must enter into a separate agreement with the State agency to operate SMP at those sites or at those times when it is not participating in SFSP. For more information on SMP, see *Special Milk Program (SMP) Fact Sheet*, <https://www.fns.usda.gov/smp/smp-fact-sheet>.

## Child and Adult Care Food Program

Since CACFP afterschool centers don't receive reimbursement during the summer months, these Programs may convert to the SFSP for the summer so they may serve the same children that they serve during the school year. Flexibilities are available to help State agencies simplify requirements that would encourage CACFP afterschool centers to continue to serve children after the school year ends through SFSP.

In other cases, CACFP institutions that propose to participate in SFSP must serve children who would not otherwise be served under CACFP. Institutions that propose to operate a separate meal service for children who are not enrolled in a CACFP child care center or day care home may be approved to participate in SFSP if they meet SFSP eligibility requirements. To participate in SFSP, an institution:

- Cannot establish separate entities using a separate tax identification number to serve the same children under different Programs, unless there is a need for a separate organization.
- Cannot switch back and forth between participation in CACFP and participation in SFSP to serve the same children during the same time period.
- Must ensure that the same children are not served meals in both Programs.
- Must keep separate records for each Program.

In general, the State agency may allow CACFP institutions that propose to operate SFSP at the same locations where they provide CACFP meal services to follow the application requirements for experienced SFSP sponsors and sites.

If the same State agency administers both programs, CACFP institutions are required only to sign an addendum to the existing agreement to allow them to participate in SFSP. In States where CACFP and SFSP are administered by different State agencies, the CACFP institution must enter into an agreement with both State agencies. However, the State agencies are encouraged to work together to share information and streamline the agreement process.

Additional guidance is found in:

- SFSP 10-2023, *Best Practices for Streamlining Applications for Year-Round Program Operations*, June 12, 2023, <https://www.fns.usda.gov/cn/cacfp-sfsp-best-practices-streamlining-applications>.
- SFSP 06-2014, *Available Flexibilities for CACFP At-Risk Sponsors and Centers Transitioning to Summer Food Service Program (SFSP)*, November 12, 2013, <https://www.fns.usda.gov/cn/available-flexibilities-cacfp-risk-sponsors-and-centers-transitioning-summer-food-service-program>.
- SFSP 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.
- FNS Instruction 782-4, Rev. 2, *Approval of Child Care Institutions for the Summer Food Service Program*, November 8, 1991, <https://www.fns.usda.gov/sfsp/child-care-institutions-summer-food-service-program>.
- *At-Risk Afterschool Care Handbook*, <https://www.fns.usda.gov/cacfp/risk-afterschool-care-handbook>.



# Flexibilities for School Food Authorities and Child and Adult Care Food Program Institutions in Good Standing

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7 CFR 225.6(c)(3), 225.6(c)(4), and 225.6(e)(4)

SFAs currently in good standing in NSLP or SBP and CACFP institutions in good standing are not required to submit further evidence of financial and administrative capability when applying for SFSP participation. Typically, SFAs and CACFP institutions participating in other Child Nutrition Programs have already demonstrated that they have the financial and administrative capability necessary to operate SFSP. However, the State agency has the discretion, and is encouraged to deny the applications or require additional evidence of financial and administrative capability from SFAs and CACFP institutions that have had significant problems operating NSLP, SBP, or CACFP.

The State agency may allow SFAs and CACFP institutions in good standing to use the streamlined application requirements for experienced sponsors, and has the discretion to require a management plan.

For more information on requirements and flexibilities for SFAs and CACFP institutions electing to operate SFSP sites, see:

- SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.
- SFSP 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.

# Questions and Answers

## **What does it mean to be in “good standing” in SFSP?**

A sponsor or site is in good standing when it meets its Program responsibilities, is current with its financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time.

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

No, non-profit sponsors that have had their tax-exempt status revoked by the IRS are not eligible for participation in SFSP. If an approved sponsor has had its tax-exempt status revoked, the State agency must inform the sponsor that it is seriously deficient, and its Program participation will be terminated. 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 confirming that the sponsor’s organization continues to be tax-exempt under Section 501(a) of the Internal Revenue Code of 1986 or that the organization has submitted an application to the IRS for reinstatement of its tax-exempt status. For more information see SFSP 04-2017, *Automatic Revocation of Tax-Exempt Status - Revised*, December 1, 2016, <https://www.fns.usda.gov/sfsp/automatic-revocation-tax-exempt-status%E2%80%93revised>.

## **How can a sponsor provide SFSP meals during the school year when there is an unanticipated school closure?**

A sponsor may be approved to operate meal sites during unanticipated school closures through an addendum to its Program agreement. Experienced sponsors and SFAs not already approved to operate a site during an unanticipated school closure may obtain expedited approval to serve SFSP meals if they have participated in the Program at any time during the current year or in either of the prior two calendar years. Sponsors submitting an application to serve meals during unanticipated school closures may also be exempt from the application submission deadline. FNS strongly recommends sponsors to plan ahead by including operation of emergency sites in their sponsor application, as pre-approval of sponsors enables a rapid response when an emergency arises.

## **How do you determine that a site is rural?**

The definition of rural includes multiple measures of populations and territories. The FNS *Rural Designation* map, <https://www.fns.usda.gov/sfsp/rural-designation>, is a comprehensive mapping tool to assist State agencies and sponsors in determining rural designations. SFSP 04-2024, *Rural Designations in the Summer Meal Programs – Revised*, January 19, 2024, <https://www.fns.usda.gov/sfsp/rural-designations-memo>, provides a complete discussion of rural datasets and how to conduct rural site designations.

## **Do all sites have to be public or private non-profit or can a for-profit site participate in SFSP?**

The State agency may approve meal services at a for-profit site that is operated by an eligible public or private non-profit sponsor and open to all children in an area in which poor economic conditions exist. However, for-profit closed enrolled sites, for-profit day camps, and for-profit residential camps are not eligible to participate in SFSP. If approved to operate the meal service at a for-profit site, the sponsor must maintain operational control over the meal service and ensure that no Program funds are provided to the site operator. Only the sponsor's trained staff, sponsor-trained site staff, and volunteers are permitted to distribute the meals. Employees of the for-profit site operator cannot prepare the meals or receive Program funds. SFSP 13-2011, *For-Profit Locations as Meal Sites in the Summer Food Service Program*, April 8, 2011, <https://www.fns.usda.gov/sfsp/profit-locations-meal-sites-summer-food-service-program>, provides additional guidance.

## **What Program requirements do churches have?**

As private non-profit organizations, churches must fulfill all application requirements and demonstrate financial viability, administrative capability, and Program accountability for SFSP operations in order to participate in the Program. However, churches are not required to obtain documentation of Federal tax-exempt status.

## **How do sites that serve children attending Upward Bound, a Federal program that provides academic support to teens from low-income families preparing for college, establish Program eligibility?**

Sites that only serve children in Upward Bound qualify as closed enrolled, because Upward Bound has a requirement that two-thirds of the participants be both low-income and potential first-generation college students. However, closed enrolled sites that serve both Upward Bound and non-Upward Bound children

must document that at least 50 percent of the children are eligible for free or reduced price meals. The sponsor may document this percentage by using Upward Bound applications, instead of collecting free or reduced price meal applications. SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>, provides additional guidance.

### **How is eligibility established when the site is a stop on a mobile meal service route?**

Each location where a bus, truck, or other vehicle stops to serve meals must meet site eligibility requirements. Congregate and non-congregate sites, with the exception of conditional non-congregate sites, along mobile meal service routes must be in area eligible locations. In addition, non-congregate sites along mobile meal service routes must be located in rural areas.

### **How is home delivery different from the mobile meals operated by some summer sponsors during the past several years?**

Home delivery is a meal distribution method for sponsors operating a rural non-congregate meal service where households with eligible children have consented to receive meals delivered directly to their homes. A child's residence is not considered a non-congregate meal site for Program monitoring purposes. In mobile meals, the sponsor delivers meals to an area using a route with stops at approved locations in the community. A mobile meal service may be congregate or non-congregate. However, congregate mobile meal service is supervised, and all meals are consumed at the site, on the bus or near the drop-off location as outlined in policy memoranda SFSP 02-2014, *Mobile Feeding Options in Summer Feeding Programs*, November 8, 2013, <https://www.fns.usda.gov/cn/mobile-feeding-options-summer-feeding-programs-0>.

### **Are camps eligible to offer non-congregate meal service?**

Yes, there are no restrictions on providing non-congregate meal service based on sponsor type. All service institutions listed under Program regulations at 7 CFR 225.14(b) are eligible to sponsor the Program and therefore eligible to operate non-congregate meal service, provided all other Program requirements are met. Note that camps are still required to provide a regularly scheduled food service as part of an organized program for enrolled children, and that such meal programming is generally congregate in nature. However, there may be situations where non-congregate meal service for enrolled children is sensible, such as service of the third meal if a congregate meal service is not provided, or meals provided to be consumed over the

weekend while an enrolled child is participating in an active camp session, but during which there are no congregate meals provided.

**For sponsors proposing to provide both congregate and non-congregate meal services at the same site (hybrid), is it acceptable to offer a non-congregate meal during congregate meal service, if the non-congregate meal is intended for a different meal service time?**

A non-congregate meal can be provided after a child receives and consumes their congregate meal. For instance, if a hybrid site plans to offer a congregate breakfast and a non-congregate lunch because they lack activities to keep children onsite for both meals, they could serve the congregate breakfast and then provide the non-congregate lunch as the children are leaving the site. However, it would not be acceptable to provide the non-congregate lunch and congregate breakfast simultaneously as outlined in Program regulations at 7 CFR 225.6(h)(4)(ii). Additionally, the sponsor must have a system in place to prevent meal service overlap, ensuring children do not receive more than the maximum daily meal allowance as required in 7 CFR 225.16(b)(3). In the above example, participants should be informed that the meal being provided is intended to be consumed for lunch that same day.



# Unit 2: Applying to the Summer Food Service Program

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2024

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# Table of Contents

Table of Contents .....	3
Introduction .....	5
Application Requirements for New and Experienced Sponsors and Sites .....	6
Viability, Capability, and Accountability .....	12
Performance standard 1: Viability .....	13
Performance standard 2: Capability .....	13
Performance standard 3: Accountability .....	14
Evaluating Viability, Capability, and Accountability in an Experienced Sponsor’s Application.....	15
Documenting Site Eligibility .....	15
Using School Data for Sites in School Districts with Busing or School Choice.....	16
Determining Area Eligibility Using Census Data .....	16
Utilizing the Community Eligibility Provision .....	18
Determining Eligibility of Sites Serving Children of Migrant Workers.....	19
Determining Rural Areas.....	20
Determining Eligibility of Conditional Non-Congregate Sites.....	21
Determining Eligibility of Closed Enrolled Sites .....	21
Determining Eligibility of a Camp Site.....	22
Using Documentation from Other Income Eligible Programs .....	23
Frequency of Site Eligibility Determinations .....	23
Documenting a Child’s Eligibility for Free Meals .....	24
Household Applications.....	24
Categorical Eligibility .....	27
Disclosure Requirements for Protecting Children’s Eligibility Information .....	28
State Agency Training Requirements.....	29

Review of Applications by the State Agency ..... 30

    State Agency Selection Priorities for Sponsors ..... 30

    Approval of Sites ..... 32

    Operating Limitations ..... 36

    Review of Sponsors’ Budgets ..... 36

    Approving Meal Service Times..... 36

    Approved Level of Meals (Site Caps) ..... 37

    Pre-Approval Visits by State Agencies ..... 38

    Reasons for Denial of Sponsors’ Applications ..... 39

Following State Agency Approval..... 40

    Annual Application Updates..... 40

    State-Sponsor Agreement ..... 42

    Termination of a Permanent Agreement ..... 44

    Sponsors Operating in Multiple States..... 44

Appeal Rights..... 45

Questions and Answers..... 47



# Introduction

Unit 2 describes the application requirements for new and experienced sponsors, State agency requirements when reviewing a sponsor's application, and requirements for documenting site and participant eligibility. For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Program Administration Guide* and *Appendix 1*, respectively.

# Application Requirements for New and Experienced Sponsors and Sites

7 CFR 225.6(b)(1), 225.6(c), 225.6(e), 225.6(f) and 225.14

Sponsors must submit an application to the State agency in order to participate in SFSP. The Federal deadline for sponsors to submit a written application to operate SFSP in the summer months is June 15. However, State agencies may establish earlier deadlines. Applicants should be certain that they have filled out the application completely and that they have forwarded all the necessary supporting documentation to the State agency prior to the agency's deadline. Incomplete applications will cause a delay and could prevent approval. As a best practice, sponsors should contact their State agency to begin the application process as early as possible. Sponsors that apply to operate the program due to an unanticipated school closure are exempt from application submission deadlines.

For information on application deadlines, see *Summer Food Service Program Deadlines for Sponsors*, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>.

New sponsors and sponsors that experienced significant operational problems in the previous year are required to submit a detailed Program application. These sponsors must include the following information in their applications:

- The sponsor's full legal name and any previously used names.
- The sponsor's mailing address.
- Date of birth of the sponsor's responsible principals, which includes the executive director and board chair.
- The sponsor's Federal Employee Identification Number or Unique Entity Identifier.
- Documentation of tax-exempt status under the Federal Internal Revenue Code, if the sponsor is a private non-profit entity. For more information, see *Sponsor Eligibility* in Unit 1: Participating in the SFSP.
- A full management plan that:
  - Includes staffing needs and an administrative budget.

- Demonstrates that the sponsor has financial viability, administrative capability, and Program accountability to manage an effective food service. For more information, see *Viability, Capability, and Accountability* in this unit.
- Includes a staffing and monitoring plan.
- Certifies that training will be conducted for monitors and site personnel.
- Describes information explaining when the training will be held and the topics that will be discussed.
- Certification that the sponsor will have administrative oversight of the site.
- A written policy statement on the availability of free meals. For more information, see the *State-Sponsor Agreement* in this unit.
- A site information sheet for each proposed site as described in 7 CFR 225.6(g). The table *Application Requirements for New and Experienced Sponsors and Sites* in this unit displays the required information that new sponsors and sponsors with that experienced operational problems must include on site information sheets.
- Information in sufficient detail to enable the State agency to determine that the sponsor meets the criteria for participation in the Program, as described in 7 CFR 225.14.
- Information on the extent of Program payments needed, including a request for advance payments and start-up payments, if applicable. For more information, see *Program Finances* in this Unit 3: Administering the SFSP.
- A summary of how meals will be obtained at each site:
  - An indication of whether meals will be self-prepared at each site, self-prepared and distributed from a central kitchen, purchased from an SFA, competitively procured from an FSMC.
  - A copy of the invitation for bid if the sponsor plans to purchase meals from an FSMC.
  - A copy of the proposed agreement if the sponsor plans to purchase meals from an SFA must provide the proposed agreement. For more information, see *Procurement Procedures* in Unit 4: Operating the Meal Service for the SFSP.
- Procedures that document meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child, if the applicant sponsor is electing to use the non-congregate meal service options described in 7 CFR 225.16(i)(1) and (2).

- A copy of a proposed media release with the application to announce the availability of free meals. Once the media release statement is approved by the State agency, it must be provided to media outlets, such as newspapers, television and radio stations, city government web sites serving the area where the sites are located.
  - The media release must include the nondiscrimination policy and complaint procedures for individuals to file a complaint for violation of non-discrimination policy.
  - Closed-enrolled sites, camps, and conditional non-congregate meal sites must include the reduced price income eligibility guidelines in the media release. The media release also must state that a foster child and children who are part of households that receive SNAP, FDPIR, or TANF benefits are automatically eligible for free meals. Sample media releases can be found on Appendix 2.
  - Note that State agencies can meet this requirement for their sponsors by issuing a Statewide media release, which would serve as a sponsor’s proposed media release. For more information see SFSP 05-2017, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

Unless the information has changed from the initial application, experienced sponsors do not have to submit the following:

- A written policy statement on the availability of free meals.
- Information in sufficient detail to enable the State agency to determine that the sponsor meets the criteria for participation in the Program, as described in 7 CFR 225.14.
- Certification that the sponsor will have administrative oversight of the site.

States may have additional application requirements. Sponsors should contact their State agency to determine what must be included in their application.

Before the State agency approves the Program application and site information sheets, the State agency must consider several factors related to the sponsor’s capacity to operate the Program. For more information, see *Viability, Capability, and Accountability and Review of Applications by the State Agency* in this unit. Once a sponsor’s initial Program application has been approved by the State agency, the sponsor

enters into a permanent agreement with the State agency and is required to submit more limited annual updates to the application.

The *Application Requirements for New and Experienced Sponsors and Sites* table below indicates which elements of the application are required for new sponsors and sites and sponsors and sites that experienced significant operational problems in the previous year and application requirements for experienced sponsors. State agencies may require more information annually from sponsors that have demonstrated past operational problems. Experienced sites which propose to operate non-congregate meal service for the first time, including those sites switching from a congregate meal service model to a non-congregate model or to operating a hybrid of both congregate and non-congregate models, are considered new sites and must fulfill the application requirements of a new site.

For more information on requirements and flexibilities for experienced sponsors electing to operate SFSP sites, see SFSP 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.

**Table 1. Site Information Sheet Requirements for Sponsors and Sites according to 7 CFR 225.6(c)(2)(iii) and (3)(ii) and 225.6(g)**

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Organized and supervised system for serving meals to children.	Required	Not Required
Estimated number of meals to be served, types of meals to be served, and times of service.	Required	Required
Arrangements for delivery and holding of meals and storing leftovers for next day meal service.	Required	Not Required
Arrangements for food service during periods of inclement weather.	Required	Not Required
Access to means of communication for making necessary adjustments for number of meals to be served at each site.	Required	Not Required
Whether the site is rural or non-rural.	Required	Required

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Whether the site's food service will be self-prepared or vended.	Required	Not Required
Whether the meal service is congregate or non-congregate.	Required	Required
<b>Camps:</b> number of children enrolled in each session who meet Program income eligibility guidelines.	Required	Required
<p><b>Closed enrolled sites:</b> documentation supporting area eligibility determination or 50 percent of children meet Program income eligibility guidelines.</p> <p><i>Documentation of the projected number of children enrolled and projected number of children eligible for free and reduced price meals for each site.</i></p> <p><i>Documentation must be submitted every five years when school or census data is used, or earlier if requested by the State agency.</i></p>	Required	Required
<b>Conditional non-congregate sites:</b> number of children enrolled who meet Program income eligibility guidelines.	Required	Required
<b>Migrant sites:</b> certification from migrant organization that site serves children of migrant worker families. If site also serves children of non-migrant families, sponsor must certify that the site primarily serves children of migrant families.	Required	Not Required
<b>NYSP sites:</b> certify that all children who will receive Program meals are enrolled participants in the NYSP.	Required	Required

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
<p><b>Open sites and restricted open sites:</b> documentation supporting area eligibility determination.</p> <p><i>Documentation must be submitted every five years when school or census data is used, or earlier if requested by the State agency.</i></p>	Required	Required

**Table 2. Other Application Requirements for Sponsors and Sites according to 7 CFR 225.6(c)(2) and (3)**

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Information that demonstrates that applicant meets requirements in 7 CFR 225.14.	Required	Not Required
Information on the extent of Program payments needed, including advance and start-up payments, if applicable.	Required	Required
Staff and monitoring plan.	Required	Required
Complete administrative and operating budget which includes projected administrative expenses and information of how sponsor will operate the Program within estimated reimbursement.	Required	Required
Summary of how meals will be obtained; if invitation for bid is required, sponsors must submit a schedule for bid dates and a copy of their IFB.	Required	<p>Required</p> <p><i>If IFB is required, sponsors must submit schedule for bid dates and copy of IFB if a change has occurred from previous year. If method for procuring meals has changed from previous year, sponsors must submit a summary of how meals will be obtained.</i></p>

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
For sponsors seeking approval as unit of local, municipal, county or State government, certification that it will directly operate the Program in accordance with 7 CFR 25.14(d)(3).	Required	Not Required
Procedures that document meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child, if the applicant sponsor is electing to use the non-congregate meal service as described in 7 CFR 225.16(i)(1) and (2).	Required	Required

# Viability, Capability, and Accountability

## 7 CFR 225.6(d)

Performance standards for evaluating financial viability, administrative capability, and Program accountability are found in the regulations at 7 CFR 225.6(d) to provide guidance to State agencies in reviewing and approving sponsor applications. These regulations can help organizations prepare their initial application to participate in the SFSP and better understand how viability, capability, and accountability are important for operational success. The regulations also provide a streamlined option for experienced sponsors. SFSP 03-2023, *Guidance on Performance Standards, Budgets, and Management Plans in the Summer Food Service Program*, March 7, 2023, <https://www.fns.usda.gov/sfsp/guidance-performance-standards-budgets-management-plans>, provides additional clarification. State agencies must deny applications that do not meet all of the standards.

The three performance standards are (1) financial viability and financial management, referred to as viability, (2) administrative capability and personnel management, referred to as capability, and (3) Program accountability and management controls, referred to as accountability. The same set of standards apply to all types of sponsors.



# Performance standard 1: Viability

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As a sponsor, an organization must expend and account for Program funds, consistent with Federal regulations and policies. The sponsor must document that participation will help ensure the delivery of benefits to otherwise unserved facilities or participants. The sponsor must demonstrate that it has the financial resources to operate the Program on a daily basis and adequate funds to withstand temporary interruptions in program payments. Costs in the sponsor's budget must be necessary, reasonable, allowable, and appropriately documented. Procurement processes must maximize open and free competition.

How does a sponsor demonstrate financial viability and financial management? The sponsor's management plan must address the following questions:

- What is the community's need for summer meals?
- How will the sponsor's participation help ensure the delivery of Program benefits to otherwise unserved sites or children?
- How will the sponsor recruit sites, consistent with State agency policies and procedures?
- What are the sponsor's financial resources and financial history?
- What sources of funds are available and are they adequate to operate the Program, pay employees and suppliers during periods of temporary interruptions in Program payments, and pay debts if fiscal claims are assessed against the sponsor?
- Does the management plan include audit documents, financial statements, and other documentation that demonstrate financial viability?
- Are all costs in the sponsor's budget necessary, reasonable, allowable, and appropriately documented?

# Performance standard 2: Capability

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As a sponsor, an organization must have appropriate and effective management practices. The sponsor must employ enough qualified staff to effectively administer and monitor the Program. The sponsor must

have written policies and procedures that assign responsibilities and duties and ensure compliance with civil rights requirements.

How does the sponsor demonstrate administrative capability? The sponsor's management plan must answer the following questions regarding the effectiveness of the sponsor's management practices:

- Does the sponsor have an adequate number and combination of qualified staff to ensure the successful operation and monitoring of the Program?
- Does the sponsor have written policies and procedures that assign Program responsibilities and duties and ensure compliance with civil rights requirements?

## Performance standard 3: Accountability

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As a sponsor, an organization must have a financial system with management controls in writing and in effect. The sponsor must have written policies to ensure fiscal accountability and Program operations that comply with Federal regulations and guidance.

To demonstrate Program accountability, what internal controls and other management systems must the sponsor have in place to ensure fiscal accountability and operation of the Program? The sponsor must have a financial system in place with management controls and written operational policies that respond in a positive way to the following questions:

- Are all funds and property received handled with fiscal integrity and accountability?
- Are all expenses incurred with integrity and accountability?
- Are claims for reimbursement processed accurately and on time?
- Are funds and property properly safeguarded and properly used?
- Are expenses incurred for authorized Program purposes?
- Is there a system of safeguards and controls in place to prevent and detect improper financial activities by employees?
- Are budgets, approved budget amendments, accounting records, management plans, site operation records, and other appropriate records maintained to document compliance with Program requirements?

# Evaluating Viability, Capability, and Accountability in an Experienced Sponsor's Application

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New sponsors and sponsors that have experienced significant operational problems in the prior year must submit a full management plan that addresses all three performance standards. FNS encourages State agencies to simplify the management plan for experienced sponsors. The simplified management plan for experienced sponsors must include an annual certification that addresses all elements of the performance standards to demonstrate that the sponsor continues to be financially viable, administratively capable of operating the Program, and has internal controls in place to ensure accountability. A full management plan must be submitted at least once every 3 years to ensure that the State agency conducts a full review and assessment of a sponsor's viability, capability, and accountability.

A management plan or further demonstration of financial and administrative capability are not Federal requirements for SFAs operating the School Meal Programs in good standing or for CACFP institutions in good standing. However, to ensure that an SFA or an institution has the ability and resources to sponsor a summer meal program, the State agency may determine that a management plan or additional documentation of viability, capability, and accountability is needed.

Some States have more than one agency that is responsible for the administration of the Child Nutrition Programs. State agencies in those States must have a process for sharing information documenting a sponsor's financial and administrative capability.

## Documenting Site Eligibility

As part of the application, the sponsor must certify the eligibility of each site it proposes to operate. For open, restricted open, and closed enrolled sites, the sponsor must document area eligibility to demonstrate that the site is in an area in which poor economic conditions exist, as determined by each site type. For other types of sites, the sponsor may have to certify a child's eligibility for free meals.

# Using School Data for Sites in School Districts with Busing or School Choice

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In school districts where busing or school choice policies are in place, sponsors may use NSLP free and reduced price meal data if the site is located in the school from which the data are pulled. In school districts where attendance areas for individual schools are defined, school and non-school site eligibility may be determined based on the enrollment or attendance data obtained for either the school the children attend or the neighborhood school the children would have attended were it not for the school's busing or school choice policy.

Sponsors may determine a site to be area eligible only if the SFA is able to document the percentage of children who are eligible for free or reduced price school meals at each school, both before and after students are reassigned. To avoid duplicate counting, the same method of determining site eligibility must be used for all of the sponsor's sites. For more information, see SFSP 03-2013, *Determining Area Eligibility Based on School Data*, November 23, 2012, <https://www.fns.usda.gov/cn/determining-area-eligibility-based-on-school-data>.

If the school district does not have defined school attendance areas, school data are used only for determining the eligibility of school sites. Census data must be used to determine area eligibility of non-school sites. Census data may be used as a first choice for determining area eligibility, even if school attendance areas are defined. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>.

## Determining Area Eligibility Using Census Data

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Sponsors also may document the area eligibility of their proposed open, restricted open, or closed enrolled sites using the most recent CBG or census tract data available. 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. Eligibility must be reassessed every five years for SFSP sites relying on census data to establish

eligibility. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016,

<https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>.

Additionally, if a potential site is in an ineligible CBG that is located immediately adjacent to a CBG that is area eligible, the sponsor may request the State agency's approval to determine area eligibility based on a weighted average. The State agency may calculate a weighted average of up to three adjacent CBGs. In each CBG, at least 40 percent of the children of the same age group (such as 0-12 or 0-18 year olds) must be eligible for free or reduced price meals. The calculation of the weighted average must be 50 percent or more for the site to be eligible.

Weighted averages may never be performed using census tract data. Instructions for weighting averages of CBGs are described in SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016,

<https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>.

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

The *FNS Area Eligibility Mapper*, <https://www.fns.usda.gov/area-eligibility>, provides census data and CBG data, and the means to conduct weighted averaging. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>. To determine area eligibility using the *FNS Area Eligibility Mapper*:

- Go to <https://www.fns.usda.gov/area-eligibility>. To find by address, enter the address in the "Find address or place" box in the top right.
- Zoom in and out of the map using the (+) and (-) signs.
- Red indicates the area is eligible, as shown 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 calculation.
- To enlarge the map, click "View Larger Map" at the bottom of the screen.

# Utilizing the Community Eligibility Provision

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As an alternative to collecting individual applications for free or reduced price meals, CEP allows qualifying schools and LEAs with a high percentage of low-income children to offer meals via NSLP and SBP at no cost to all students. Rather than collecting school meal applications to make individual student eligibility determinations, schools that adopt CEP are reimbursed using a formula based on the percentage of students who automatically qualify for free meals based on their household's participation in specific means-tested programs; or their status as a foster, homeless, migrant, or runaway child; or Head Start enrollee. The percentage of students who automatically qualify for free school meals is referred to as the identified student percentage, or ISP.

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 ISP. These individual school data are obtained by contacting the State agency. To determine eligibility using CEP data, multiply the approved 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 ( $31.25 \times 1.6 = 50$ ) and meal sites located in the attendance area of the school are area eligible for 5 years. ISP data should only be used in schools participating in CEP, proxy ISP data cannot be used. 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 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>).

Area eligibility established using CEP data is effective for a period of five years. For more information on CEP, see *Community Eligibility Provision (CEP) Planning & Implementation Guidance*, February 2024, <https://www.fns.usda.gov/cn/cep-planning-implementation-guidance>.

# Determining Eligibility of Sites Serving Children of Migrant Workers

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7 CFR 225.6(g)(1)(xiii)

Sponsors of migrant sites must submit information obtained from a migrant organization that certifies that the site serves the children of migrant workers. If the site also serves other children, the sponsor must certify that the site predominantly serves children of migrants. Unlike other data sources, sites determined to be eligible based on information from migrant organizations, must be annually re-determined. State agencies are encouraged to work closely with sponsors of migrant sites to obtain documentation from migrant organizations. SFSP 04-2007, *Migrant Site Eligibility Determinations*, February 23, 2007, <https://www.fns.usda.gov/sfsp/migrant-site-eligibility-determinations>, provides additional guidance.

## Use of Approved Alternative Site Eligibility Data

Sponsors that are unable to document the need of their area or site by using sources such as current-year school data, recent census tract or CBG data, enrollment data, or migrant children status should consult with their State agency about the possibility of using other types of data to determine area eligibility. Eligibility determinations using any of these approved alternative data remain in effect for 5 years.

Approved alternative data sources may include:

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

For example, if the proposed site does not qualify as area eligible with school or census data, the State agency could assess the income eligibility requirements of the local 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 another example, a sponsor may submit documentation from a Tribal authority certifying that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska

Native village. The proposed site would be eligible if 50 percent or more of the children in the defined area are eligible for free or reduced price school meals. SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>, provides additional guidance.

## Determining Rural Areas

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7 CFR 225.6(g)(1)(iii), (g)(2)(ii), and (h)(3)(iv)

Rural designation is used to determine the eligibility of sites that operate non-congregate meal service. It is also used to determine the eligibility of congregate meals sites for the Program's higher administrative payment rates.

State agencies have to determine whether a site is rural and documentation supporting the rural designation is required. Once a site establishes that it is rural, the designation is effective for a period of 5 years. However, the State agency may require redetermination of rural status prior to the 5-year period in an area where there is significant change.

The FNS *Rural Designation* map, <https://www.fns.usda.gov/sfsp/rural-designation> is a comprehensive mapping tool to assist State agencies and sponsors in determining rural designations. For more information on the definition of rural and classifications to designate areas as rural, refer to *Meal Service Options for Sites* in Unit 1, and SFSP 04-2024, *Rural Designations in the Summer Meals Programs – Revised*, January 19, 2024, <https://www.fns.usda.gov/sfsp/rural-designations-memo>.

Sponsors of sites operating rural non-congregate meal service in area eligible locations may claim reimbursement for meals served to all children. At conditional non-congregate sites, only the non-congregate meals served to children who meet the individual eligibility standards for this Program can be reimbursed.



# Determining Eligibility of Conditional Non-Congregate Sites

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7 CFR 225.6(g)(1)(iii), (g)(1)(xiv), (g)(2)(ii), and (g)(2)(viii)

A conditional non-congregate site is a site which qualifies for Program participation because it conducts a non-congregate meal service for children eligible for free or reduced price meals in an area that does not meet the definition of “areas in which poor economic conditions exists” and is not a “camp” as defined in 7 CFR 225.2.

If the site qualifies as a conditional non-congregate site, documentation of the number of children enrolled in the Program who individually meet the Program’s income standards is required. To claim reimbursement, Program sponsors who are operating conditional non-congregate sites will need to specify the number of children enrolled who meet the Program’s income standards.

# Determining Eligibility of Closed Enrolled Sites

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7 CFR 225.6(a)(2)(iv), (g)(1)(x) and (g)(2)(v)

To qualify as a closed enrolled site, the site must be located in an area in which poor economic conditions exist, or at least 50 percent of the enrolled children attending the site must be from households that meet the income eligibility guidelines. To document a closed enrolled site’s eligibility, the sponsor may:

- Obtain lists by name and eligibility status of enrolled children for free or reduced price meals from schools operating NSLP or SBP. Parental consent forms are not required in order for the local SFA to provide this information to an SFSP sponsor.
- Use area eligibility data for the location of the site to document that at least 50 percent of the enrolled children at each site are eligible for free or reduced price school meals.
- Ask the parent or guardian of each enrolled child to complete a household application.

As part of the application, sponsors of closed enrolled sites must submit:

- A statement of how the sponsor intends 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 site that are documented as eligible for free or reduced price school meals, if school lists or household applications are used.

Sponsors of closed enrolled sites that are not area eligible must keep records of the total number of children enrolled at the site, lists of income eligible children provided by the SFA, by the school system, or the household application for income eligible children.

## Determining Eligibility of a Camp Site

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7 CFR 225.6(g)(1) (xii) and (g)(2)(vii)

Sponsors that operate residential summer camps and nonresidential day camps offering both organized programming and a regularly scheduled food service may participate in SFSP. Nonresidential day camps may participate only as sites under eligible sponsoring organizations. For-profit camps are not eligible to participate in the Program. See SFSP 13-2011, *For-Profit Locations as Meal Sites in the Summer Food Service Program*, April 8, 2011, <https://www.fns.usda.gov/sfsp/profit-locations-meal-sites-summer-food-service-program>.

Camps are only reimbursed for meals served to children who meet the income eligibility criteria for free or reduced price school meals. To determine a child's eligibility, camp sponsors may obtain a list of income eligible children from the SFA or ask the parent or guardian of each enrolled child to complete a household application. However, some State agencies may require camp sponsors to use the household application or a State agency equivalent form.

As part of the application, sponsors of camps must report the number of eligible children enrolled in each camp session. Sponsors are not required to submit school lists or household applications of eligible children to the State agency. However, the sponsor 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.

## Using Documentation from Other Income Eligible Programs

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

For example, sponsors may use documentation of income eligible children in Upward Bound, certified by an Upward Bound grantee, to document the eligibility of a closed enrolled site, camp, or conditional non-congregate meal site. Upward Bound income applications may be used instead of the SFSP household application because both programs have an income eligibility threshold of 185 percent of the national poverty guidelines. SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>, provides additional guidance.

## Frequency of Site Eligibility Determinations

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7 CFR 225.6(g)(1)(iii), (g)(1)(ix)(B), (g)(1)(ix)(C), (g)(2)(ii), (g)(2)(iv)(B), (g)(2)(iv)(C) and (g)(2)(v)(B)

In an effort to provide consistent administration across child nutrition programs, sponsors of sites determined to be area eligible based upon school, census, CEP, and other approved alternative data sources, such as public housing data, are only required to submit documentation every 5 years. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until May 31, 2028.

Sponsors using additional types of data sources, including migrant certification and household applications, must document site eligibility annually. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>. Sponsors of sites that use household applications to document eligibility must determine eligibility annually.

Household applications are considered current and valid for 12 months, through the last day of the month in which the form was signed or certified. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until June 30, 2024. If the date of parent or guardian signature is not within the month of certification or the preceding month, the effective date must be the date of certification. See SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/duration-income-eligibility-determinations-guidance-and-qas>.

## Documenting a Child's Eligibility for Free Meals

Children 18 years of age and under may participate in SFSP. A person over age 18 who has a mental or physical disability, as determined by a State or local educational agency, and who participates in a public or private non-profit school program established for persons who are mentally or physically disabled is also eligible to receive SFSP meals. Sponsors may determine an individual child's eligibility based on household size and income or participation in a categorically eligible program.

## Household Applications

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### 7 CFR 225.15(f)

A free and reduced price meal household application may be used to determine income eligibility for enrolled children at closed-enrolled sites, residential summer camps, non-residential day camps, and conditional non-congregate sites. The information collected on the household application includes household size and income or the case number for benefits received under SNAP, TANF, or FDPIR.

The sponsor must determine the child's eligibility by comparing household income to the SFSP Income Eligibility Guidelines. For the most current *Income Eligibility Guidelines*, see <https://www.fns.usda.gov/school-meals/income-eligibility-guidelines>.

Sponsors may collect eligibility data using the household application procedures outlined in 7 CFR 225.15(f) and the FNS application template to identify eligible children. If a State agency or sponsor develops its own application form, the form must request the same information that is found on the FNS household

application template. The State agency must approve a sponsor's application form before it may be used. For information on the *Prototype Application for Free and Reduced Price School Meals*, refer to Appendix 1.

If a sponsor needs a form in other languages, FNS has translated prototype NSLP household applications that may be used to determine a child's income eligibility in the SFSP. Translated forms are available at *Translated Applications*, <https://www.fns.usda.gov/cn/translated-applications>. Additional information on household applications may be found in SFSP 11-2017, *2017 Edition of the Eligibility Manual for School Meals*, June 29, 2017, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>.

A non-SFA sponsor may obtain individual children's eligibility information through free and reduced price school meal eligibility data. If a non-SFA sponsor plans to obtain school meal eligibility data, the sponsor must enter into a written agreement or MOU with the State agency or SFA to use the data for this purpose. However, non-SFA sponsors may also collect their own eligibility data using the household application procedures under 7 CFR 225.15(f) to identify eligible children as an alternative to entering into a written agreement or MOU with the local SFA.

## Sources of Income

Income includes the household's gross earnings, wages, welfare, pension, and support payments, unemployment compensation, social security, and additional cash received or withdrawn from any other sources, including savings, investments, trust accounts, and other resources.

## Examples of Income Exclusion

An additional consideration for sponsors determining eligibility for children is whether they are living in military households. Some forms of military payments are not considered income:

- Family Supplemental Subsistence Allowance payments that a military household may receive are excluded. See SFSP 07-2006, *U.S. Armed Forces Family Supplemental Subsistence Allowance – Permanently Excluded from Income Consideration for the Child Nutrition Programs*, August 25, 2006, <https://www.fns.usda.gov/cn/us-armed-forces-family-supplemental-subsistence>.
- The housing allowance for military personnel residing in housing under the Military Housing Privatization Initiative. See Reauthorization 2004: Implementation Memo CN 1, *Exclusion of the Housing Allowance for Military Households in Privatized Housing*, July 1,

2004, <https://www.fns.usda.gov/exclusion-housing-allowance-military-households-privatized-housing-reauthorization-2004>.

- Combat pay received by a household member who is deployed to or serves in a designated combat zone if it is received in addition to the service member's basic pay, after or as the result of the service member's deployment. See SFSP 04-2010Revised, *Exclusion of Military Combat Pay*, September 15, 2010, <https://www.fns.usda.gov/cn/exclusion-military-combat-pay>.
- Deployment Extension Incentive Pay to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. See SFSP 04-2010 Revised, *Exclusion of Military Combat Pay*, September 15, 2010, <https://www.fns.usda.gov/cn/exclusion-military-combat-pay>.

Some tribal payments may also be excluded as income. Per capita payments to tribal members in amounts less than \$2,000 are not considered income. See Q&A #14, SFSP 14-2012, *Tribal Participation in the Child and Adult Care Food Program and the Summer Food Service Program*, July 24, 2012, <https://www.fns.usda.gov/cn/tribal-participation-cacfp-and-sfsp>.

The following sources of income should also be excluded in determining a child's eligibility for free meals:

- 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 *Eligibility Manual for School Meals*, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>.

# Categorical Eligibility

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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. Children may be classified as categorically eligible for a period of 12 months through any of the following:

- **Participation in the Supplemental Nutrition Assistance Program, Food Distribution Program on Indian Reservations, or Temporary Assistance to Needy Families programs.**

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. For additional information, see SFSP 10-2010, *Questions and Answers on Extending Categorical Eligibility to Additional Children in a Household*, May 3, 2010, <https://www.fns.usda.gov/cn/qas-extending-categorical-eligibility-additional-children-household>.

- **Documentation that the child is homeless, runaway, migrant, or a foster child.**

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. For additional information, see SFSP 05-2011-Revised, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, April 16, 2013, <https://www.fns.usda.gov/cn/sp-17-2011>, and SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

A child who does not have a fixed, regular and adequate nighttime residence is considered homeless. In instances where a child or family may temporarily reside with another household, that child is still considered homeless. The sponsor may determine a child's eligibility through documentation provided by the homeless liaison or another source. See SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

- **Enrollment in a Federal, State, or Indian Tribal Organization-Funded Head Start or Early Head Start or pre-kindergarten 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. Applicant families also may indicate a child's participation in Head Start on the household application. For additional information, please see SFSP 13-2013, *Questions and Answers Regarding the Participation of Head Start Programs in Child Nutrition Programs*, May 17, 2013. <https://www.fns.usda.gov/cn/qas-regarding-participation-head-start>.

## Disclosure Requirements for Protecting Children's Eligibility Information

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7 CFR 225.15(g) and 245.6(f)

To simplify the certificate process, a sponsor may obtain a child's eligibility information from another child nutrition program. If a school or another child nutrition sponsor discloses aggregate information to the public, parental notification is not required so long as an individual or group of children's eligibility cannot be identified through the release of the aggregate data or by means of deduction. SFSP 17-2014, *Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs*, April 24, 2014, <https://www.fns.usda.gov/cn/sharing-aggregate-data-expand-program-access-and-services-child-nutrition-programs> provides guidance.

There are, however, restrictions on the disclosure and use of information obtained from a household application and criminal penalties for improper release of information. Section 5 of the *Eligibility Manual for School Meals*, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>, provides specific guidance on applying the statutory and regulatory requirements. It includes a "Disclosure" table that outlines various types of requestors and describes any restrictions on releasing 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. See SFSP 10-2016, *Disclosure Requirements for the Child Nutrition Programs*, December 7, 2015, <https://www.fns.usda.gov/cn/disclosure-requirements-child-nutrition-programs>.



# State Agency Training Requirements

## 7 CFR 225.7(a)

Each year, State agencies are required to offer training to sponsors before their application is approved. Key staff members from each sponsor who play an important role in Program operation are required to attend State agency training in order for the organization to be eligible to participate in the Program. As part of this training, sponsors receive guidance on Program and regulatory aspects of the SFSP administration, in including, at a 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.
- An overview of the site and sponsor agreement.

State agencies are required to make training available at convenient locations. State agencies are encouraged to provide multiple options for training, including online or by video conference or webinars, in order to accommodate varying sponsor needs, while at the same time minimizing the time and expense incurred by the State agency.

State agencies may offer online training in any format that best suits sponsors' needs as long as the training is made available through accessible electronic means, is provided in the languages of those for whom the training is intended and in alternative formats for persons with disabilities.

As sponsors are required to annually participate in State agency training, they must also train all administrative staff and site staff before they undertake their responsibilities. 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.

For additional information see the *Sponsor Training Requirements* in Unit 3.

# Review of Applications by the State Agency

7 CFR 225.6(b), 225.7(d), and 225.11(c)

The State agency must determine the eligibility of sponsors applying for participation in the Program using the applicant sponsor eligibility criteria outlined at 7 CFR 225.14. When it reviews applications, the State agency must consider the resources and capabilities of each applicant to sufficiently operate all proposed sites.

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

The application must be denied if the applicant is found seriously deficient in the operation of any Federal Child Nutrition Program. However, State agencies may approve an applicant sponsor application that has been disapproved or terminated in prior years if the applicant demonstrates it has taken appropriate corrective actions to prevent recurrence of the deficiencies.

Before approving a site, the State agency must evaluate the sponsor's application and conduct a pre-approval visit of any site that the State agency has determined needs a pre-approval visit or any site that is proposed by a sponsor that did not participate or had operational problems in the prior year. Pre-approval visits are discussed in more detail in this unit under *Pre-Approval Visits by State Agencies*.

## State Agency Selection Priorities for Sponsors

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7 CFR 225.6 and (6)(h)(1)(ii)

Generally, the State agency must determine the eligibility of sponsors applying for participation in the Program as outlined in the applicant sponsor eligibility criteria in 7 CFR 225.14. However, when competing sponsors propose to serve the same area or the same group of enrolled children, the State agency must use the priority system established in 7 CFR 225.6(b)(5) to approve applicants to operate sites.

When determining which of the competing sponsors will serve an area, the State agency must give priority to:

1. Public or non-profit private SFAs;
2. Public agencies and private non-profit organizations that have demonstrated successful Program performance in a prior year;
3. New public agencies; and
4. New private non-profit organizations.

If two or more sponsors that qualify under “Public agencies and private non-profit organizations that have demonstrated successful Program performance in a prior year” apply to serve the same area, the State agency must determine on a case-by-case basis which sponsor or sponsors it will select to serve children in low-income areas. The State agency should consider the resources and capabilities of each applicant when making this determination.

## Site Proximity

To support the greatest Program participation and access, it may be appropriate for State agencies to allow sponsors to operate 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.

State agencies should consider site proximity factors in order to ensure that sites do not serve duplicate meals to children. Consideration of proximity applies to both congregate and non-congregate meal sites. For example, rural non-congregate meal service sites must be operated in areas where there is no congregate meal service. While there are no set parameters in Program regulations, State agencies have the discretion to determine where there is “no congregate meal service” in an area. State agencies should consider factors, such as barriers that may prevent children from reaching a congregate meal site, the limited capacity of a congregate meal site in an area, sites that serve the same children but on different days or weeks or for different meals, and sites that serve specific age groups of children or children with unique dietary requirements.

To assist State agencies evaluating applications for sites that are in close proximity, here are several best practices for preventing approval of multiple sites serving the same meals at the same time to the same children. The State agency may: Develop policies regarding site proximity, such as establishing minimum distances between sites based on population density and transportation factors.

- Request site proximity information when a sponsor is requesting a new SFSP site approval.
- Include site proximity criteria in the annual sponsor training.
- During the State agency application approval process, evaluate the proximity of proposed sites prior to approval.

For more information on best practices, see:

- SFSP 05-2027, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.
- SFSP 15-2023, *Best Practices for Determining Proximity of Sites in the Summer Food Service Program*, September 28, 2023, <https://www.fns.usda.gov/sfsp/best-practices-determining-site-proximity>.

## Approval of Sites

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7 CFR 225.2, 225.6(b)(12), (h)(1), and (h)(3)

When evaluating a proposed site, State agencies must ensure that:

- The proposed site serves an area in which poor economic conditions exist, except in the case of camps and conditional non-congregate sites.
- The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal.
- Sites must only be approved to serve the number of children that its facility can handle without exception.
- If the site is proposed to operate during an unanticipated school closure, it is a non-school site.

State agencies must also consider the type of site and the type of meal service that the sponsor proposes.

## Restricted Open Sites

An open site becomes a restricted open site when a sponsor chooses to restrict or limit the site's attendance for reasons of space, security, safety, or control. A site that would normally be approved as a traditional open site may not be approved as a restricted open site as a matter of preference or convenience; the sponsor must demonstrate to the satisfaction of the State agency that a legitimate reason exists to limit access to the site. State agencies must ensure that the site eligibility for a restricted open site is documented, and the site is located in an area in geographical areas where 50 percent or more of the children are eligible for free or reduced price school meals. State agencies may not allow schools that provide summer school programs to 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. SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities> and SFSP 05-2017, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

## Closed Enrolled Sites

State agencies must have established criteria for approving closed enrolled sites to ensure that operation of a site as closed enrolled does not limit Program access in the area that the site is located. State agencies should closely examine each closed enrolled site application and consider the effect that approving the application could have on Program access in the area where the site would be located. Operating as an open site should be encouraged wherever possible. The State agency should discuss with the sponsor whether a closed enrolled designation for a potential site is necessary.

## Camp Sites

State agencies may only approve camps for reimbursement of meals served free to enrolled children who meet the Program's income standards. If, at the time of application, the number of children enrolled in each session whose eligibility for Program meals is not known, the number of eligible children must be submitted as soon as possible, but no later than the filing of the camp's claim for reimbursement for each session.

# Non-Congregate Meal Service

When approving the application of a site that will provide a non-congregate meal service, the State agency must ensure that the proposed site:

- Meets all other site application requirements.
- Is rural.
- Will not serve an area where children would receive the same meal at a congregate site, unless the sponsor can demonstrate, to the satisfaction of the State agency, that the site will serve a different group of children who may not be otherwise served.
- Serves an area where poor economic conditions exist or is approved for reimbursement only of meals served free to enrolled children who meet the Program's eligibility standards.
- Distributes no more than the allowable number of reimbursable meals that would be provided over a 10-calendar day period. The State agency may establish a shorter calendar day period on a case-by-case basis and without regard to sponsor type.

State agencies cannot deny a site based solely on the sponsor's intent to provide a non-congregate meal service. State agencies cannot impose statewide restrictions around non-congregate meal service flexibilities, such as parent or guardian meal pick-up, home delivery, multi-day meal issuance, and bulk food items. However, the State agency may prohibit these options on a case-by-case basis. The State agency must evaluate the capabilities of each sponsor that requests to use these flexibilities and make determinations individually. State agencies can include documented processes in their MAP around these flexibilities, but outright bans of these flexibilities are prohibited.

## No Congregate Meal Service

When determining if an area is served by a congregate site, the State agency should consider information including, but not limited to:

- Physical conditions or barriers;
- Limited capacity that prevents the congregate site from serving community at large;
- Sites that serve the same children on different days, weeks, or meals on the same day; or
- Sites appealing to specific groups of children.

Documented policies and processes around no congregate meal service can help State agencies ensure Program integrity by minimizing the likelihood of meal service duplication.

## Hybrid Meal Service

If a sponsor proposes to offer both congregate and non-congregate meal services at the same site, the State agency must establish that the sponsor has a system that prevents meal service overlap. For example, a hybrid site that does not plan to have activities that would keep children at the site proposes to offer a congregate breakfast and a non-congregate lunch. The site could serve the congregate breakfast and then provide the non-congregate lunch as the children are leaving the site. However, it would not be acceptable to provide the non-congregate lunch at the same time that the congregate breakfast is served, as outlined in 7 CFR 225.6(h)(4)(ii).

The State agency must also ensure that the proposed site:

- Meets all other site application requirements.
- Is rural.
- Will only conduct non-congregate meal service when the site is not providing congregate meal service.
- Will have measures to prevent meal service overlap, to ensure children do not receive more than the maximum daily meal allowance as required in 7CFR 225.16(b)(3).

## Conditional Non-Congregate Sites

State agencies may only approve conditional non-congregate sites for reimbursement for meals served free to enrolled children who meet the Program's income standards. If, at the time of application, the number of children enrolled whose eligibility for Program meals is not known, the number of eligible children must be submitted as soon as possible, but no later than the filing of the sponsor's claim for reimbursement.

# Operating Limitations

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7 CFR 225.6(b)(6)

A State agency must not approve any sponsor to operate more than 200 sites or to serve more than an average of 50,000 children per day. However, a State agency may approve exceptions if the applicant sponsor can demonstrate it has the capability to manage a Program larger than these limits and the State agency has the capacity to conduct reviews of at least 10 percent of the sponsor's sites.

## Review of Sponsors' Budgets

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7 CFR 225.6(b)(7)

The State agency must review each applicant's administrative budget as a part of the application approval process to assess the applicant's ability to operate in compliance with the regulations within its projected reimbursement. In approving the administrative budget, the State agency must consider the number of sites and children to be served, as well as any other relevant factors. For example, the State agency must consider whether all administrative costs are allowable and whether the level of administrative spending would affect the sponsor's ability to operate a non-profit food service and provide a quality meal service.

## Approving Meal Service Times

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All meal service times must be approved by the State agency and approval must consider the State agency or sponsor's capacity to monitor the full meal service during a review. When approving meal service times, State agencies must ensure that sponsors comply with the meal service time requirements. For more information, see section *Comply with Meal Times Requirements* in Unit 4.



# Approved Level of Meals (Site Caps)

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7 CFR 225.6(h)(1)(iii) and 225.6(h)(2)

State agencies must set limits on the number of meals each approved site may serve to children. This is known as the ‘site cap.’ All sites are required to have an approved site cap to ensure that only one meal per child is served and claimed per approved meal service and that a site only purchases or produces meals that are within the site’s capability and the community’s need, thereby reducing waste and protecting the integrity of the program. State agencies should work closely with sponsors to ensure realistic expectations are set for each new site.

Site caps should reflect the true capacity and capability of sites while allowing for growth of the Program. State agencies may restrict the number of meals that may be claimed for sites that have been declared seriously deficient in past operations or that fail to adequately support requested site caps. Special events, such as summer kick-off and late-summer back-to-school events that may result in larger than average participation, would require State agency approval of a temporary site cap increase.

State agencies, through the required training provided to sponsors under 7 CFR 225.7(a), and sponsors, through the required training provided to site supervisors under 7 CFR 225.6(i)(6) and 225.15(d)(1), must ensure sponsors and site supervisors are trained and understand site cap requirements.

Additional guidance on sites caps can be found in SFSP 16-2015, *Site Caps in the Summer Food Service Program: Revised*, April 21, 2015, <https://www.fns.usda.gov/sfsp/site-caps-summer-food-service-program-revised>.

Adjustments to site caps are discussed in *Adjustments to Established Approved Level of Meals (Site Caps)* in Unit 4.

## Site Caps for Self-Prep Sites

For sponsors of self-prep sites, site caps must be based on the capacity of the site to prepare and distribute meals and on the number of children for which their facilities are adequate to serve.

# Site Caps for Vended Sites

The site cap approved for sites serving meals prepared by FSMCs, is the maximum number of children's meals that may be claimed for reimbursement by a vended site.

During the approval process of an application for a site that will serve vended meals, State agencies are responsible for establishing an approved maximum number of children's meals that may be served under the Program. The approved level of meals to be served at vended sites, including vended non-congregate rural sites, must be based on:

- Establishing the initial maximum approved level of meals to be served at the vended site.
- Determining the maximum approved level of meals to be served at the vended site.
- Ensuring appropriate adjustments are made to approved levels when necessary.

The initial maximum approved level of meals must be based on the historical records of attendance at the vended site. The State agency will determine if these records are accurate. Should the vended site not have prior records of attendance, the State agency must develop a procedure for establishing the initial maximum approved level. The State agency may then consider relevant information such as statistics on the number of children residing in the area, participation at other similar sites, documentation of programming at the site, and more.

To aid in the determination of the maximum approved level of a new vended site, the State agency should consider the site's average daily participation of current Programs. If this information is unavailable, the most recent Census data could also be used to determine the number of children residing in the zip code.

## Pre-Approval Visits by State Agencies

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### 7 CFR 225.7(d)

The purpose of pre-approval visits is to determine that sponsors and sites have the potential for Program success and to verify the information provided in the sponsor application. State agencies must conduct pre-approval visits of:

- All applicant sponsors that did not participate in the prior year;

- All applicant sponsors that had operational problems noted in the previous year; and
- All sites that the State agency determines need a pre-approval visit.

State agencies do not have to conduct pre-approval visits of sponsors that are SFAs or participate in CACFP if the State agency has conducted an administrative review of the SFA or a CACFP review of the institution must during the preceding 12 months with no significant deficiencies noted. The State agency also has discretion to conduct pre-approval visits for sponsors proposing to operate during unanticipated school closures.

State agencies must establish a process to determine which sites to visit. Considerations for site selection must reflect the following characteristics:

- Sites that did not participate in the program year;
- Existing sites that are new to non-congregate meal service; and
- Existing sites that exhibited operational problems in the prior year.

For additional information on pre-approval visits, see SFSP 06-2024, *Interim Final Rule: State agency Monitoring in the Summer Food Service Program*, February 14, 2024, <https://www.fns.usda.gov/sfsp/ifr-state-agency-monitoring>.

## Reasons for Denial of Sponsors' Applications

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7 CFR 225.6(b)(9), (b)(11) and (b)(12), and 225.11(c)

The State agency must not approve the application of any applicant sponsor identifiable through its organization or principals as a sponsor which has been determined to be seriously deficient, as described in 225.11(c). However, the State agency may approve the application of a sponsor which has been disapproved or terminated in prior years if the applicant demonstrates to the satisfaction of the State agency that it has taken appropriate corrective actions to prevent recurrence of the deficiencies. The State agency cannot approve the application of any applicant sponsor which submits fraudulent information or documentation, or which knowingly withholds information that may lead to the disapproval of its application. The State agency has the authority to deny sponsors' applications for several reasons. However, disapproval of a

sponsor's application based solely on the sponsor's intent to provide a non-congregate meal service is not allowable.

## Following State Agency Approval

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 and guidance materials, and applicable State and local laws.

Sponsors will receive reimbursement only for meals that are served after they have a signed permanent agreement and have been approved for Program operations. Sponsors must be certain that they have been approved before they begin meal services.

State agencies have the discretion to require additional evidence of financial and administrative capability if a sponsor has not proven this through the documentation submitted. The State agency may deny an application if it does not have sufficient evidence of a sponsor's financial or administrative capability. See *Sponsor Priorities for Selecting Sites and Additional Eligibility Requirements and Flexibilities* in this unit.

## Annual Application Updates

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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. The *Application Requirements for New and Experienced Sponsors and Sites* table featured earlier in this unit displays information that new and experienced sponsors are required to provide.

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. A State agency may require more detailed information on the site information sheets for sponsors that have had operational problems. Less information may be required for a sponsor experienced in operating the Program. Since this regulatory provision, 7 CFR 225.6(e)(3), is optional, not all State agencies adopt this variation in application processing. The *Application Requirements for New and Experienced Sponsors and Sites* chart featured earlier in this unit shows how the regulatory requirements for site information sheets differ between new and experienced sponsors and sites.

As described at 7 CFR 225.6(c)(4), 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.

Additional guidance is provided at:

- SFSP 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreement in the Summer Food Service Program and the Child and Adult Care Food Program*, January 14, 2011, <https://www.fns.usda.gov/cn/permanent-agreements-summer-food-service-program>.
- SFSP 10-2023, *Best Practices for Streamlining Applications for Year-Round Program Operations*, June 12, 2023, <https://www.fns.usda.gov/cn/cacfp-sfsp-best-practices-streamlining-applications>.
- SFSP 05-2012, *Simplifying Application Procedures in the SFSP*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.
- SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.

# State-Sponsor Agreement

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## 7 CFR 225.6(i)

Sponsors that are approved for participation in the Program must enter into a permanent written 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.

Once the State agency and sponsor enter into an agreement, it does not need to be renewed. However, sponsors 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, the agreement may be amended or cancelled. This feature of the agreement does not create contractual obligations beyond those described in SFSP regulations. This requirement reduces paperwork for sponsors and State agencies and simplifies Program management. See SFSP 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreements in the Summer Food Service Program and the Child and Adult Care Food Program*, January 14, 2011, <https://www.fns.usda.gov/cn/permanent-agreements-summer-food-service-program>.

A State agency must enter into a single permanent agreement with an 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 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.

## Required Elements of an Agreement

Each sponsor must have a valid agreement to be eligible to receive Program funds. Under the agreement, the sponsor agrees to:

- Operate a non-profit food service during the agreed upon period, usually from May through September for children on school vacation, at all times of the year when operating under a continuous school calendar system, or during the period of October through April, if a site serves an area affected by an unanticipated school closure.
- For SFAs, offer meals that meet Program requirements at the approved sites during times designated as meal service periods by the sponsor and offer the same meal to all children.
- For all other sponsors, serve meals that meet Program 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, at all sites except camps and conditional non-congregate sites, which may charge for meals served to children who are not served meals under the Program.
- Issue a free meal policy statement. As part of the free meal policy statement, sponsors must submit a nondiscrimination statement of their policy for serving meals to children. Sponsors operating camps and conditional non-congregate sites are exempt from including a statement that meals served are free at all sites; however, if sponsors operating camps or conditional non-congregate sites charge separately for meals the sponsor must also include specific eligibility information in the policy statement, and must submit a copy of its hearing procedures with its application.
- Train administrative and site personnel as required.
- Claim reimbursement only for the types of meals specified in the agreement that are served during the approved meal service period without charge to:
  - Children at approved sites, except camps and conditional non-congregate sites; or
  - Children who meet the Program's income standards at camps or conditional non-congregate sites.
- Submit claims for reimbursement that align with the procedures established by the State agency.
- Maintain proper sanitation and health standards as required by State and local law.
- Use food donated by USDA and accepted by the sponsor in the Program.
- 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.
- Make all accounts and records relating to the Program available to authorized officials on request. Records must be kept for a period of 3 years after the end of the fiscal year to which they pertain,

unless audit or investigative findings have not been resolved, in which case the records must be retained until all issues raised by the audit or investigation have been resolved.

- For congregate meal service, ensure children remain on site while meals are consumed. Sponsors may allow a child to take one fruit, vegetable, or grain item off-site for later consumption.
- Retain financial and administrative responsibility for the Program.
- Operate the Program or facility in compliance with Civil Rights laws and nondiscrimination regulations.

For additional information on meal requirements see *Meal Service Requirements* in Unit 4.

## Termination of a Permanent Agreement

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The existence of a permanent agreement does not limit a State agency's ability to terminate the agreement. The State agency must terminate the sponsor's agreement whenever a sponsor's participation in the Program ends. The State agency or sponsor may terminate the agreement at its convenience for considerations unrelated to the sponsor's performance. However, a State agency must consult with the FNSRO prior to taking any action to terminate an agreement for convenience.

## Sponsors Operating in Multiple States

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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 site is proposed 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 sites are located in the form requested by the State agency, such as postal service, electronic submission, or email.

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 located.



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 01-2014, *Sponsors Operating in Multiple States in the Summer Food Service Program REISSUED*, November 8, 2013, <https://www.fns.usda.gov/sfsp/sponsors-operating-multiple-states-summer-food-service-program-reissue> provides guidance.

## Appeal Rights

7 CFR 225.6(b)(3), 225.13, and 7 CFR 225.18(k)

When the State agency takes an action that affects an organization's participation or claim for reimbursement, the organization has the right to a fair hearing. The State agency must establish appeal procedures. The State agency must notify in writing each potential sponsor applying to participate, each FSMC applying to register, and each sponsor that has the right to appeal any of the following actions:

- Denial of an application for participation;
- Denial of sponsor's request for an advance payment;
- Denial of a sponsor's partial or full claim for reimbursement (except on decisions made by FNS with respect to late claims or upward adjustments);
- 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;
- Claim against a sponsor for remittance of a payment;
- Termination of a sponsor's (or a site's) participation in the Program;
- Denial of a sponsor's site application;
- Denial of an FSMC's application for registration or the revocation of an FSMC's registration; or
- Assessment of a fine when a State agency determines that a sponsor or site has failed to correct severe mismanagement of the Program, disregarded a Program requirement of which the sponsor or its site has been informed, or failed to correct repeated violations of Program requirements.

Review officials must be independent of the original decision-making process. They must make their determination based on information provided by the State agency and the appellant, and on Program regulations. The review official's decision is the final administrative determination to be afforded to the

appellant. The State agency must keep a record of each appeal. The record must document the State agency's compliance with Program regulations and include the basis for the review official's decision.

# Questions and Answers

## **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. State application deadlines are available on the *FNS Summer Food Service Program Deadlines for Sponsors* website, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>.

## **When should sponsors begin planning site outreach if they want to add sites?**

Sponsors should begin setting participation goals in the fall if they hope to add sites in the summer. Winter is a good time for sponsors to begin meeting with community partners and exploring new site options. Sponsors looking to add sites may refer to the *Site Recruitment Strategies Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit> for more tips on conducting successful site outreach. Sponsors may also refer to the *Capacity Builder*, <https://www.fns.usda.gov/sfsp/capacitybuilder> to identify locations for new sites and potential community partners, such as multi-family housing units, libraries, faith-based institutions, military bases, and schools. Sponsors should check with their State agency for more specific guidance.

## **Does FNS provide any planning tools for sponsors?**

Sponsors can refer to the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>, resources page for tips Sponsors should also refer to the *Summer Food Service Program Deadlines for Sponsors*, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>, when organizing their plans. For a sample planning checklist, see Appendix 2.

## **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 that sponsor. The agreement is a legally binding document that specifies the rights and responsibilities of both the sponsor and State agency. Sponsors should read the permanent agreement carefully before signing.

## **What do sponsors need to do to apply to participate in the SFSP?**

Sponsors should contact their State agency in order to obtain access to a sponsor application. Applicants should be certain that they have submitted all the required information, including supporting documentation, prior to the State agency's deadline. Incomplete applications will cause a delay in approval of the sponsor.

## **Are there any pre-operational requirements sponsors 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. Additionally, sponsors must conduct pre-operational site visits to determine that they have the facilities to provide meals for the anticipated number of children in attendance and the capability to serve meals.

## **How should State agencies identify whether an area has “no congregate meal service” for the purpose of determining if non-congregate meal service is allowable?**

When evaluating the application of a proposed site offering non-congregate meal service and determining if non-congregate meal service is allowable, the State agency must ensure that the area is rural, as defined in 7 CFR 225.2, and that the area the site proposes to serve is not or will not be served by a congregate meal service consistent with the requirement at 7 CFR 225.6(h)(3)(iii). State agencies have the discretion to determine whether an area has no congregate meal service. When determining if an area is served by a congregate site, the State agency should consider information including, but not limited to:

- Any physical conditions or other barriers;
- Limited capacity of a congregate site that prevents it from serving the community at large;
- Sites serving the same children on different days, different weeks, or for different meals on the same day; and
- Sites appealing to specific age groups or to children with unique dietary requirements.

Program regulations provide flexibility around the “no congregate meal service” requirement to allow State agencies to approve meal sites to operate both congregate and non-congregate meal services provided that the State agency ensures:

- The proposed site will only conduct a non-congregate meal service when the site is not providing a congregate meal service, as required in 7 CFR 225.6(h)(4)(ii); and
- The sponsor proposes an organized and supervised system to prevent overlap between meal services and reasonably ensures children are not receiving more than the daily maximum allowance of meals as required in 7 CFR 225.6(h)(4)(iii) and 225.16(b)(3).

### **Can existing rural sites switch from congregate to non-congregate meal service?**

Yes. State agencies may approve sites to switch between congregate and non-congregate site operations during the middle of summer operations. However, the non-congregate option is not intended to replace congregate meal service. USDA understands the benefits of congregate meal service and the accompanying activities that are often provided and encourages sponsors to continue to provide these opportunities when feasible. When planning for non-congregate meal service, State agencies and sponsors should work to identify and prioritize those rural areas that the congregate SFSP cannot reliably reach.

### **What are some free ways to raise community awareness about the availability of free summer meals?**

Schools are required to inform families of the availability and location of free meals when school is not in session, as described in 7 CFR 210.12(d). If a part of their summer strategy, Sponsors can encourage schools to go beyond this requirement by issuing a PSA to all families or by including details about summer meals on their school website or social media accounts.

Sponsors can also coordinate with other organizations such as statewide advocacy groups or public and private agencies, to conduct promotion efforts, consistent with their State agency's CSP. Many of these organizations have experience with, and systems for, communicating with the public. Sponsors can also share promotional materials with staff members at these organizations.

Sponsors can also work with traditional and social media outlets to spread the word about the Program. Sample media releases are provided in Appendix 2 that sponsors can use as templates to craft their message. For more tips and resources about promoting summer meals, see the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>.

## **Are there promotion efforts to do in mid-summer?**

In order to best ensure strong participation all summer long, sponsors should continue to promote summer meals for the entire duration of the Program. Sponsors can promote the *Summer Meals for Kids Site Finder*, <https://www.fns.usda.gov/meals4kids> and the *National Hunger Clearinghouse*, <https://www.fns.usda.gov/national-hunger-clearinghouse>, which families can use to find sites close to them. The hotline can be accessed by phone at 1-866-3-HUNGRY or 1-88-8-HAMBRE, or by text to the automated service at 914-342-7744 using keywords such as “food,” “summer,” or “meals.”

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 and resources, please see the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>.

## **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, see SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 08, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

## **What sources of data are used to determine eligibility for receiving non-congregate meals at conditional non-congregate sites?**

Conditional non-congregate sites that establish individual eligibility for meals use the same categorical eligibility procedures found in 7 CFR 225.15(f) to determine the eligibility of children who are members of

households receiving SNAP, FDPIR, or TANF benefits, as described in 7 CFR 225.6(f)(1). Individual eligibility for free or reduced price school meals may therefore be determined by using individual eligibility determinations through school data or by the application process described in 7 CFR 225.15(f). Only meals served to children eligible for free or reduced price school meals may be claimed for reimbursement at sites of this type.

Additionally, under new Program regulations at 7 CFR 225.6(g), site information sheets submitted by sponsors for conditional non-congregate sites must include (1) the number of children enrolled who meet the Program's income standards if it is a new site; or (2) the number of children enrolled who meet the Program's eligibility standards if it is an experienced site. If this information is not available at the time of application, this information must be submitted as soon as possible thereafter, and in no case later than the filing of the sponsor's claim for reimbursement.

### **What is the effective date of eligibility for children certified for free or reduced price meals in the NSLP?**

Generally, children are certified eligible for free or reduced price meal benefits on the date the household application is approved. However, LEAs, including schools participating in SFSP, have flexibility concerning the effective date of certification for Program benefits. LEAs may choose to establish the date of submission of an application as the effective date of eligibility, rather than the date the official approves it. LEAs can use this flexibility when processing household income applications, as well as when waiting for documentation of other source categorical eligibility, such as documentation from a homeless liaison to certify a child who is experiencing homelessness, indicated on a household application. See SFSP 11- 2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013,

<https://www.fns.usda.gov/cn/effective-date-free-or-reduced-price-meal-eligibility-determinations>.

### **What methods may schools participating in the SFSP use to establish the effective date of eligibility?**

Schools participating in SFSP may use either the date of submission of the household application or the date of certification to establish the effective date of eligibility as described in previously issued guidance for NSLP. See SFSP 11- 2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013, <https://www.fns.usda.gov/effective-date-free-or-reduced-price-meal-eligibility-determinations>. Schools may not use the date of parent or guardian's signature.

### **What methods may SFSP sponsors use to establish the effective date of eligibility?**

For non-school institutions, the effective date of eligibility can be established using either the date when the parent or guardian signed the income eligibility form or the date when the sponsor signed the form to certify the participant's eligibility (CACFP 01 SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/cn/duration-income-eligibility-determinations-guidance-and-qas>).

### **For how long is eligibility of children valid when an application is submitted?**

Eligibility for children is generally effective for 12 months, through the last day of the month in which the form was signed or certified. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until June 30, 2024 (CACFP 01 SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/cn/duration-income-eligibility-determinations-guidance-and-qas>).

### **How is area eligibility determined for SFSP for a CEP school that has no change to their ISP since the State agency initially approved?**

To determine area eligibility, an individual school's ISP multiplied by 1.6 is used as a proxy for the school's free and reduced price percentage; an individual CEP school site that has an individual ISP of at least 31.25 is area eligible ( $31.25 \times 1.6 = 50$ ). A redetermination of area eligibility is required every 5 years, unless the State agency is aware of significant economic changes in the area.

### **How is area eligibility determined for SFSP for Summer 2024 for a CEP school that updated or changed its ISP since the last or most recent area eligibility determination?**

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

### **Is the following scenario correct?**



- **In 2023, a school district adopted CEP district-wide. The ISPs of all individual schools in the district multiplied by 1.6 yield a result of at least 50 percent.** This school district's 4-year CEP cycle is SY 2023-24 to SY 2026-27. Schools apply for SFSP in 2024.
- Because of the district's CEP election, the State agency opts to reconfirm or redetermine that each individual school is area eligible based on the SY 2023-24 CEP data that was used to calculate the ISP.
- SFSP area eligibility for the school district is good for 5 years, or through 2028 based on the 2023 CEP determination.

Yes, the SFSP sites are certified for 5 years, based on the 2023 data that was used to calculate the ISP. *A redetermination will be due 5 years from 2024 for SFSP, even though the school district is required to recalculate the ISP sooner.* The 5-year eligibility is locked in for SFSP.



# Unit 3: Administering the Summer Food Service Program

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2024

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# Table of Contents

Table of Contents .....	3
Introduction .....	5
Administration at the State Agency Level .....	6
State Agency Reporting Requirements .....	6
Monitoring Responsibilities .....	8
Administration at the Sponsor and Site Levels.....	10
Staff Selection .....	10
Staff Duties .....	12
Volunteer Opportunities .....	15
Finding Volunteers .....	17
Sponsor Training Requirements.....	18
Pre-operational Requirements.....	21
Sponsor Monitoring Requirements .....	23
Program Violations.....	28
Corrective Action Plan.....	29
Program Finances .....	30
Advance Payments.....	30
Repayment of Excess Funds .....	31
Start-up Payments .....	31
Program Reimbursements.....	32
Allowable Costs .....	32
Unallowable Costs .....	33
Other Sources of Program Income .....	34
Claims for Reimbursement .....	35

Consolidation of Claims for Reimbursement.....	37
Non-Reimbursable Meals.....	37
Excess Funds Versus Unused Reimbursements.....	39
Recordkeeping Requirements.....	40
Maintaining Records of Costs and Tracking Funds.....	40
Retention of Records.....	41
Administrative Records.....	41
Operating Cost Records.....	43
Civil Rights Requirements.....	47
Race and Ethnicity Data.....	48
Questions and Answers.....	51

# Introduction

The SFSP regulations describe a variety of administrative requirements for State agencies and sponsors to manage the Program, increase operational efficiency, and make SFSP work better. Unit 3 describes the State agency's requirements for reporting Program information to FNS and monitoring the performance of sponsors and sites. Unit 3 also addresses the oversight responsibilities of sponsors, with guidance on hiring, training, monitoring, payments and financial management, and recordkeeping. For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Program Administration Guide* and *Appendix 1*, respectively.

# Administration at the State Agency Level

## State Agency Reporting Requirements

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7 CFR 225.3(e), 225.4, 225.8

### Coordinated Services Plan

Each State agency must establish a coordinated services plan, or CSP, to coordinate the statewide availability of services offered through SFSP and Summer EBT, to aid participants in accessing all Federal, State, Tribal, or local programs for which they are eligible. Only one plan per State is required in States where more than one State agency administers the programs.

The CSP must include a description of who will be administering the programs, how they will coordinate outreach and programmatic activities to maximize Program reach, including metrics to assess such reach and coverage, and the State agency's plans to partner with other Federal, State, Tribal or local programs.

States must notify the public of their CSP and make it available on their website. The initial CSP must be submitted to FNS no later than January 1, 2025, with updates submitted annually when significant changes are made to the plan, and otherwise no less than every 3 years.

### Program Management and Administration Plan

Each State agency must develop a Program management and administration plan, or MAP, that meets the minimum requirements outlined in 225.4(d). Plans must be submitted to FNSRO for approval by February 15 of each year. Upon FNS approval of the plan, the State agency must be notified of the level of administrative funding which it will receive, and be allowed to withdraw Program funds and receive commodity donations from the Department.

## Data Collection Related to Sponsors

Each State agency must submit to FNSRO a list of potential private non-profit organization sponsors by May 1 of each year. This list must include the sponsor's name, sponsor's address, geographical areas proposed to be served, proposed number of sites, and available details, including address, dates of operation, and estimated daily attendance, for each proposed site.

The State agency must also notify the FNSRO, within 5 working days after they approve each private non-profit organization to participate as a SFSP sponsor, providing updated information on each site.

## Financial Reports

Each State agency must submit to FNS a quarterly Financial Status Report (FNS-777) on the use of Program funds. The State agency must submit these reports no later than 30 days after the end of each fiscal year quarter. No later than 120 days after the end of the fiscal year, each State agency must submit to FNS the final Financial Status Report (FNS-777).

## Final Report on SFSP Operations

Each State agency must submit to FNS a final report on SFSP Operations (FNS-418) for each month, no more than 90 days following the last day of the month covered by the report. This report must include any upward and downward adjustments that were made to Program funds claimed.

## Summer Meals Site Finder

During the summer operational period, FNS collects summer meal site information from State agencies on the Summer Food Site Locator form FNS-905. This form, which may only be completed by State agencies, collects details about each site.

Data are integrated into public facing web tools, including the Summer Meals for Kids Site Finder, <https://www.fns.usda.gov/meals4kids>. This tool was developed to help children, parents, and others quickly and easily find summer meal sites near them.

Beginning in summer 2025, State agencies will be required to submit to FNS a list of open site locations and their operational details on the FNS-905, by June 30 of each year or a later date approved by the FNSRO.

State agencies will also be required to provide a minimum of two updates during the summer operational period. FNS encourages State agencies to submit weekly updates if there are any changes to the State agency's data to ensure families have the most up-to-date site information.

## Additional State Agency Requirements

7 CFR 225.18(f)

State agencies may establish additional Program requirements, as long as these are consistent with Federal requirements. Any additional State requirements must be submitted for approval to FNSRO at least 30 days before implementation. The request must include:

- a description of the additional State agency requirement, including the affected Program participants;
- a justification as to why the additional State agency requirement is necessary; and
- an assurance that the additional State agency requirement will not create barriers to participation or deny access to eligible children.

FNSRO approval is required prior to implementation of the State requirement. For additional information, see SFSP 06- 2013 - REVISED, *Additional State Agency Requirements in the Summer Food Service Program*, January 24, 2013, <https://www.fns.usda.gov/sfsp/additional-state-agency-requirements-summer-food-service-program>.

## Monitoring Responsibilities

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### State agency Reviews of Sponsors and Sites

7 CFR 225.7(e)

In addition to pre-approval visits described in Unit 2: Applying to the SFSP, State agencies must complete reviews of sponsors' Program operations. The reviews require visits by the State agency's monitors to the sponsor's sites and central office. To determine which sponsors and sites to review, the State agency must, at a minimum, consider the sponsors' and sites' current and previous Program performance, whether they operate congregate or non-congregate meal services, and findings from previous reviews. For more



information, see SFSP 08-2023, *Guidance on Site Selection Criteria during Sponsor and Site Reviews in the Summer Food Service Program*, May 25, 2023, <https://www.fns.usda.gov/sfsp/site-selection-criteria-monitoring-reviews>.

A State agency review of site operations should involve observing the meal service operations and the records 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.

As part of the sponsor review, the State agency must validate the sponsor's meal claim utilizing a record review process that includes, at a minimum, reconciling daily receipts, daily meal counts from sites, and the sponsors' claim consolidation spreadsheets against the meals claimed for reimbursement by the sponsors for periods under review.

State agencies must also ensure that claims submitted for reimbursement are properly payable, which means that the sponsor's records justify all costs and meals claimed. Corrective action must address any issues related to claiming issues and other areas of noncompliance.

For more guidance on meal claim validations, see SFSP 05-2023, *Best Practices for Meal Claim Verification and Ensuring Properly Payable Claims in the Summer Food Service Program*, April 3, 2023, <https://www.fns.usda.gov/sfsp/best-practices-meal-claim-verification-payable-claims>. The recorded webinar, *Best Practices for Meal Claim Verification of Self-Prep Sites*, <https://www.fns.usda.gov/sfsp/meal-claim-verification-self-prep-sites>, provides more detail about this guidance.

# Administration at the Sponsor and Site Levels

## Staff Selection

### Site Staff

Prior to Program operation, sponsors should consider the various needs in order to operate a successful program. 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. Varied opening and closing dates of individual site operations also affect staffing needs.

Each sponsor must provide adequate personnel to meet its unique circumstances and ensure successful Program management and monitoring. For example, monitors are critical to the successful operation of SFSP sites. Monitors visit sites on a regular basis and observe meal service operations. They are the "eyes and ears," providing valuable feedback about how the sites are operating. To meet Program monitoring requirements, FNS 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.

### 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(s) of meals prepared. The following daily staffing schedule is provided as a guide for a Program serving lunches and snacks.

**Table 1. Sample Daily Staffing Schedule**

Number of Meals	Hours of Labor	Staff Needs
1-50	6-8	1 full-time employee

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

Full-time employees can be scheduled for only the hours they are needed and may not be required to work an 8-hour day. 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 of 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.

Food production employees will have food preparation duties and must be shown how and when 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. A sample position description for a Cook is provided in Appendix 2. For the position of Food Service Manager, consider someone with a food production or nutrition background with food service experience.

Here are tips for selecting food service 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.

- Ensure all food service employees 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.

## Staff Duties

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The following are examples of duties and responsibilities of the director, assistant director, bookkeeper, monitor, and site supervisor. When running smaller Program operations, sponsors may consider having one staff member fill various positions, as appropriate. Sponsors needing more specific staffing guidance should consult with their State agency.

### Director Responsibilities:

- Attend State agency training annually.
- Hire, train, and supervise staff.
- Provide overall management and supervise the SFSP.
- Select sites and determine which type of meal service is appropriate.
- Determine whether there is a need for rural non-congregate meal service, including hybrid models and targeted service in areas that do not qualify as areas in which poor economic conditions exist.
- Ensure that children's eligibility information at conditional non-congregate sites and camps is collected in order to support reimbursement claims.
- Ensure site supervisors know the menu and how meals, vended or self-prep, will be provided.
- Correspond with the State agency.
- Coordinate with other organizations and conduct promotion efforts, consistent with the State agency's CSP.
- Arrange for food preparation or delivery.
- Ensure that all monitoring requirements are met.
- Adjust meal orders.
- Submit claims for reimbursement.
- Ensure compliance with Civil Rights requirements.

- 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 the State agency has current site information that reflects the operation of each site, including changes in meal service types, meal service times, and the average number of children served.
- Ensure the sponsor's office and sites display the "And 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 delivery of meals to the site.
- Check claims for reimbursement.
- Maintain time and attendance records of staff.
- Maintain records on number of meals served.
- Ensure area schools have access to FNS 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.
- Supervise monitors.
- Report site problems to the director.

## Bookkeeper Responsibilities:

- Maintain the following records:
  - Daily site reports, invoices, and bills;
  - Food costs;

- Labor costs;
- Administrative costs;
- Costs of transporting children to meal service sites in rural areas;
- Costs of home delivery for non-congregate meal services;
- Other costs; and
- Program income.
- Prepare reimbursement vouchers.
- Prepare payroll.
- Purchase office supplies.

## Monitor Responsibilities:

- Check on-site operations to ensure that site personnel maintain records.
- Ensure the site operates in compliance with Program requirements.
- Conduct pre-operational visits, as described in 225.15(d)(2).
- Visit the sites within the first 2 weeks of meal service operations, as described in 225.15(d)(3).
- Review meal service operations at each site within the first 4 weeks of operation, as described in 225.15(d)(4).
- Complete required visits and reviews on State agency approved monitoring review forms.
- Report unresolved or critical issues to management.
- Conduct additional visits to sites, as necessary, to provide technical assistance.
- Suggest corrective actions to resolve problems.
- Ensure that sites take corrective actions.
- Conduct trainings for new site staff, as necessary.

## Site Supervisor Responsibilities:

- Attend sponsor training.
- Ensure Civil Rights requirements are properly implemented.
- Be on site for the entire meal service, except for non-congregate meal service sites using delivery services.
- Inform director or assistant director of field trips.

- Communicate changes in meal service to director or assistant director.
- 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 at congregate sites.
- Plan and organize daily site activities, including nutrition education for congregate sites.
- Implement alternate meal 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.

## Volunteer Opportunities

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Volunteers provide a great support system for the Program, as they can assist with a number of services.

### Promote Access

Volunteers can help with promotion by posting fliers in their neighborhood, posting messages on social media or other online forums, writing letters to their local newspaper in support of the Program, and serving as “Summer Meal Spokespeople” throughout their community.

### Site Supervision

Trained volunteers can serve as site supervisors. See the *SFSP Site Supervisor’s Guide*, <https://www.fns.usda.gov/sfsp/site-supervisor-guide>, for a more detailed overview of this position.

# Meal Preparation

Sponsors preparing their own meals can use volunteers for meal preparation activities. Volunteers can receive free meals if they are performing food service duties in accordance with Program regulations at 7 CFR 225.15(b)(3)(iii). See *Meal Preparation Options* in Unit 4: Operating the Meal Service for the SFSP, for more information about self-prep.

# Meal distribution

Volunteers may distribute meals for non-congregate sites that provide delivered meals to children's homes.

# 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 participating at congregate meal sites. Site activities can be regular (for example, every Friday could be "Music Day") or a one-time affair, depending on the volunteer's preference.

# Accurate point of service counts

Volunteers can help the site supervisor maintain accurate point of service meal counts by counting meals 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. Additional information on point of service counts see *Meal Counts* in Unit 4.



# Finding Volunteers

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There are many ways of finding volunteers in the community. Here are some examples:

## 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. Several senior volunteer organizations exist across the country, including AARP’s *Create the Good*, <https://createthegood.aarp.org/>, and *AmeriCorps Seniors* volunteers, <https://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 meals program.

## 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*, <https://www.idealists.org/en>, or *Volunteer Match*, <https://www.volunteermatch.org/>.

For additional tips, visit the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>.

# Sponsor Training Requirements

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Training is one of the major administrative responsibilities of a sponsor. A successful, smoothly run Program relies on sponsors providing training on SFSP requirements throughout the period of meal service operation. No site may operate until staff has attended an SFSP operations training session. However, State agencies may waive the training requirement for sponsors that provide Program benefits during unanticipated school closures from October through April or at any time in an area with a continuous school calendar.

## Training Required of Sponsor Staff

### 225.15(d)(1)

Sponsors must annually train all administrative staff and site staff before they undertake their responsibilities. Because these staffing groups have different program responsibilities, sponsors are encouraged to offer separate training sessions to focus on each group's specific functions.

For example, sponsor staff training will include more detailed information regarding administrative oversight, such as verifying meal claims and adjusting the site caps. Site staff training will include detailed information regarding Program operation, such as point-of-service meal counts, proper food storage, and recordkeeping requirements.

Sponsors are encouraged to share information with staff by announcing the date, time, location, and importance of attending any training sessions that have been planned for their specific function. The date, names of attendees, and documentation of the topics covered must be recorded for each training session offered.

## Training Topics

### 7 CFR 225.15(d)(1)(i)

At a minimum, sponsors must be certain that they cover the following topics in the training session for administrative staff and site personnel:

- The purpose of the Program;
- Site eligibility;
- Recordkeeping requirements;
- Site operations, including both congregate and non-congregate meal service;
- Meal pattern requirements; and
- Monitor duties.

Sponsors should provide training throughout the period of Program operations to ensure that staff are thoroughly knowledgeable in all required areas and are able to sufficiently carry out their responsibilities. The sample *Training Checklists* in Appendix 2 has more suggestions for training topics.

## Sponsor Training

7 CFR 225.15(d)(1)(ii)

### Training of Administrative Staff:

Training sessions provided to administrative staff must explain the responsibilities and duties of all sponsor personnel administering the SFSP. Personnel may include area supervisors and office staff, such as assistants, clerks, bookkeepers, and secretaries.

### Training of Monitors:

A monitor serves as a direct link between the sponsor's administrative office and meal sites. The monitoring function is central to proper Program operations and full reimbursement. Monitors are encouraged to attend both administrative training as well as training at the site level to ensure a comprehensive understanding of Program operations at both levels. It is important that monitors receive thorough training so that they are able to provide meaningful feedback to the sites, among other important responsibilities.

This training may outline the specific duties of monitors including:

- Sites for which they will be responsible;
- Conducting site visits and reviews;
- Monitoring schedules;
- Reporting and recordkeeping procedures;
- Follow-up procedures;

- Office procedures;
- Local sanitation and health laws;
- Civil rights;
- Reporting of race and ethnicity data; and
- Considerations for personal safety, if necessary.

Appendix 2 contains a *Prototype Training Checklist for Monitors*, as well as other sample materials that may be used for training, including site visit and review forms, mileage logs, and a race and ethnicity data form.

## Training of Site Staff

### 7 CFR 225.15(d)(1)

Before any meal service sites may begin Program operations, SFSP regulations require site personnel to annually attend at least one of the sponsor's training sessions. At least one person who has received training must be present at each meal service.

Sponsors must document attendance at site training sessions and schedule additional sessions for those staff who are absent, including any new staff hired during current Program operations. Sponsors are responsible for ensuring that new site staff receive all necessary training before beginning meal service duties.

Sponsors may provide virtual training, including online or by video conference or webinars. The use of virtual training technologies allows sponsors to offer training more frequently and increases access to training, especially for staff at sites that operate non-congregate meal service.

Sponsors may also provide training to local health inspectors and vendors. A notice of the site training session may be sent to local health inspectors to give them the opportunity to become more familiar with SFSP meal service operations. Sponsors may invite FSMC or SFA representatives to train on menus and delivery schedules.

## Training of Food Service Staff

All food service staff must be trained on:

- The goals of the SFSP;
- The meal pattern requirements;
- The importance of preparing nutritious meals that meet meal pattern requirements; and
- The local health, safety, and sanitation standards.

As a best practice, site supervisors should ensure that food service staff have a good understanding of the operation of food service equipment and are able to develop and follow standardized recipes that meet meal pattern requirements. For standardized recipe ideas, visit *Team Nutrition Recipes*, <https://www.fns.usda.gov/tn/team-nutrition-recipes>.

Sponsors may contact their State agency for training materials promoting nutrition education, food safety information, recipes, and more. Video packages are available for group training or self-study. Sponsors can also visit the *Institute of Child Nutrition* website, <https://theicn.org/>, for many more resources.

To ensure compliance with regulations and increase Program integrity, it is a best practice to hold consistent training refreshers for site staff throughout the period of operation. Frequent video calls, texts, e-mails, and other virtual methods of communication with site staff provide opportunities for the sponsor to build relationships and answer questions that may arise before a problem occurs.

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.

## Pre-operational Requirements

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### Sponsor and Site Agreement

Sponsors that intend to operate any site that is legally unaffiliated with their organization should enter into an agreement with the site supervisor or responsible site official. The agreement should list the specific responsibilities of the site supervisor, which will make it easier for the site personnel to understand their duties.

The agreement does not relieve the sponsor of 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 and Site Agreement Form* can be found in Appendix 2.

## Health and Sanitation

7 CFR 225.6(i)(9) and 225.16(a)

When sponsors choose their prospective sites, they must notify the local health department in writing of their intention to provide meal services at specific times and site locations. Before Program operations begin, the sponsor must submit to the State agency a copy of this notification.

Sponsors must conform with all applicable State and local laws and regulations to maintain proper sanitation and health standards at their sites. Although some sites, such as sites that do not prepare food on site, may be exempt if the administering agency that enforces State and local health and safety requirements issues a written exemption. The SFSP State agency cannot issue an exemption.

Even if an exemption is issued, there must be some level of health and safety standards in place to ensure that adequate facilities are available to prepare and store meals. For more information, see SFSP 07-2015, *Health and Safety Inspection Requirements*, December 10, 2014, <https://www.fns.usda.gov/health-and-safety-inspection-requirements>. The *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>, also provides health inspection tips.

## Planning for Extreme Weather Conditions

7 CFR 225.6(g)(1)(viii)

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 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 alternate temperature-controlled site, sponsors should have a contingency plan for dealing with thunderstorms, excessive heat, and other types of extreme weather conditions. For example, the sponsor's contingency plan may require the site to discontinue the meal

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

## Responding to Disasters

Sponsors are also encouraged to plan in advance to ensure a rapid response when an emergency situation arises. For example, a sponsor may work with the State agency to obtain approval to operate during unanticipated school closures. The State agency may pre-approve sponsors to operate emergency meal sites in response to a disaster at any time of the year during the initial application process. For more guidance, see SFSP 18-2014, Disaster Response, May 19, 2014, <https://www.fns.usda.gov/cn/disaster-response>.

State agencies and sponsors, through their State agency, may request individual waivers under the authority of section 12(l) of the NSLA to implement Program flexibilities when experiencing disasters or other emergency situations. For more information on the waiver request process, see SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol - Revised, May 24, 2018, <https://www.fns.usda.gov/cn/waiver-request-guidance-and-protocol-revised>.

## Sponsor Monitoring Requirements

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7 CFR 225.14(c)(4) and (6) and 225.15(d)

Monitoring is essential to making a Program successful. Having knowledgeable trained monitors will best ensure compliance with Program requirements. 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, depend on the size of the sponsor's Program. Staff Selection is described earlier.

The sponsor must ensure that the monitor's responsibilities and authority are clear to the monitoring staff, site supervisors, and office personnel. This section will go into detail about the visits and reviews that monitors are required to perform in order to ensure that sites comply with Program guidelines. As a best practice, monitors may want to consider:

- Carrying a supply of all necessary review forms during site visits and reviews;

- Providing training for site personnel when needed; and
- Spending enough time at each site to ensure proper Program operations.

## Visits and Reviews

Monitors are required to perform site visits and meal service reviews for all sites including non-congregate and congregate meal services. These are conducted on-site and include pre-operational site visits, initial site visits and full meal service reviews. Visits and reviews are further discussed in the *SFSP Sponsor Monitor's Guide*, <https://www.fns.usda.gov/sfsp/sponsor-monitors-guide>, which provides more detailed information on sponsor monitoring requirements and sample forms.

Site visits require monitors to ensure that the meal service is operating smoothly and that any apparent problems are immediately resolved. Meal service reviews require monitors to observe a complete meal service from beginning to end, including delivery or preparation of meals, the meal service, and clean up after meals, in order to determine if the site is meeting all the various Program requirements. These visits and reviews are an important part of the sponsor's responsibility to ensure the integrity of the Program.

Visits and reviews are conducted on-site, however there are some exceptions where off-site flexibilities are available. For more guidance, see SFSP 06-2023, *Oversight and Monitoring of the Summer Food Service Program – Guidance on On-site and Off-site Strategies and Options*, April 6, 2023, <https://www.fns.usda.gov/cn/oversight-monitoring-onsite-offsite-sfsp-guidance>. For additional information on sponsor monitoring requirements and sample forms, refer to the *SFSP Sponsor Monitor's Guide*, <https://www.fns.usda.gov/sfsp/sponsor-monitors-guide>.

Sponsors must ensure that the following minimum monitoring requirements are met:

## Pre-operational Visits

7 CFR 225.15(d)(2)

Pre-operational visits are required to be conducted by the sponsor to determine that the sites have been visited and have the capability and facilities to provide the meal service planned for the anticipated number of children in attendance, and the capability to conduct the proposed meal service. Prior to submitting a



request for approval to the State agency, sponsors are required to conduct pre-operational visits for the following types of sites:

- New sites;
- Sites that experienced operational problems in the previous year; and
- Existing sites that are new to non-congregate meal service.

As part of the application to participate in SFSP, sponsors must certify that all required pre-operational site visits have been conducted for the sites proposed and that the sites have facilities to provide the meal service planned for the number of children anticipated to be served and the capability to conduct 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. If a sponsor does not include this certification in their application, they are not considered an eligible applicant. Pre-operational site visits must not be confused with the required initial site visits and full meal service review, which is further explained in the section below.

For a ready-to-adapt monitoring form template, see the *SFSP Sponsor Monitor's Guide*, <https://www.fns.usda.gov/sfsp/sponsor-monitors-guide>, for a sample form that can be used to record pre-operational visit information. Sponsor monitors should record the date of the pre-operational visit to each site and the name of the person who visited each site.

## Initial Site Visits

7 CFR 225.15(d)(3)

Sponsors must conduct visits of the following sites at least once during the first 2 weeks of operation:

- All new sites;
- All existing sites that are new to providing non-congregate meal service;
- All sites that have been determined by the sponsor to need a visit based on criteria established by the State agency for sites with operational problems in the prior year; and
- Any other site that the State agency has determined needs a visit.

These visits are to ensure food service operations are running smoothly and to verify information such as the site address, storage, holding and preparation facilities, and serving capabilities. If a site operates for 7

calendar days, or fewer, the initial site visit must be completed during the period of operation. If a site visit reveals a problem, sponsors must take prompt action to correct any deficiencies they find. Check with your State agency for additional guidance.

## Meal Service Reviews

7 CFR 225.15(d)(4)

Sponsors must conduct a full review of food service operations at each site at least once during the first 4 weeks of Program operations using the monitoring form developed by the State agency. If a site operates less than 4 weeks, the sponsor must still conduct a full meal service review during the period of operation. Sponsors may conduct the full review of food service operations at the same time they are conducting an initial site visit, outlined above.

Monitors must observe the entire duration of meal service. Additionally, monitors must review food delivery or meal preparation, meal counts, and review daily records maintained by the site supervisor.

Sponsors must maintain a reasonable level of site monitoring to ensure continued Program compliance. However, to ease administrative burden, sponsors may use the flexibility described in SFSP 10-2023, *Initial Site Visits in the Summer Food Service Program*, May 30, 2023, <https://www.fns.usda.gov/sfsp/initial-site-visits>, to conduct the initial site visit and full meal service review at the same time.

## Monitoring Reports

Each State agency must develop and provide monitoring report forms to all approved sponsors that contain all of the required elements specified at 7 CFR 225.7(j), including whether the meal service is congregate or non-congregate.

All visits and reviews must be documented on a monitoring report form. 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.

As a best practice, sponsors should utilize a tracking system for handling monitor reports. Sponsors should have a system that will ensure that monitors return reports frequently—every day, if possible.

The reports should be immediately reviewed by the assistant director or another assigned 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, based on the severity of the problem.
- Sign and date the report.

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 review and follow-up of the monitoring reports are necessary for effective Program operations. The sponsor review official should base the timing of a follow-up review according to any problems encountered, and the severity of such problems.

When the sponsors review monitoring reports, they should pay attention to the quality of the reports. There are several indicators that may suggest the monitor's lack of Program knowledge or the monitor's misunderstanding of responsibilities. Additional training would be appropriate if the monitor:

- Did not answer all questions on the report left or a response to a question incomplete.
- Rarely noted problems and did not include comments in the remarks section of the report.
- Observed that the number of meals delivered or served and the number of children who were in attendance were always the same, with no follow-up to see if meal counts were appropriately taken.
- Recommended a corrective action without noting the action taken or initiating correction of the problem.
- Did not recommend adjustments in orders when the number of meals exceeded attendance.
- Arrived late at a site or did not stay to observe the entire meal service period.

Sponsors must maintain all records for 3 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. For more information, see *Recordkeeping Requirements* in this unit.

# Non-contractible Management Responsibilities

7 CFR 225.15 (a)(3)

Sponsors have financial and administrative responsibility for total Program operations at all sites. Sponsors cannot contract out management responsibilities of the Program, including but not limited to the following tasks:

- Meal ordering;
- Official recordkeeping responsibilities, including meal count information to substantiate claims;
- Submission of claims for reimbursement;
- Training of administrative and site staff;
- Monitoring of sites;
- Announcement of the availability of meals to the news media;
- Determination of children's eligibility for free meals; and
- Maintaining of individual free meal applications.

Sponsors should check with the State agency before allowing an FSMC to undertake any task related to these responsibilities of any other tasks that may be considered management functions.

FNS Instruction 796-4, Rev. 4, *Financial Management– Summer Food Service Program for Children*, April 14, 1994, <https://www.fns.usda.gov/sfsp/financial-management-summer-food-service-program-children>, provides information on establishing standards, principles, and guidelines in the development and maintenance of financial management systems. State agencies can provide an overview of the information included in the instruction to their sponsors.

## Program Violations

7 CFR 225.11

Violations of Program requirements may result in withholding or recovery of reimbursements, corrective action, or termination and exclusion from future Program participation. The sponsor is required to take corrective action whenever the State agency observes violations during the course of a site review.

# Corrective Action Plan

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## 7 CFR 225.11(c) and (f)

If a high level of meal service violations at a site, the State agency 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. (For all sites, except for non-congregate meal service sites conducting home delivery, the site supervisor must be on site for the duration of the food service.)
- Noncompliance with the meal service time restrictions, as described in 7 CFR 225.16(c).
- Service of more than one meal to a child at one time at congregate meal sites.
- Children eating complete meals off-site at congregate meal sites. (This does not refer to the permissible practice of allowing children to take a fruit, vegetable, or grain component off-site.)
- Distribution of more than the daily meal limit when multi-day service is used at non-congregate meal sites.
- Claiming meals that were not served to eligible children.
- Serving or offering meals that do not include all required meal components or correct quantities.
- Failure to report sites to the health department.
- Continued use of FSMCs or commercial meal vendors that have violated 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.
- Failure to adhere to competitive bid procedures.
- Noncompliance with civil rights laws and regulations.
- Failure to count meals at the point of service.
- Errors in meal count consolidation.

- Failure to meet training on monitoring requirements.
- Failure to gain parental consent for non-congregate meals distributed through home delivery.

## Program Finances

Sponsors receive Program payments based on the number of meals served multiplied by the appropriate combined administrative and operating rates for reimbursement. When sponsors apply to participate in SFSP, they may request advance payments for their total Program costs, for their operating costs, or for their administrative costs. The sponsor must have a signed agreement with the State agency to be eligible to receive any SFSP payments.

### Advance Payments

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7 CFR 225.2 and 225.9 (a) and(c)

Sponsors may request advance payments to help them meet Program expenses, prior to receiving reimbursements. These payments are advances on the reimbursement that sponsors will receive for a month of operations. The advances help sponsors maintain a positive cash flow by making funds available to meet Program costs as they arise throughout the month. The amount of the advance payment is deducted from future reimbursement payments.

Sponsors must request each advance payment from the State agency at least 30 days before the payment dates of June 1, July 15, and August 15. To be eligible for second or third payments, sponsors must certify that they are operating the number of sites which the State agency approved in the sponsor's budget. Sponsors must also certify that their projected costs do not differ significantly from the approved budget.

Except for SFAs, sponsors must conduct training sessions before receiving the second advance payment. The sponsor must certify that it has held training sessions on Program requirements for site and sponsor personnel, before the State agency may release the second month's advance payment. Additionally, a sponsor may not receive an advance in any month when it will operate for less than 10 days. If a sponsor operates for less than 10 days in June, but for at least 10 days in August, the second advance payment must be made by August 15.

The State agency must make the best possible estimate based on the sponsor's request and any other available data. Advance payment amounts may not exceed the amount estimated by the State agency to be needed by the sponsor to meet Program costs. The State agency should use the method to determine the amount of advance payments that results in a larger payment:

- If sponsors participated in the previous year's Program, the advance payments for costs usually will be based on the total 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.
  - For vended sponsors, 50 percent of the amount the State agency determines the sponsor will need for that month's meals.
  - For self-prep sponsors, 65 percent of the amount the State agency determines the sponsor will need for that month's meals.

## Repayment of Excess Funds

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7 CFR 225.2 and 225.9(c)(6)

Excess funds are the difference between any advance funding and meal reimbursements, when advance funds received by a sponsor are greater than the reimbursement amount earned by a sponsor.

It is the sponsor's responsibility to return any excess advance payments upon demand of the State agency. The sponsor must repay the amount that is cited on the valid claim for reimbursement.

Failure to return excess funds may lead to a termination of the sponsor's agreement and a determination of serious deficiency.

## Start-up Payments

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7 CFR 225.2 and 225.9(a)

The State agency may, at its discretion, provide the sponsor with a limited amount of start-up payments. The sponsor may receive up to 20 percent of the sponsor's approved administrative budget for costs incurred to plan the meal service or establish effective management procedures for the meal service.

These start-up payments are deducted from the first advance payment, if the sponsor receives them, or the first reimbursement payment,

Sponsors may request start-up payments, if they are available, when they apply to participate in the Program. If approved, the start-up payments may not be provided any earlier than two months before food operations begin. For more information, see SFSP 7-2014, *Expanding Awareness and Access to Summer Meals*, November 12, 2013, <https://www.fns.usda.gov/cn/expanding-awareness-and-access-summer-meals>.

## Program Reimbursements

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7 CFR 225.9(d)

Program Reimbursement amounts are determined using a “meals times rates” formula, meaning they are calculated by taking the number of meals served and multiplying it by the per meal reimbursement rate. The product of this formula equals the total amount of reimbursement to be paid.

Sponsors are not eligible for reimbursement unless they have signed an agreement with the State agency. Sponsors must maintain complete records to document all costs and meals they claim for reimbursement. For additional information on recordkeeping, see *Recordkeeping Requirements* in this unit. Examples of recordkeeping forms are found in Appendix 2.

## Allowable Costs

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7 CFR 225.2 and FNS Instruction 796-4, Rev. 4

Reimbursements may be used to cover operating costs which are reasonable, necessary, and allocable.

Allowable operating costs may include, but are not limited to:

- Compensation of Program labor;
- Food and non-food supplies;
- Facilities service costs;
- Utility costs;
- Costs for transporting children to a meal service site; and
- Costs for transporting food to a meal service site.



Sponsors must consider the factors listed under 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart E - Cost Principles, to determine and ensure that costs are allowable.

Allowable administrative costs are costs incurred by the sponsor for planning, organizing, and managing the meal service, excluding interest and operating costs.

Administrative costs may include allowable direct and indirect costs. If the sponsor has an approved indirect cost rate, the rate must be applied to the base which is common to the functions benefiting from the indirect costs. For example, if the approved base is direct salaries, then only those salaries of individuals that can be specifically identified with SFSP activities can be used as the base in the calculation of the indirect costs.

For additional guidance on indirect costs, see:

- SP 60-2016, *Indirect Cost Guidance*, September 30, 2016, <https://www.fns.usda.gov/cn/indirect-cost-guidance>.
- SFSP 11-2015, *Assessing Costs in the Summer Food Service Program*, February 25, 2015, <https://www.fns.usda.gov/sfsp/assessing-costs-summer-food-service-program>.
- SFSP 05-2017, *Summer Food Service Program Question and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

## Unallowable Costs

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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 that are ordered or prepared but not served to eligible children, unless specifically approved by the State agency.
- Meals served in violation of Program requirements.
- Rental costs for periods beyond the close-out date for Program operation.
- The cost to purchase food, such as coffee, for use outside of the SFSP.

- The cost of meals served to administrative adult personnel or any other adults who are not engaged in the operation of the meal service.
- Cost of spoiled or damaged meals.
- The cost of meals delivered by an FSMC to a non-approved vended site delivered outside of the agreed upon delivery time, or served in excess of the approved site cap. SFSP 16-2015, *Site Caps in the Summer Food Program; Revised*, April 21, 2015, <https://www.fns.usda.gov/sfsp/site-caps-summer-food-service-program-revised>.
- Bad debts, which are any losses arising from non-collectible accounts and other claims and related costs.
- Repayment of overclaims and other Federal debts.
- Costs of contributions and donations made by the sponsor to other entities.
- 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.
- Costs resulting from an under-recovery of costs under other grant agreements.
- 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, alteration of existing buildings or facilities, non-expendable equipment of any kind, repairs that materially increase the value or useful life of buildings or facilities or non-expendable equipment; and other capital assets, including vehicles.
- Any other costs incurred that Program officials determine to be in violation of applicable laws or regulations.

## Other Sources of Program Income

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7 CFR 225.9(g)

Funds accruing to the food service account include all funds received from Federal, State, local, and other sources except Program advances, start-up funds, and reimbursement payments received from the State agency.

Funding sources that are considered Program income include 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, and receipts.

Any reimbursements or funds that exceed or are greater than 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.

Excess funds and unused reimbursement cannot be transferred to operations that are not related to the Child Nutrition Programs. Sponsors cannot use excess funds or unused reimbursement 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 agency will collect the excess funds. The sponsor may retain unused reimbursements. The sponsor is not required to return the unused reimbursement to the State agency.

## Claims for Reimbursement

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7 CFR 225.9(d) and 225.15(c)(1)

Program payments are based on the number of reimbursable meals served to eligible children multiplied by the current SFSP reimbursement rate for each meal type. Sponsors must be eligible to receive additional reimbursement for each meal served to participating children at rural or self-prep sites. See SFSP 05-2023, *Best Practices for Meal Claim Verification and Ensuring Properly Payable Claims in the Summer Food Service Program*, April 03, 2023, <https://www.fns.usda.gov/sfsp/best-practices-meal-claim-verification-payable-claims>.

Sponsors assume complete responsibility for all the information they submit on their claims. Claims for reimbursement must reflect only meals that meet SFSP requirements, as described in 7 CFR 225.16, and are actually served to eligible children during the claiming period. For more information, see *Meal Service Requirements* in Unit 4.

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, closed enrolled sites, or conditional non-congregate sites need to report the meals served to eligible children only. For sample *Meal Count Forms*, see Appendix 2.

The total number of second meals claimed, which is only allowable at congregate meal sites, 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.

Sponsors must maintain records of all operating and administrative costs, as well as any Program income received. For additional information see *Recordkeeping Requirements* in this unit.

After the reimbursement claim form is completed, a sponsor must sign the form and send it to the State agency as soon as possible. Claims for reimbursement should be submitted 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 after 60 days that would generate an upward adjustment in reimbursement must follow the late claim policy, which allows the State agency to grant an exception once every 36 months. SFSP 07-2018, *60 Day Claim Submission and 90 Day Reporting Requirements for Child Nutrition Programs*, September 14, 2018, <https://www.fns.usda.gov/cn/60-day-claim-submission-and-90-day-reporting-requirements> provides clarification and guidance on claims submission and reporting.

While State agencies may establish additional Program requirements with FNSRO approval, State agencies may not disallow meals that are otherwise reimbursable only because the sponsor violated an additional State agency requirement. SFSP 06- 2013 - REVISED, *Additional State Agency Requirements in the Summer Food Service Program*, January 24, 2013, <https://www.fns.usda.gov/sfsp/additional-state-agency-requirements-summer-food-service-program>.

State agencies and sponsors are encouraged to establish internet or electronic-based systems of records and claiming to streamline recordkeeping and reporting. 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. 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. Regardless, States must still meet all regulatory requirements. SFSP 07-2007, *Electronic Record and Reporting Systems*, June 15, 2007, <https://www.fns.usda.gov/cn/electronic-record-and-reporting-systems-1>.

## Consolidation of Claims for Reimbursement

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### 7 CFR 225.9(d)(3)

With approval from the State agency, sponsors have the flexibility to combine the monthly claims for reimbursement. The combined claim must be submitted within 60 days of the last day of operation. Sponsors may not submit a combined claim for meal reimbursements that crosses fiscal years. State agencies must ensure that the correct reimbursement rates are applied for meals claimed for months when different reimbursement rates are in effect. A sponsor may combine the claim for reimbursement in the following ways:

- For 10 operating days or less in their initial month of operations with the claim for the subsequent month;
- For 10 operating days or less in their final month of operations with the claim for the preceding month; or
- For 3 consecutive months, as long as this combined claim only includes 10 operating days or less from each of the first and last months of program operations. The 3 consecutive months must not cross federal fiscal years or contain months where the reimbursement rates are different.

## Non-Reimbursable Meals

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Sponsors may claim reimbursement only for those meals that meet SFSP requirements. Reimbursement may not be claimed for:

- Meals that are not served as a complete unit, except at “OVS” sites where complete meals must be offered.
- Meal patterns or meal types that are not approved by State agencies.
- Meals served at sites that are not approved by State agencies.
- Providing more than the maximum number of reimbursable meals to a child at a non-congregate site, i.e., exceeding the number of meals that could be provided over the calendar day period approved by the State agency.
- Second meals in excess of 2 percent of the number of first meals served by type during the claiming period at congregate sites.
- Any second meals served as part of a non-congregate meal service.
- Any meals at a non-congregate site served to adults other than a child’s parents or guardians.
- Meals served outside of approved meal service times or approved dates of operation, unless the State agency determines that there was an unanticipated event, outside of the sponsor’s control.
- Breakfast meals served after a lunch meal has been served at congregate sites.
- Meals claimed for ineligible children in camps.
- Meals claimed at camps and at conditional non-congregate sites for children who do not meet the income eligibility guidelines for free or reduced price meals.
- Meals delivered to a child’s home without parental consent.
- Meals delivered to the home of a child who does not meet the income eligibility guidelines for free or reduced price meals.
- Meals that are spoiled or damaged.
- Meals served to children at any vended site in excess of the approved level of meals (site cap).
- Meals missing one or more required components or meals that have an inadequate quantity of one or more required components.
- Bulk meals that do comply with the requirements at 7 CFR 225.16(i)(3).
- Meals served to adults that are included in the meal count, except for meals that are picked up by parents or guardians at approved non-congregate sites.
- Meals that were not served.
- Meals served to anyone other than eligible children, except for meals that are picked up by parents or guardians at approved non-congregate sites.

# Excess Funds Versus Unused Reimbursements

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7 CFR 225.9(g)(1)

To protect the integrity of Program operations, current regulations distinguish between excess funds and unused reimbursement to ensure that sponsors are only permitted to retain funds that are earned for SFSP meals served to children.

## Excess Funds

The accrual of excess funds occurs when advance payments received by a sponsor are greater than the reimbursement amount earned by a sponsor.

For example, if a sponsor requested \$1,000 in advance payments and only claimed \$900 in meal reimbursement, the sponsor would have \$100 in excess funds, which cannot be applied to other Child Nutrition Programs. The State agency must recover the \$100 in excess funds at the end of Program operations for which the advance was paid.

## Unused Reimbursement

Unused reimbursement is the difference when the amount of reimbursement earned exceeds allowable costs.

For example, if a sponsor received \$1,000 in meal reimbursement but only spent \$900 on actual costs to operate the Program, the sponsor would have \$100 in unused reimbursement, which is not subject to recovery.

All unused reimbursement remaining at the end of the Program year must be kept in a non-profit food service account and used to pay allowable SFSP costs, such as start-up costs for the following year, or allowable costs of other Child Nutrition Programs operated by the sponsor. Sponsors must use the unused reimbursement to improve the meal service or Program management. For example, the sponsor may:

- Improve the quality of food provided.

- Upgrade meal service sites or food preparation facilities, like cooking utensils, temperature control containers, or picnic tables.
- Enhance monitoring, training, and other oversight activities.
- Apply the unused reimbursement as start-up funds or advance payments for the following year.

For more guidance, see:

- SFSP 13-2023, *Unused Reimbursement in the Summer Food Service Program*, September 28, 2023, <https://www.fns.usda.gov/sfsp/unused-reimbursement>.
- SFSP 14-2023, *Best Practices for Managing Unused Reimbursement in the Summer Food Service Program*, September 28, 2023, <https://www.fns.usda.gov/sfsp/best-practices-managing-unused-reimbursement>.

## Recordkeeping Requirements

Sponsors must keep full and accurate records to justify claims for reimbursement, demonstrate that SFSP funds are used only for allowable Program costs, and confirm that the sponsor is in good standing.

## Maintaining Records of Costs and Tracking Funds

7 CFR 225.15(a)(4) and 225.15(c)

Records must be maintained that document the amount and purpose of all administrative costs attributed to SFSP. Sponsors must maintain documentation of a non-profit food service including copies of revenues received and expenses paid from the non-profit food service account. Sponsors must be able to account for the receipt, obligation, and expenditure of all SFSP funds and ensure that all Program reimbursements are used solely for conducting a non-profit food service operation.

However, this does not mean that sponsors are necessarily required to maintain SFSP funds in a separate bank account from other expenditures. Sponsors may use one non-profit food service account for any Child Nutrition Program authorized under NSLA, except WIC.



When a sponsor's total food service is not conducted solely for the benefit of its own SFSP participants, the non-Program and Program components of the food service operation must be tracked separately. Through this separation, the sponsor must ensure that the 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. For a sample *Summary of Administrative Expenses Form*, see Appendix 2.

## Retention of Records

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7 CFR 225.6(i)(14)

Sponsors must maintain all records for 3 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. The records can only be disposed of after 3 years if there are no unresolved audit findings or the Program is not under investigation.

## Administrative Records

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### Meal Count Records

7 CFR 225.15(c)

All sponsors must use daily site records 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.

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 sites must support this information with signed delivery receipts. Sites that use a central kitchen should support this information with signed delivery receipts, for good Program management.

The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation. They 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;
- First meals served to children, by type;
- Second meals served to children at congregate sites, by type;
- Excess meals or meals leftover;
- Non-reimbursable meals;
- Meals served to Program adults, if any; and
- 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. Sponsors may also scan, text pictures use Google forms, or other technologies to receive the records from the site. Many sponsors also utilize programs for tracking meal counts in real time.

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 the site supervisor to resolve the problem. The sponsor should make a permanent note of the discrepancy as well as the action that was taken to resolve it.

## Training Records

7 CFR 225.9(c)(1) and 225.15(d)(1)

Sponsors must keep records that document:

- Dates of training for site and administrative personnel;
- Participation at each training session, including signed attendance form or record of virtual attendees; and
- Topics covered at each training session, including required topics. For more information see *Sponsor Training Requirements* in this unit.
- Except for SFAs, certification that the sponsor requesting advance payments has completed training for site and administrative personnel.

# Site Visit and Full Meal Service Review Records

7 CFR 225.14(c)(6) and 225.15(d)(2), (3) and (4)

Sponsors must be able to document that they have complied with monitoring requirements. Monitors must submit the following reports:

- Pre-operational site visits for new sites, sites that experienced operational problems the previous year, and existing sites that are new to non-congregate meal service;
- Initial site visits, conducted at least once during the first 2 weeks of Program operations; and
- Additional site visits conducted throughout the period of Program operation.

Full meal service reviews are conducted on site. Monitors must be present for the full duration of the approved meal service and document their arrival and departure times. They must keep records of all site visits and meal service reviews, whether the sites are operating a congregate or non-congregate meal service.

Monitors must submit a completed review form for each site review conducted during the first 4 weeks of Program operations and for site reviews throughout the duration of the Program. Sponsors may conduct a full review of food service operations at the same time they are conducting a site visit.

The review form contains much of the same information as the site visit form with additional information on meal preparation and delivery schedules, the quality and accuracy of site records and recordkeeping, the regular adjustment of meal orders, and menu changes. The *SFSP Sponsor Monitor's Guide*, <https://www.fns.usda.gov/sfsp/sponsor-monitors-guide>, has sample site visit and site review forms.

## Operating Cost Records

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7 CFR 225.2 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 the cost of food used in the Program, labor, non-food supplies, and space for the meal service. Sponsors of rural sites may incur

operating costs for transporting children from rural homes to rural meal service sites or delivering non-congregate meals to rural areas. All costs must be documented 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 meals on-site or at a central kitchen.

Food costs cover the purchase cost and the sponsor's cost to process, transport, store, and handle food that is purchased or donated, including USDA Foods. 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.

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; and
- Cancelled checks or other forms of receipt for payment.

## Food Costs for Vended Programs

FNS Instruction 796-4, Rev. 4

The cost of food used means the allowable cost of the preparation or the allowable cost of preparation and delivery of meals charged to the sponsor by the FSMC or the SFA. Sponsors should not pay charges for meals delivered to non-approved sites, meals delivered outside of 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 must maintain records that include signed delivery slips to support the claim for reimbursement. The delivery slip is the sponsor's documentation that the meal served matched the menu for that day, unless a substitution has been indicated.

The delivery slip must provide sufficient detail to document compliance with SFSP requirements. It is strongly encouraged that, at a minimum, the delivery slip specify the type of meals delivered, the number of meals delivered, and the date and time of delivery. The Site Supervisor or designated site personnel should:

- Determine what meals are being signed for on the delivery slip;
- Check the quantity;
- Check the temperature of the meals, if applicable;
- Ensure that meals meet the meal pattern requirements;
- Note any errors on the delivery slip; and
- Maintain the signed detailed delivery slip to support the sponsor's claim for reimbursement.

## Administrative Costs

7 CFR 225.2 and FNS Instruction 796-4, Rev 4

Administrative costs are costs incurred by the sponsor for activities related to planning, organizing, and administering the Program, excluding interest costs and operating costs. Generally, administrative activities include the sponsor's actions to:

- Prepare and submit a sponsor application for participation, including a management plan containing budgets of operating and administrative costs, and staffing and monitoring plans;
- Establish site eligibility through the collection of:
  - School or census tract data for open or restricted open sites;
  - 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; and
  - Family household applications to determine the children who are eligible for free meals at camps and conditional non-congregate sites.
- Attend training provided by the State agency;
- Hire and train site and administrative personnel;
- Visit sites, review and monitor Program operations at sites, and document the visits and reviews;
- Prepare and submit a plan and summary of the invitation to bid if the sponsor intends to contract with an FSMC;
- Prepare and submit claims for reimbursement; and

- Perform 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, i.e., compensation for harm or loss;
- 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, supervise children during the meal service, and 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 SFSP.

## 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.

Sponsors that have “other” costs that are not listed should contact the State agency to determine if they may use Program reimbursement to cover those costs. Sponsors must keep all records and documentation to support any costs that they claim for reimbursement.

Sponsors are encouraged to use forms that help staff collect necessary information to satisfy recordkeeping requirements. For instance, sponsors can use forms to perform meal counts, keep mileage and time records for administrative and operative tasks, track administrative expenses, and outline food service equipment needs. For a variety of sample forms, see Appendix 2.

## Civil Rights Requirements

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

State agencies must comply with requirements for racial and ethnic participation data collection, public notification of the nondiscrimination policy, and reviews to assure that discrimination on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity is prohibited. Sponsors must have written policies and procedures that assign Program responsibilities and duties and ensure compliance with civil rights requirements.

All participating sponsors must inform potential participants of the availability of 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 or approved by FNS.
- Make Program information available to the public upon request.
- Take reasonable steps to ensure meaningful access for persons with limited English proficiency, including providing information in an understandable language.
- Ensure that translations are accurate concerning the availability and nutritional benefits of the Program.
- Make reasonable modifications in policies, practices, and procedures to ensure individuals with disabilities have equal access and effective communication when accessing the Program. For more information on modifications to accommodate disabilities, see *Reasonable Modifications for Children with Disabilities* in Unit 4.

- Include the appropriate FNS 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. The USDA Nondiscrimination Statement to be posted or used on forms, brochures or vital documents can be found at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>,
- Ensure that meals are served to all attending children, regardless of their race, color, national origin, sex (including gender identity and sexual orientation), age, or disability.
- Discourage overt identification of eligible children whenever possible.
- Ensure that all children have equal access to services and facilities at the site regardless of race, color, national origin, sex (including gender identity and sexual orientation), age or disability.
- Complete Civil Rights training annually.

For additional information, see FNS Instruction 113-1, *Civil Rights Compliance and Enforcement*, November 8, 2005, <https://www.fns.usda.gov/cr/fns-instruction-113-1>.

## Race and Ethnicity Data

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### FNS Instruction 113-1

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

The sponsor also must collect race and ethnicity data each year 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. When collecting this data, sponsors cannot use visual identification. This means sponsors may not collect racial and ethnic data simply by looking at participants, but instead should use methods that are based on self-identification and self-reporting.

See [SFSP 07-2021, \*Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program – Policy Rescission\*, May 17, 2021](#), <https://www.fns.usda.gov/cn/Race-and-Ethnicity-Data-Policy-Rescission> and [SFSP 05-2022, \*Questions and\*](#)



[Answers Related to CACFP 11-2021, SFSP 07-2021 Collection of Race and Ethnicity Data by Visual Observation and Identification in the Child and Adult Care Food Program and Summer Food Service Program – Policy Rescission, June 13, 2022, https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity](https://www.fns.usda.gov/cn/qas-related-collection-race-and-ethnicity), for more information.

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:

Ethnicity:

- a. Hispanic or Latino

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.”

- b. Not Hispanic or Latino

Race:

- a. American Indian or Alaska Native

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.

- b. Asian

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.

- c. Black or African American

A person having origins in any of the black racial groups of Africa.

- d. Native Hawaiian or Other Pacific Islander

A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

e. White

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

A State agency may have categories for race in addition to the ones required by FNS. However, when it reports the information to FNS, the State agency must report using the FNS required race categories.

The sponsor must retain data, as well as documentation for the data, for the required 3 years. The sponsor must use safeguards to prevent the data from being used for discriminatory purposes. The safeguards include allowing access to Program records containing these data only by authorized personnel.

See Appendix 2 for a *Prototype Racial and Ethnic Data Form*.

# Questions and Answers

## **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 sites. Sponsors should check with their State agency for more specific guidance.

## **What are some advantages to operating school-based sites?**

As trusted, familiar, community-based organizations, schools are well-positioned to serve summer meals. SFAs operating NSLP and SBP are already familiar with the meal pattern standards, have trained staff and proper kitchen equipment, and will have an easier time adjusting to the Program than many other organizations. Schools can operate either SFSP or SSO, the latter of which allows schools to continue to provide NSLP meals during long vacation period 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. Schools also often have learning and recreation opportunities available for children during vacation periods, 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.

## **What should sponsors consider when deciding their staffing needs?**

It is very important for the sponsor to provide adequate personnel for overall Program management and monitoring 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, FNS 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.

### **What are some things to consider if staff is hired to prepare food onsite?**

Sponsors should determine the number and types of meals served and consider the budget amount at their disposal. FNS encourages sponsors to consider qualified people who may be willing to serve as volunteers. All food service employees must meet health standards outlined by local and State authorities. Lastly, sponsors should ensure that, at a minimum, food service employees understand the goals of SFSP, the meal pattern requirements, the importance of serving meals that meet the Dietary Guidelines, and food safety and sanitation rules. FNS encourages sponsors to contact their State administering agency for training resources.

### **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 monitoring, site, and administrative personnel are complying with SFSP regulations. Sponsors must 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.

### **Are unpaid staff or volunteers also required to be trained?**

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

### **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, an initial site visit, and a full meal service review. Pre-operational site visits are conducted before a site operates the SFSP. These visits are required for all new sites, sites that experienced operational problems the previous year, and existing sites that are new to non-congregate meal service. The visits will

help the sponsor determine that the site has the facilities and capacity to provide meal service for the anticipated number of children in attendance.

A sponsor must also conduct initial site visits within the first 2 weeks of operations to all new sites, all existing sites that are new to providing non-congregate meal service, sites that experienced operational problems the previous year, and any other site that the State agency has determined needs a visit. Initial site visits will ensure that the meal service operations are running smoothly and allow the sponsor to verify information, such as the site address, storage, holding and preparation facilities, and serving capabilities.

Sponsors must also conduct full meal service reviews of all sites at least once during the first 4 weeks of Program operations to observe delivery or preparation of meals, service of meals, children eating the meals, and clean up after meals. Flexibilities exist for sponsors to conduct a full meal service review during the time of the initial site visit. This is particularly helpful for sites operating non-congregate meal services that may be further from the sponsor's administrative offices.

### **Will the sponsor's Program be reviewed by the State agency?**

Sponsors will receive a periodic administrative review by State agency 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 review and must take any corrective actions required by the State agency. Results of the review may affect the amount of reimbursement the sponsor will receive. The review may involve assessing how the claim for reimbursement is prepared and looking at the records maintained by the sponsor. It will also include a look at site operations to observe the meal service and the site's recordkeeping.

### **Can sponsors contract out any of their management responsibilities?**

Sponsors may not contract out certain management responsibilities, such as monitoring, staff training, enforcing corrective action, or preparing Program applications and claims for reimbursement. Sponsors remain legally responsible for ensuring that the meal service operation meets all requirements specified in the agreement they sign with the State agency.

SFAs, however, may comply with NSLP requirements for contracting with FSMCs, outlined in 7 CFR 210.16, in lieu of the SFSP requirements at 7 CFR 7 CFR 225.15(m). SFAs that choose to contract with FSMCs for some or all aspects of the management of NSLP may allow the FSMC to conduct the same activities for SFSP

that are performed for NSLP. However, the SFA must maintain responsibility for submitting claims. The SFA also remains accountable for ensuring that all SFSP requirements are met. See SFSP 04-2013 - REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, [www.fns.usda.gov/summer-feeding-options-school-food-authorities](http://www.fns.usda.gov/summer-feeding-options-school-food-authorities).

### **What type of Program records do sponsors need to keep?**

To substantiate claims 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 sites and administrative personnel. Sponsors must also keep records that document that they have met monitoring requirements, records that document the sponsor's Program eligibility, such as the application and the signed agreement with the State agency.

### **How long are sponsors required to maintain these records?**

Sponsors must maintain all records for 3 years following the submission date of the final claim for reimbursement, or longer if required by the State agency. Records can only be disposed of if there are no unresolved audit findings, or the Program is not under investigation. For audit and review purposes, these records will need to be made available upon request to Federal and State agency personnel.

### **Do sponsors need to display the *And Justice for All* posters at pick up sites and for home delivery transportation?**

The *And Justice for All* poster must be prominently displayed, such as in a window or a wall at a congregate meal site, on all vehicles making door-to-door drop deliveries at homes, and in all pick up facilities and locations providing non-congregate meal service in rural areas. State agencies and sponsors must ensure that outreach strategies and meal service does not discriminate based on race, color, national origin, age, disability, or sex (including gender identity and sexual orientation).



# Unit 4: Operating the Meal Service for the Summer Food Service Program

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2024

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# Table of Contents

Table of Contents .....	3
Introduction .....	8
Meal Service Requirements .....	9
Serve Appropriate Number and Types of Meals .....	9
Non-Congregate Meal Service in Rural Areas.....	10
Comply with Meal Times Requirements .....	11
Meals Served Outside the Approved Meal Service Time .....	11
Serve the Same Meal to All Children .....	12
Ensure that Children Consume Congregate Meals On Site .....	12
Ensure that All Children Receive a Meal .....	13
Adhere to Local Health and Sanitation Regulations .....	13
Make Arrangements for Inclement Weather .....	13
Follow the Meal Pattern Requirements.....	14
Meal Pattern Flexibilities .....	15
Infant Meals .....	15
Meals for Children Under 6 Years Old .....	15
Additional Foods .....	16
Meals Provided by School Food Authorities .....	16
Grain Substitutions .....	16
Milk Supply Shortages .....	17
Meal Modifications .....	18
Reasonable Modifications for Children with Disabilities.....	18
Modifications for Dietary and Cultural Preferences .....	19
Non-Dairy Milk Substitutes .....	20



Meal Service Options for Congregate Sites ..... 20

    Taking Food Items Off-Site ..... 21

    Field Trips During Meal Service Times at Congregate Sites ..... 21

    Serving Meals Family Style ..... 22

Non-Congregate Meal Service Options ..... 23

    Multi-Day Meal Issuance ..... 23

    Bulk Meal Components ..... 23

    Parent or Guardian Meal Pick-up ..... 24

Options for Congregate and Non-Congregate Meal Service ..... 25

    Offer Versus Serve ..... 25

Meal Counts ..... 25

    Adjustments to Established Approved Level of Meals (Site Caps) ..... 26

    Leftover Meals or Components ..... 27

    Increasing Consumption ..... 27

    Second Helpings ..... 28

    Share Tables ..... 29

    Transfer of Meals to Busier Sites ..... 29

    Donating Meals to Charity ..... 29

    Meals Served to Adults ..... 30

Food Safety ..... 32

    ..... 32

        -Congregate Meal Service Considerations ..... 33

    Multi Day Meal Issuance ..... 34

    Bulk Meal Components ..... 35

    Home-Delivered Meals ..... 35

    Best Practices in Reducing Waste ..... 36

Menu Planning Best Practices ..... 37

    Serving Local Foods ..... 37

    Food Buying Guide and Crediting Tip Sheets ..... 38

    Traditional Indigenous and Other Culturally Relevant Foods ..... 38

    Gathering Feedback ..... 39

    Turnip the Beet..... 39

    Recipe Resources ..... 39

    Nutrition Best Practices and Resources ..... 40

Meal Preparation Options..... 40

    Meal Preparation by Sponsors..... 41

    Working with Local Schools..... 41

    Purchasing Meals from a Food Service Management Company ..... 42

    Factors Involved with Contracting with a Food Service Management Company ..... 43

    Food Service Management Company Limitations..... 44

    USDA Foods ..... 44

    Serving Food Beyond the Meal Pattern Requirements ..... 45

Procurement Procedures..... 46

    Procurement Standards ..... 46

    Requests for Information ..... 46

Procurement Methods ..... 47

    Informal Procurement Methods ..... 47

    Formal Procurement Methods..... 48

Procurement Tips and Strategies..... 50

    Improving Product Selection and Specifications ..... 50

    Local Procurement Strategies ..... 51

Food Service Management Company Contracts ..... 54

Formal Competitive Bid Waivers ..... 55

Competitive Sealed Bid Procedures..... 55

Food Service Management Company Bid Bond and Bonding Requirements ..... 56

Food Service Management Company Performance Bond ..... 56

Food Service Management Company Bid Specifications..... 57

Information for Bid Requirements ..... 58

Site Information ..... 59

Cycle Menu ..... 59

Meal Requirements ..... 59

Reimbursable Meals..... 60

Quality Control ..... 60

Delivery of Meals ..... 60

Unitized Meals ..... 61

USDA Foods ..... 61

Meal Range Adjustments ..... 62

Special Accounts ..... 62

Additional Food Service Management Company Requirements..... 62

Health Certification and Inspection ..... 64

State Agency Inspections and Reviews ..... 64

Records ..... 65

Subcontracts ..... 65

Contract Responsibility and Payment..... 65

Standard Contracts for Food Service Management Company ..... 66

State Agency Approval of Food Service Management Company ..... 67

Awarding the Food Service Management Company Contract ..... 67

Award Conference ..... 67

Use of Small, Minority, and Women’s Businesses.....	68
Assistance Provided by the Small Business Administration .....	68
Financial Assistance .....	69
Surety Bonds .....	69
Management and Counseling Assistance .....	69
Default and Disallowances .....	70
Sponsor Disallowances.....	70
Food Service Management Company Disallowances.....	70
Default of Food Service Management Company Contract.....	71
Best Practices for Food Service Management Company Contracts.....	72
Food Service Sites .....	72
Approved Meal Levels (Site Caps).....	72
Adjusting Meal Deliveries.....	73
Communication.....	74
Procurement Ethics.....	74
Federal Contract Provisions .....	75
Questions and Answers.....	76

# Introduction

In order to successfully operate the Program, sponsors must understand the key operational features of their approved meal service, including the types of meals to be served, times of service, whether the site's food service will be self-prepared or vended and if non-congregate meal service will be used 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, the location of sites, community dietary preferences, and the facilities available at each site will influence how a sponsor distributes meals.

For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Program Administration Guide* and *Appendix 1*, respectively.

# Meal Service Requirements

7 CFR 225.6(e), 225.11(c)(4), 225.11(e), and 225.16

Sponsors may claim reimbursement only for the types of meals which are approved under their agreement. Sponsors must comply with SFSP regulations when serving meals at each of their sites.

## Serve Appropriate Number and Types of Meals

---

7 CFR 225.16(b)(1)(i) and 225.16(b)(3)

Sponsors may conduct one or two meal services a day at open, restricted open, and closed enrolled sites. Sponsors may serve any combination of meals except lunch and supper. Here are the types of meals that may be served on the same day:

- Breakfast only;
- Lunch only;
- Snack only;
- Supper only;
- Two snacks;
- Breakfast and snack;
- Lunch and snack;
- Supper and snack;
- Breakfast and lunch; or
- Breakfast and supper.

With State agency approval, sponsors of camps or migrant sites may serve up to three meals each day. The allowable meal combinations are:

- Breakfast, lunch, and supper;
- Breakfast, lunch, and snack;

- Lunch, supper, and snack; or
- Any combination of meal or snacks that is less than the maximum allowable number.

Meal services can be operated by different sponsors at the same site. However, the maximum number of meals allowed at a site must not be exceeded. For example, if a sponsor is approved to serve only lunch at an open site, a different sponsor may be approved to serve breakfast or snack at the same site. The maximum of two meals allowed at this site is met but not exceeded. See SFSP 05-2017, *Summer Food Service Program Questions and Answers- Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

## Non-Congregate Meal Service in Rural Areas

---

7 CFR 225.6(h)(3) and 225.6(h)(4)

The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. The sponsor may offer up to two meals or one meal and one snack, per child, per day, in any approved combination except lunch and supper. Sponsors approved to offer rural non-congregate meal service have additional meal service options, including home delivery, multi-day meal issuance, parent or guardian meal pick-up, and bulk meals.

Sponsors approved to provide both congregate and non-congregate meal service at the same site must have a system in place to prevent meal service overlap and to reasonably ensure that a child does not receive more than the maximum allowance of meals per day. For sites that operate both congregate and non-congregate service, it is not considered a meal service overlap if, for instance, the site provides a congregate breakfast and then provides a non-congregate lunch intended to be consumed at a later time offsite as the children are leaving the site, unless either of those meals is served at another site that is in close proximity.

# Comply with Meal Times Requirements

---

7 CFR 225.16(b)(5)(iii) and 225.16(c)

Sponsors must serve meals and snacks for each site on time, within the meal time periods approved by the State agency. The State agency must approve any planned or permanent changes in meal service time.

Sponsors must comply with the following meal service time requirements:

- Except for non-congregate meal service, breakfast meals must be served at or close to the beginning of a child's day. A three-component meal served after a lunch or supper meal is not eligible for reimbursement as a breakfast meal.
- Meal services must start at least one hour after the end of the previous meal or snack at all sites except residential camps and non-congregate meal service sites.
- If congregate meals are not prepared on site, meal deliveries must arrive before the approved meal service time
- If a congregate meal site does not have adequate storage to hold hot or cold meals at the temperatures required by State or local health regulations, meals must be delivered within one hour of the start of the meal service.

## Meals Served Outside the Approved Meal Service Time

---

7 CFR 225.11(d) and 225.16(c)(4)

Generally, meals served outside of the approved meal service times are not eligible for reimbursement.

However, State agencies may approve sponsors to claim meals served outside of an approved meal service time:

- When an unanticipated event outside of the sponsor's control occurs, such as a late meal delivery that delays the start of a meal service, inclement weather that leads to the meal service ending early, or traffic that causes the late arrival of children using public transportation. The State agency may request documentation to support approval of meals claimed when an unanticipated event occurs.



- When accommodating a reasonable modification for a disability that is supported by a written medical statement that is signed by a State licensed health care professional. See SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

If the State agency determines that any site, except for a residential camp or non-congregate meal site, violates meal service time requirements, the sponsor must take corrective action. If corrective action is not taken within a reasonable time period and if more than 20 percent of the sites are in violation, the State agency must restrict the sponsor's sites to only offering one meal service per day. If this action results in children not receiving Program meals, the State agency must make a reasonable effort to locate another source of meal service.

## Serve the Same Meal to All Children

---

This means all children receive a meal meeting the meal pattern requirements. It does not mean that all meals must be identical in every component. However, it is possible that a child with a disability that restricts the child's diet might not receive the same meal as other children. Sponsors must make reasonable modifications to the meal or meal service to accommodate children with disabilities that restrict their diet, including the provision of special meals at no extra charge.

## Ensure that Children Consume Congregate Meals On Site

---

7 CFR 225.6 (i)(15), 225.11(c)(4)(viii), and 225.16(h)

Meals served at a congregate meal site must be consumed on site in order to be eligible for reimbursement unless the sponsor has notified the State agency, in advance, of a field trip or has received approval to allow off-site consumption of a meal. However, sponsors have the option to permit children to take one item off-site for consumption later, as outlined in *Meal Service Options for Congregate Sites* in this unit.

Failure to meet the congregate requirement in sites approved for congregate meal service will result in the disallowance of meals and may lead to a determination of serious deficiency of the sponsor's operation. 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 that All Children Receive a Meal

---

7 CFR 225.15(b)

All children in attendance at a congregate meal site must be offered a complete meal before any child is served a second meal or before any adult is served a meal. Sponsors should plan ahead to ensure every eligible child receives a meal. Sponsors should communicate regularly with their sites about anticipated attendance and meal order adjustments. Sponsors must train site supervisors on how and when to adjust meal orders for the next day. If enough food is not available, sponsors should be aware of locations of other open sites where children may access the Program.

## Adhere to Local Health and Sanitation Regulations

---

Sponsors must comply with all applicable State and local laws and regulations to maintain proper sanitation and health standards at their sites. Information may be found in SFSP 07-2015, *Health and Safety Inspection Requirements*, December 10, 2014, <https://www.fns.usda.gov/cn/health-and-safety-inspection-requirements>.

## 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. For more information, see *Pre-operational Requirements* in Unit 3: Administering the SFSP.

# Follow the 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 ensure children receive well-balanced, nutritious meals that provide the kinds and amounts of food necessary to meet the nutrient and energy needs of children.

### **Breakfast**

- A reimbursable breakfast must contain three components:
  - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free milk );
  - Vegetables and/or fruits,; and
  - Grains/Breads.
  - Meats and meat alternates may also be served as an optional item

### **Lunch or Supper**

- A reimbursable lunch or supper must contain four components:
  - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free milk);
  - Two or more kinds of vegetables and/or fruits, (or a combination of both);
  - Grains/Breads; and
  - Meats and meat alternates.

### **Snack**

- A reimbursable snack must contain two of the four listed components:
  - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free);
  - Vegetables and/or fruits\*;
  - Grains/Breads;
  - Meats and meat alternates.

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

For more information on meal pattern requirements, including minimum serving amounts, see the Meal Pattern Tables in Appendix 1. Information on how foods credit towards the meal patterns is included in the *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>.

## Meal Pattern Flexibilities

The SFSP meal patterns are designed for children ages 6 through 12 years old. Sponsors may serve larger portions based on the greater food needs of older children. The State agency may approve sponsors to serve infants and serve food in smaller quantities to children under 6.

### Infant Meals

---

7 CFR 225.16(f)(2)

Infants, 0 through 11 months old, develop at different rates and have unique dietary needs. Sponsors must have the capability to serve appropriate meals to infants. Therefore, sponsors must receive approval to serve infants from their State agency. When serving infants, sponsors must follow the CACFP infant meal pattern requirements, as described in 7 CFR 226.20(b). State agencies may assist sponsors in making sure that their meals comply with the infant meal pattern and that the food served is of a texture and consistency appropriate for the development of the infant.

### Meals for Children Under 6 Years Old

---

7 CFR 225.16(f)(2)

Sponsors must be able to demonstrate to the State agency their capability to ensure that variations in portion size are age-appropriate. When serving meals to children under 6 years old, sponsors must follow the CACFP meal pattern requirements, as described in 7 CFR 226.20(c).

Children under the age of four are at a high risk of choking while eating. Sponsors serving meals to young children should prepare food in certain ways, such as cutting food into small pieces and cooking hard food, like carrots, until it is soft enough to pierce with a fork, to help reduce a child's risk of choking. For

additional tips, see Team Nutrition’s *Reducing the Risk of Choking in Young Children at Mealtimes*, <https://www.fns.usda.gov/tn/reducing-risk-choking-young-children-mealtimes>.

## Additional Foods

---

7 CFR 225.16(d) and 225.16(f)(8)

To improve the nutrition of participating children, additional foods may be served with each meal. As a reminder, all the meal pattern serving sizes are minimums and there is no maximum limit on any of the meal components in the SFSP meal patterns.

## Meals Provided by School Food Authorities

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7 CFR 225.16(f)(1)

Only SFAs may substitute the NSLP or SBP meal pattern requirements for the SFSP meal pattern requirements. State agency approval is not required for this substitution.

## Grain Substitutions

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7 CFR 225.16(f)(3)

Through June 30, 2024, sponsors in American Samoa, Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands may substitute a serving of starchy vegetable, such as ufi, tanniers, yams, plantains, or sweet potatoes, to meet the grains requirement. This option is intended to accommodate cultural food preferences and address product availability and cost concerns in these outlying areas.

As a result of the *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* final rule, effective July 1, 2024, sponsors in American Samoa, Guam, Hawaii, Puerto Rico, and the U.S. Virgin Islands, and for any sponsors that serve primarily American Indian or Alaska Native children, any vegetable, including vegetables such as breadfruit, prairie turnips, plantains, sweet potatoes, and yams, may be served to meet the grains requirement.

# Milk Supply Shortages

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## Temporary Unavailability of Milk

7 CFR 225.16(f)(6)

State agencies may allow sponsors experiencing milk supply shortages to serve meals during an emergency period with an alternate form of fluid milk or without fluid milk. Because this is an existing regulatory flexibility, a waiver is not required for State agencies to exercise this authority.

## Continuing Unavailability of Milk

7 CFR 225.16(f)(7)

When a sponsor is unable to obtain a supply of milk of a continuing basis, State agencies may approve the service of meals without fluid milk, as long as an equivalent amount of canned, whole dry or nonfat milk is used to meet the milk requirements.

The State agency may approve the use of nonfat dry milk in meals served to children participating in activities which make the service of fluid milk impracticable, and in locations that are unable to obtain fluid milk. In these instances, nonfat dry milk must be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations. Whole, dry milk may not be used in these circumstances.

# Meal Modifications

7 CFR 225.16(f)(4)

## Reasonable Modifications for Children with Disabilities

---

Sponsors are required to make reasonable modifications to the meals and snacks served, or to the meal service, to accommodate children with disabilities. These modifications are made on a case-by-case basis. Under the Americans with Disabilities Act Amendments Act of 2008, most physical and mental impairments constitute a disability. The primary goal for sponsors should be ensuring equal opportunity to participate and benefit from the SFSP. Persons with a disability may not be denied the opportunity to participate in a Program if they meet the criteria to participate. The general guideline in making accommodations for children with disabilities is to ensure children with disabilities are able to participate in and receive meal benefits from programs that are available to children without disabilities.

If the meal modification does not meet the meal pattern requirements, it must be supported by a medical statement that is signed by a State licensed physician or a health care professional who is authorized to write medical prescriptions under State law. A signed medical statement is required to justify that the modified meal is reimbursable.

The medical statement should include a description of the child's impairment that is sufficient to allow the sponsor to understand how it restricts the child's diet. It should also include a description of what the sponsor must do in order to accommodate the disability. This may include what foods should be served and recommendations for alternative foods, or other information, as needed.

Sponsors may always choose to accommodate a disability without a medical statement if the modifications can be made within the meal pattern. Modified meals that meet the meal pattern and are not supported by a medical statement are reimbursable.

While sponsors are required to make reasonable modifications for children with disabilities, they are not expected to make modifications that are so expensive or difficult that they would fundamentally alter their Program.

Sponsors concerned that a requested modification would fundamentally alter the nature of the Program should contact their State agency for assistance. The emphasis should be on working with parents or guardians to develop an alternative approach that will be effective for the child. For more information, see SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

Sponsors must take appropriate steps to ensure that communication with people with disabilities is equally as 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. See *ADA Requirements: Effective Communication*, <http://www.ada.gov/effective-comm.htm> for additional information.

SFAs that operate SFSP may need to follow additional requirements. Due to their larger size, schools must have in place certain administrative functions that are not required for smaller operations. For additional guidance specific to schools, including procedural safeguards required to ensure parents and children are aware of the procedure for requesting meal modifications and the process for resolving disputes, refer to SP 59-2016, *Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs*, September 27, 2016, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-school-meal-programs>.

## Modifications for Dietary and Cultural Preferences

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Meal or meal service modifications, such as food or beverage substitutions, may be made at the sponsor's discretion for children with dietary and cultural preferences that are not considered a disability. Any modification that does not meet the meal pattern requirements is not reimbursable unless supported by a



medical statement that is signed by a State licensed physician or a health care professional who is authorized to write medical prescriptions under State law.

While sponsors are not required to accommodate dietary and cultural preferences, such as vegetarian diets, sponsors are highly encouraged to do so within the existing meal patterns. The SFSP meal pattern 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

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7 CFR 210.10(d)(3) and 210.10(m)(2)

Schools participating in SFSP and following the NSLP 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, parent, or guardian that identifies the child's medical or dietary need for a milk substitute.

In order for the meal to be reimbursable, non-dairy 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. However, non-dairy beverages that are not nutritionally equivalent to cow's milk may be part of a reimbursable meal if the substitution is due to a disability and it is supported by a medical statement.

Schools that choose not to offer milk substitutions for children with special dietary needs must communicate this decision to all students.

## Meal Service Options for Congregate Sites

Depending on whether sponsors are serving meals as a non-congregate or congregate site, there are a variety of options that sponsors may select from when setting up meal services.

# Taking Food Items Off-Site

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7 CFR 225.6 (i)(15) and 225.16(h)

Sponsors of congregate meal service sites may allow a child to take one fruit, vegetable, or grain item off-site for later consumption without prior State agency approval as long as all applicable State and local health, safety, and sanitation standards are met. Sponsors should only allow an item to be taken off-site if the site has enough staff to monitor the practice and ensure no food safety or Program integrity issues arise.

The State agency may prohibit an individual sponsor from using this option if the State agency determines that the sponsor's ability to provide adequate oversight is in question. The State agency's decision to prohibit a sponsor from utilizing this option is not an appealable action.

## Field Trips During Meal Service Times at Congregate Sites

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Sponsors must notify the State agency of all field trips that affect the time or location of the meal service, although formal approval of the alternative meal service is not a Federal requirement. SFSP Memorandum, *Field Trips in the Summer Food Service Program (SFSP)*, February 3, 2003, <https://www.fns.usda.gov/sfsp-020303>.

Sponsors must also notify the State agency of any additions, cancellations, or other changes to scheduled field trips. It may be useful for sponsors to provide a calendar of scheduled trips as part of the Program application. Sponsors of vended sites should notify the food service vendor in advance of any field trips affecting the meal service.

Sponsors serving meals off-site must ensure the safety and quality of the meals. Sponsors must have adequate storage equipment to transport them.

# Serving Meals Family Style

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Family style meal service allows children to serve themselves from communal platters of food. It introduces children to new foods, new tastes, and new menus, while helping them develop a positive attitude toward nutritious foods and good eating habits. Even when a complete family style meal service is not possible or practical, it may be useful to offer part of the meal in a family style manner, particularly when smaller children are being served or when a new food item is being introduced.

Camp and closed enrolled congregate sites offer the best setting for family style meals, provided that supervising adults are available to assist children during the meal and staff and children are together for an extended period of time to provide in a relaxed, stable environment conducive for teaching good eating habits. Family style meal service cannot be used at other types of sites.

Family style meal service practices in SFSP are in line with CACFP guidance. If meals at camps or closed enrolled sites are served family style, sponsors must ensure that:

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

For more information on family style service see SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016,

<https://www.fns.usda.gov/cn/meal-service-requirements-summer-meal-programs-questions-and-answers-revised>.

# Non-Congregate Meal Service Options

## Multi-Day Meal Issuance

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7 CFR 225.16(i)(1)

Multi-day meal issuance refers to non-congregate meal service where multiple days' worth of meals are provided at one time, whether unitized as individual meals or comprised of bulk items. Unitized 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.

Approved sponsors may distribute up to the allowable number of reimbursable meals that would be provided over a 10-calendar day period. For example, if a site is providing 5 days' worth of breakfast and lunch every Monday, a multi-day meal distribution would include five breakfasts and five lunches. However, the children who receive these meals would not be able to obtain meals from any other site during those 5 days. The children would be eligible to receive Saturday and Sunday meals from any other site.

Sponsors must have written procedures to ensure that the proper number of meals are distributed to each eligible child. The State agency may establish a shorter calendar day period for individual sponsors on a case-by-case basis, if there are concerns regarding a sponsor's ability to ensure Program integrity, food safety, and meal quality.

## Bulk Meal Components

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7 CFR 225.16(i)(3)

Bulk meal components refer to food items that are provided in a larger quantity than required for a single meal service, such as a gallon of milk or a full-size box of cereal. Approved sponsors of self-prep sites may provide bulk meal components that meet the minimum amounts of each meal component for each meal service type they are approved to serve, not to exceed the number of meals that could be provided over a 5-calendar day period. Vended sites cannot distribute bulk meal components.

The State agency may establish a shorter calendar day period on a case-by-case basis. The State agency may approve individual sponsors to provide up to 10 days' worth of bulk meals, also on a case-by-case basis, in appropriate circumstances, such as sites in extremely remote areas where more frequent distribution is impracticable.

A State agency may place limits on the food items or types of food items provided as part of bulk food distribution. The State agency may also prohibit sponsors from providing bulk meal components, on a case-by-case basis, if the State agency determines that the sponsor does not have the capability to ensure Program integrity or protect the health and safety of children.

Home preparation steps for bulk foods should be kept to a minimum. However, sponsors may offer food items that would require more than chilling, heating, or warming in circumstances where it is justified and approved by the State agency and FNSRO.

State agencies must determine whether a sponsor's proposed distribution of bulk meal components meets State and local health, safety, and sanitation standards. The sponsor must ensure that:

- Required food items for each reimbursable meal served meet the meal pattern requirements at 7 CFR 225.16(d).
- All food items that contribute to a reimbursable meal are clearly identifiable.
- Menus are provided and clearly indicate the food items and portion sizes for each reimbursable meal.
- Food preparation, such as heating or warming, is minimal.
- The maximum number of reimbursable meals provided to a child does not exceed the number of meals approved by the State agency.

## Parent or Guardian Meal Pick-up

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7 CFR 225.16(i)(2)

Approved sponsors may distribute meals to parents or guardians to take home to their children. Sponsors choosing this option must have documented procedures in place to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child. The

State agency may require attendance rosters or sign-in sheets or approve other methods that would ensure that these requirements are met. The State agency may prohibit a sponsor from distributing meals to parents or guardians if it is determined that the sponsor cannot adequately ensure compliance.

# Options for Congregate and Non-Congregate Meal Service

## Offer Versus Serve

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

OVS is an approach to menu planning and meal service that allows participants to decline some of the food offered in a reimbursable breakfast, lunch, or supper. OVS is not allowed at snack.

OVS reduces food waste and costs while maintaining the nutritional integrity of the SFSP meal that is served. Children who are offered food choices are more likely to eat the foods they enjoy rather than throw the food away. Only SFA sponsors that have used OVS in NSLP are eligible to use OVS at SFSP sites, following the guidelines in 7 CFR 225.16(f)(1)(ii), 210.10(e), and 220.8(e).

When implementing OVS, a child must be able to decline or accept any component offered. SFAs may use OVS in both congregate and non-congregate meal service, but they must ensure program integrity when using this flexibility. For example, SFAs providing non-congregate meal service can use OVS at meal pick-up sites by providing a buffet style selection. SFAs providing non-congregate meal service may also use OVS through online ordering systems where children may choose their meals prior to meal pick-up or delivery.

## Meal Counts

7 CFR 225.6(e), 225.7(e)(6), 225.15(b), and 225.16

It is critical that site personnel and monitors understand the importance of accurate point of service meal counts. Only complete meals and snacks served to eligible children may be claimed for reimbursement.

Meal counts are required for each day and each meal service in which meals and snacks are served. Therefore, meals and snacks must be counted at the actual point of service, as they are served, to ensure that an accurate meal count is obtained and reported. Counting meals and snacks at the point of service also allows site personnel to ensure that only complete meals and snacks are served. While meal counts are required for each day and each meal service, use of a weekly consolidated meal count form is not a Federal requirement.

Each site supervisor is responsible for maintaining accurate point of service meal counts. Sponsor's must monitor that each site is keeping meal counts for each meal service. State agencies must review meal counts and records as part of the. For sample meal count forms and instructions, see Appendix 2.

## Adjustments to Established Approved Level of Meals (Site Caps)

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State agencies must set limits on the number of meals each approved site may serve to children. These limits are known as the 'site cap.' All SFSP sites are required to have a site cap that establishes the approved level of meals that may be served.

It may be difficult for a State agency working with a sponsor to accurately assess a site's capability and need, as a site may attract more children than originally anticipated. The maximum approved level of meals must be adjusted upward or downward based upon the information collected at site reviews by the sponsor or State agency.

Sponsors may seek an upward adjustment of the approved level by requesting a site review or providing the State agency with evidence that attendance exceeds the site's approved levels. Downward adjustments are required by the State agency if a site is not meeting their established maximum approved level of meals; these may also be requested by the sponsor.

Adjustments may be requested at any point prior to submitting the claim for the impacted reimbursement period; however, retroactive adjustments after the submission of a claim are not allowed. Claims submitted for reimbursement must also accurately reflect the number of children who received meals during the meal service period. For example, a site with a maximum approved level of 30 children may have received 30

vended meals, but only served 20 meals to 20 children. The meal count and claim for reimbursement must reflect 20 meals, not 30.

Any site cap adjustments must be documented by the State agency in its files, and sponsors must be provided with written confirmation of the new approved level of meals.

Sponsors must notify FSMCs of any site cap adjustments for a vended site impacted within the time frames stated in the contract for adjusting meal orders. Sponsors must inform the FSMC that the approved level for meal service is the maximum number of meals that may be served at a site and not a standing order. The sponsor may make adjustments to accurately reflect the number of children participating, if it does not exceed the approved site cap. If additional meals over the approved level are needed, sponsors must request an upward adjustment from the State agency prior to the submission of a claim for the reimbursement period.

For more information, refer to SFSP 09- 2023, *Approved Levels for Vended Sites in the Summer Food Service Program*, May 31, 2023, <https://www.fns.usda.gov/sfsp/approved-levels-meals-vended-sites>.

## Leftover Meals or Components

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7 CFR 225.15(b)

All sponsors must plan and prepare or order meals with the goal of serving one meal per child for each meal service being offered. Sponsors must ensure that entire meals and meal components are not frequently left over or are not frequently left unusable.

## Increasing Consumption

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The best way to ensure that children consume the food they take involves good sponsor planning. Here are some best practices to help sponsors increase consumption and reduce food waste:

- Serve food in a way that is appropriate for the age of the child so that it can be easily consumed. For example, if fruit is cut into smaller pieces, it is easier for young children to eat.
- Get children involved when planning menus and continually seek feedback about the foods being served.



- Make adjustments to menu items that have low acceptability or consider holding taste tests to make new menu items more enticing to try.
- Make staff at congregate sites aware of foods that may be difficult to eat, such as unpeeled oranges, and should provide assistance when necessary.
- Set meal service times that give children plenty of time to eat their entire meal.
- Offer foods that are pre-prepared and do not require cooking and chopping at non-congregate sites. This will help ensure children can consume the foods provided whether parents or guardians are present or if households do not have access to kitchen appliances, cooking tools or potable water.
- Consider how to package meals for distribution and serving at non-congregate meal sites. For example, when serving pre-made salads, package dressings separately from salad greens and provide instructions on how to dress the salad at home. This may be of particular importance when using certain options like distributing multiple days' worth of meals.

## Second Helpings

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At congregate meal service sites, a limited number of second meals served as a unit may be claimed for reimbursement. However, the total number of second meals a sponsor can claim must not exceed 2 percent of the number of first meals served to children for each meal type during the claiming period. This option is provided in recognition of the fluctuation in participation during summer operations which makes forecasting difficult.

All claims for second meals must be disallowed at a congregate site if the State agency determines that the congregate meal site failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. Second meals must be served only after all participating children have been served a meal.

Second meals cannot be claimed at non-congregate meal service sites. The State agency must disallow claims if it determines sponsors served second meals as part of a non-congregate meal service.

# Share Tables

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Sponsors may designate a “share table” or stations where children may return whole items that they choose not to eat. Unopened or 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 orange is served as part of a meal, a child may return the orange to the share table.

Sponsors must ensure that the use of share tables is in compliance with State and local health and safety codes. Sponsors should check food safety and storage requirements with the appropriate State and local health departments. When all Federal, State and local food safety requirements are met, complete meals and nonperishable components that remain on a share table may be appropriately stored and documented for later service. For more information, see SFSP 15-2016, *The Use of Share Tables in Child Nutrition Programs*, June 22, 2016, <https://www.fns.usda.gov/cn/use-share-tables-child-nutrition-programs>.

# Transfer of Meals to Busier Sites

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If allowed by State and local health and safety codes, extra meals can be transferred from a site with extra 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.

# Donating Meals to Charity

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When it is not possible to reuse or store leftover food, FNS encourages sponsor to consider donating food to non-profit organizations working to address food insecurity 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 safety codes. If food donations are allowed, sponsors could donate to local food banks, homeless shelters, food pantries, or other types of charitable organizations that have tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 and serve meals or distribute food to people in need.

More guidance and information is found in:

- SFSP 07-2012, *Guidance on the Food Donation Program in Child Nutrition Programs*, February 3, 2012, <https://www.fns.usda.gov/cn/guidance-food-donation-program-child-nutrition-programs>.
- SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers*, December 5, 2016, <https://www.fns.usda.gov/cn/meal-service-requirements-summer-meal-programs-questions-and-answers-revised>.
- *Gleaning in SNAP-ED* includes *Let's Glean! United We Serve*
- that describes successful food recovery activities and suggestions for new efforts, at <https://snaped.fns.usda.gov/resources/nutrition-education-materials/gleaning-snap-ed>.

## Meals Served to Adults

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7 CFR 225.2, 225.9(d)(5), 225.9(f), and 225.15(b)

Sponsors have the option to serve meals to anyone. However, only meals served to children, as defined by SFSP regulations, may be claimed as reimbursable meals. Meals served to adults must be reported differently than those served to children, depending on the classification of the individual's role as a Program or non-Program adult in the site's operations.

## Adults Involved in Program Operations

Meals may be served without charge to adults who are involved in Program operations, who work directly with the meal service at the site as volunteers or paid employees. These meals may not be claimed for reimbursement but the food expense may be included as operating costs.

# Non-Program Adults

The sponsor must charge a fee for a meal or reimburse the food service account for the cost of a meal served to any adult who is not involved in Program operations, such as a parent who accompanies a child to the site but does not work in any direct way with the meal service at the site. The cost of meals served to adults not involved in Program operations may only be included as part of the sponsor's operating costs if:

- The adult pays the full cost of the meal, including the cost of 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 in order to expend these meal costs from its non-profit food service account.

When a sponsor chooses to serve meals to adults:

- All children, including any person who meets the definition of “children” at 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. Sites must count and record separately on the daily meal count form:
  - First meals served to children;
  - Second meals served to children;
  - Meals served to Program adults; and
  - Meals served to non-Program adults.
- The calculation of meal costs should be based on the full cost of producing the meal, including the food, supplies, labor, and other costs incurred by the sponsor. Sponsors should also include either the value of the USDA Foods used to prepare the meal or the current year annual entitlement per meal value of USDA Foods.

# Food Safety

## 7 CFR 225.16

Food safety practices—practicing good health and hygiene, checking, and documenting food temperatures, and ensuring proper cleaning and sanitizing—are essential to successful SFSP operations in congregate and non-congregate settings. Implementation of these practices reduces the risk of foodborne illness and ensures that the food children consume is safe. It prevents children and staff from becoming sick, possibly causing the shutdown of meal service operations and bad publicity for the site, sponsor, and Program.

A sponsor may only be reimbursed for meals that:

- Meet the meal pattern requirements;
- Adhere to State and local health, safety, and sanitation requirements;
- Are served during the approved meal service times; and
- Follow other meal service requirements at 7 CFR 225.16.

Sponsors must ensure that in storing, preparing, and serving food, proper sanitation and health standards are met which conform with all applicable State and local laws and regulations. Sponsors must also ensure that adequate facilities are available to store food or hold meals. Within 2 weeks of receiving notification of their approval or, at minimum, prior to the start of Program operations, sponsors must submit to the State agency a copy of their letter advising the health department of their intention to provide meal services during a specific period of time at designated sites.

The Institute of Child Nutrition’s *Food Safety for Summer Meals* resources, under *Summer Food Service Programs*, <https://theicn.org/icn-resources-a-z/food-safety/>, is a source of food safety information.

## Off-Site Preparation of Food

When meals are not prepared on site, meal deliveries to a site must arrive within 1 hour of the start of the meal service if the site does not have adequate storage to hold hot or cold foods at the temperatures required by State or local health regulations, as outlined in 7 CFR 225.16(c)(6)(ii).

# Non-Congregate Meal Service Considerations

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As with meals served in the congregate setting, non-congregate meal service operations must also meet all State and local health, safety, and sanitation standards, and where applicable, have adequate food preparation and holding facilities as outlined in 7 CFR 225.16(b)(5). However, non-congregate sites have additional food safety considerations.

State agencies and sponsors are encouraged to implement safeguards to ensure food safety at non-congregate sites. Food safety is important for all meal service models. Sponsors should ensure food selections and packaging promote food safety; sponsors should also include instructions on at-home storage and preparation.

State agencies must ensure that a site's plan meet the standards prescribed by State or local health authorities. Any additional statewide requirements and operational safeguards should be included as part of the State's plan to use non-congregate meal service, in its MAP.

When providing non-congregate meals, sponsors are encouraged to help parents and guardians identify which foods require refrigeration, cooking, or heating for food safety. Examples of strategies include:

- Labeling foods that require refrigeration or freezing.
- Providing a list of foods that require refrigeration, freezing, and reheating.
- Sorting foods into two different bags prior to distribution—one for refrigerated and frozen foods and another for shelf-stable foods.

In addition, sponsors are encouraged to remind parents and guardians to:

- Wash hands with soap and water for at least 20 seconds before preparing or handling food.
- Wash dishes, utensils, tables, and counter tops with hot, soapy water before and after eating and handling food.
- Refrigerate or freeze meals and refrigerate milk as soon as possible and within 2 hours after pick-up or delivery. Set home refrigerator temperatures to 40 °F or below.

- Eat perishable food, such as prepared chicken or cooked pasta, early in the week. Eat shelf-stable or frozen meals, including nut butter, canned foods, and frozen foods, later in the week.
- Reheat prepared foods, like cooked chicken and cooked hamburger patties, to an internal temperature of at least 165 °F. Heat frozen foods according to package instructions. Avoid reheating food multiple times by portioning out and reheating only the food that will be consumed at that time.
- Consume leftovers, as well as open containers and packages of refrigerated foods, within 3 to 4 days. After 4 days, leftover food should be discarded. Food that will not be eaten within 3 to 4 days can be frozen, as soon as possible, depending on the type of food and if freezing does not significantly impact food quality. Leftovers can typically be frozen for 3 to 4 months.
- Check for signs of spoilage, such as a bad smell, before drinking milk. Open containers of milk are typically safe for up to 2 weeks after the sell-by date.

## Multi Day Meal Issuance

When multiple days of meals are provided at one time, sponsors need to consider several factors such as food safety, food quality, households' storage capabilities, access to kitchen appliances and cooking tools, and availability of the parent or guardian to assist with meal preparation. There are several food safety considerations that sponsors should consider when deciding how many days of meals to provide at a time, including:

- How long foods can safely be stored before eating.
- How long foods can be stored before food quality suffers.
- Participant's access to refrigerator and freezer space for the amounts of food and milk provided, especially for households with multiple children.
- Food storage space and cold and hot holding equipment at the meal distribution site and on meal delivery vehicles.

Sponsors are strongly encouraged to provide parents, guardians, and children with a list of the items they are receiving, and menus showing which foods and how much of each food should be served at each meal. When possible, sponsors should provide this information in multiple languages and use visual aids, such as pictures.

# Bulk Meal Components

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Self-preparation sponsors approved to operate non-congregate meal service have the option to provide bulk foods that meet the meal pattern requirements for each meal service type with added safeguards to ensure Program integrity and the health and safety of children.

FNS encourages State agencies to place reasonable limits on the number of bulk foods provided or types of foods provided as part of the bulk meal component flexibility, taking into considerations factors like sponsor experience, the needs of the community, and Program integrity. When a sponsor is approved to provide bulk foods, the sponsor must ensure that menus are provided and clearly indicate the food items and portion sizes for each reimbursable meal.

Best practices for sponsors to consider when they provide bulk food items include offering:

- Foods that are pre-prepared and do not require cooking and chopping.
- Fruits and vegetables that are washed, cut, and ready to eat.
- Foods that require few preparation instructions before they are served to children. Providing instructions using pictures and in the primary language spoken at home.
- Foods that do not require pots, pans, large refrigerators, knives, and other items to prepare them.
- Foods that do not require the addition of water, cooking in water, or washing before eating.
- Foods that are pre-washed or pre-cooked. Providing food safety instructions using pictures and in the primary language spoken at home.

# Home-Delivered Meals

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Home-delivered meals do not need to be shelf-stable. However, the type of meal offered will depend on the resources and capacity of the site. Sponsors must also consider State and local food safety requirements and best practices. Sponsors that can prepare ready-to-eat meals and have the capacity to deliver meals in a way that meets State or local food safety requirements may do so. Children do not have to be present for home delivery as long as the sponsor has obtained the parent or guardian's written consent to deliver meals. If meal delivery processes do not include a requirement for someone to be present, meals should be adequately packaged and stored if fresh or frozen.



# Best Practices in Reducing Waste

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There are many ways that sponsors can recover and recycle food and products used for summer meals before they go to waste, while also teaching children about the impact it has on the environment and the community.

## Food Waste

The best way to tackle food waste is to make sure children consume what they take. This involves good planning by sponsor and site staff, getting children involved in decision-making and educating children on the impacts of food waste. Here are some best practices to consider for minimizing plate waste in the Program:

- Buy only what the site needs. Use production records and the Food Buying Guide to help reduce leftover food.
- Check food acceptability. How do children feel about the foods being served? Consider holding taste tests or create avenues in which children can provide feedback on menu items.
- Give children a choice. Participate in the offer versus serve option, if applicable. Consider offering multiple entrée options or using a produce bar to give children more choices among a variety of fruits and vegetables.
- Create share tables. Encourage children to leave unwanted food on share tables for others to consume.
- Incorporate local foods. Serve local foods in meals to increase acceptability and interest in menu items. Consider starting a garden, feature products on the menu, and use the garden for nutrition education.
- Provide nutrition education. Engage children with nutrition education, cooking demonstrations, or gardening programs to improve intake of nutritious foods. Team Nutrition has free nutrition education resources at *Team Nutrition*, <https://www.fns.usda.gov/team-nutrition>.
- Consider composting. Keep food out of the landfills by composting. For more information about composting check out *Composting*, <https://www.usda.gov/peoples-garden/food-access-food-waste/composting>.

# Packaging and Other Waste

Many sponsors rely on the benefits offered by disposable and plastic products, such as plastic bags, food packaging, and containers. Sponsors can look for ways to reduce, reuse and recycle products by considering some of the following best practices to reduce waste:

- Use reusable products. Use reusable trays, cups and cutlery when serving congregate meals instead of disposable products. Use reusable or paper bags when packaging non-congregate meals to-go. Ask participants to bring back the reusable bags for future meal pick-up. Check and follow all State and local food safety requirements for reusable items, including proper cleaning and sanitizing procedures.
- Consider recycling opportunities. Choose recyclable or compostable items versus disposable items.
- Reduce packaging. Consider options with less packaging when making purchasing decisions. For example, consider purchasing bulk condiment containers, which reduces the use of individual plastic serving packets.

## Menu Planning Best Practices

It is important for the success of the Program to serve nutritious meals that meet meal pattern requirements and that are appetizing to children. Careful menu planning is necessary to meet this goal.

## Serving Local Foods

Serving local foods can improve meal quality and appeal, encourage children and teens to develop healthy eating habits, and educate them about where their food comes from. Summer is a fantastic time of year to add variety to keep meals tasting great. In many regions across the United States, SFSP aligns well with the peak growing season, allowing sponsors to serve products in their freshest state.

There are numerous benefits to “bringing the farm” to SFSP. Sites may see increased participation by improving the quality of meals and keeping children engaged through hands-on activities. Children get fresh, healthy meals and participate in activities at meal sites, staying nourished and engaged while school is out.

Sponsors can purchase local foods directly from farmers, farmers' markets, Community Supported Agriculture, and school or community gardens. Sponsors can also purchase indirectly through intermediaries, such as distributors, food hubs, and third-party food service operators such as an FSMC.

For comprehensive information on finding, buying, and serving local foods, see:

- SFSP 07-2016, *Local Foods and Related Activities in Summer Meal Programs, with Questions and Answers* November 12, 2015, <https://www.fns.usda.gov/cn/local-foods-and-related-activities-summer-meal-programs-questions-and-answers>.
- *Procuring Local Foods*, <https://www.fns.usda.gov/f2s/procuring-local-foods>.
- *Farm to Summer*, <https://www.fns.usda.gov/f2s/farm-summer>.

## Food Buying Guide and Crediting Tip Sheets

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The FBG is the essential resource for food yield information for SFSP and all Child Nutrition Programs. The FBG assists sponsors with purchasing the correct amounts of foods and determining the contribution that each food makes toward meal pattern requirements. The FBG is available as an interactive web-based tool, mobile app, and downloadable PDF at *Food Buying Guide for Child Nutrition Programs*, <https://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs>. Sponsors may also find the *Crediting Tip Sheets in Child Nutrition Programs*, <https://www.fns.usda.gov/tn/crediting-tip-sheets-child-nutrition-programs>, helpful as they provide handy references for sponsors on how to credit SFSP meal components. Each tip sheet provides simple, easy-to-use information for one meal component.

## Traditional Indigenous and Other Culturally Relevant Foods

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FNS understands the importance of serving traditional Indigenous foods other culturally relevant foods and encourages SFSP sponsors to source locally grown and raised foods. By serving culturally relevant foods, sponsors can ensure children in their communities are familiar with the foods offered and therefore are more likely to eat them. FNS has resources to assist sponsors in determining how traditional Indigenous foods and other culturally relevant foods may contribute toward a reimbursable meal which can be found at

*Serving Traditional Indigenous Foods in Child Nutrition Programs*, <https://www.fns.usda.gov/cn/serving-traditional-indigenous-foods>.

## Gathering Feedback

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Feedback is important! Allowing participants to provide feedback through menu tastings and surveys throughout the operational period provides sponsors with valuable insight as to what participants would like to see on the menu, while staying in compliance with meal pattern requirements. Check out Team Nutrition's *Taste-Testing Event Resources*, <https://www.fns.usda.gov/tn/taste-testing-event-resources>. Asking site staff to provide feedback will enhance the feedback collected.

Sponsors should seek feedback from site staff regarding the current menu, food production challenges, ideas to improve food service areas and changes that would increase acceptability among participants.

## Turnip the Beet

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State agencies can promote the Turnip the Beet Award to encourage sponsors to offer high quality meals to children that are appetizing, appealing and nutritious. The Turnip the Beet Award showcases sponsors who are going above and beyond to ensure that children in their care are receiving high-quality meals that are both nutritious and appetizing. For more information and to access the nomination form visit *Turnip the Beet! High Quality Summer Meals Award Program*, <https://www.fns.usda.gov/sfsp/turnip-the-beet>.

## Recipe Resources

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Team Nutrition has resources that can provide menu inspiration for sponsors, including:

- *Child Nutrition Recipe Box*, <https://theicn.org/cnrb/state-agency-developed-recipes/>, is a resource of standardized recipes for Child Nutrition Programs
- *Team Nutrition Recipes*, <https://www.fns.usda.gov/tn/team-nutrition-recipes>, includes recipes for breakfast, lunch, supper, and snack time, including multi-cultural recipes.
- *Meal Talk Webinar Series*, <https://www.fns.usda.gov/tn/meal-talk-webinar-series>:

- *Meal Talk: Celebrate Lunch Trays Many Ways.* Learn from schools that are sharing strategies and success stories utilizing standardized recipes that incorporate cultural food preferences and locally grown foods.
- *Meal Talk: Taste-Test Events.* Hear from two schools as they share tools, tips, strategies, success stories and best practices related to taste-test events with elementary and secondary school students.

## Nutrition Best Practices and Resources

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*Summer Food, Summer Moves Resource Kit*, <https://www.fns.usda.gov/tn/summer-food-summer-moves>, is a fun, hands-on resource kit designed to get kids and families excited about healthy eating and physical activity during the summer months. The kit is designed for sponsors and focuses on using music, games, art, and movement to motivate children and families to eat more fruits and vegetables, choose water or milk instead of sugary drinks, get enough physical activity every day, and limit screen time.

In an effort to balance the need to provide meals with the need to contribute to the health and well-being of children, FNS strongly encourages sponsors to take steps toward serving nutritious and appealing meals at their SFSP sites. SFSP 06-2016 (version 2), *Promoting Nutrition in Summer Meal Programs, with Best Practices*, May 18, 2016, <https://www.fns.usda.gov/cn/promoting-nutrition-summer-meal-programs-best-practices>, includes resources and strategies to improve the nutritional quality and appeal of SFSP meals.

## Meal Preparation Options

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 an SFA, an FSMC, a commercial for-profit company, or a private non-profit organization. Sponsors should check with their State agency for a list of vendors that they may contract with to prepare their meals.

# Meal Preparation by Sponsors

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## 7 CFR 225.2

Many sponsors choose to prepare their own meals, rather than contracting with a food service management company for unitized meals, with or without milk, or for management services. This allows sponsors 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 *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>, 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.

# Working with Local Schools

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## 7 CFR 225.15(b)(1), 225.16(f)(1)(i)

Sponsors are strongly encouraged to consider their local SFA as a source for obtaining meal services. If sponsors choose not to self-prepare meals for sites, the sponsor may enter into an 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.

Another option is to use the facilities of local public or private schools to prepare or obtain meals. This offers the sponsor several advantages, as 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 SFSP requirements if they participate in other Child Nutrition Programs.

When purchasing products and services for meals, sponsors must ensure products and services are obtained through a competitive procurement process in compliance with Program regulations. SFSP sponsors are encouraged to enter into State and local intergovernmental agreements with schools or inter-entities, when appropriate, for procurement or use of common or shared goods and services. With inter-entities, groups of entities are able to procure goods and services together, which offers greater economy and efficiency. See SFSP 02-2017, *Q&A: Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services*, October 19, 2016, <https://www.fns.usda.gov/cn/qa-purchasing-goods-and-services-using-cooperative-agreements-agents-and-third-party-services>.

If a non-SFA sponsor purchasing meals from an SFA would like to substitute the NSLP or SBP meal pattern requirements for the SFSP meal pattern, a formal request for permission must be submitted to the State agency with the sponsor's SFSP application. This type of arrangement requires a written agreement between the sponsor and the SFA.

When assessing a school's ability to provide meal service, sponsors must consider whether 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.

## Purchasing Meals from a Food Service Management Company

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7 CFR 225.6(l)(3) and 225.15(m)

In SFSP, an FSMC is any commercial enterprise or non-profit organization with which a sponsor may contract the preparation of unitized meals, with or without milk, for use in the Program. An FSMC is also a company that manages a sponsor's meal service operations, with the limitations on Program management responsibilities, as described in 7 CFR 225.15. FSMCs may be public agencies or entities, private non-profit organizations or private for-profit companies. All SFSP sponsors have the option to competitively solicit and award a contract with an FSMC. FSMCs and SFAs contracting to prepare SFSP meals must provide unitized meals to the sponsors' sites unless the State agency has approved a request for an exemption. 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 to form a complete reimbursable meal.

## Factors Involved with Contracting with a Food Service Management Company

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7 CFR 225.2, 225.6(g), 225.6(h) 225.6(l)(2)(v), and 225.15(m)

Sponsors may also competitively solicit and contract with an FSMC to prepare and deliver meals. There are several factors that can influence a sponsor's decision to contract for meals with an FSMC, including the sponsor's lack of food preparation facilities or personnel, a site that is unsuited for meal preparation, or the location of many sites spread over a wide geographical area.

Sponsors that decide to contract with an FSMC to obtain meals are called "vended sponsors". FSMC that enters into a contract must prepare and deliver meals that comply with Program regulations and the terms of the contract with the sponsor. The contract is between the sponsor and the FSMC. Neither FNS nor the State agency have jurisdiction to enforce the contract with either party or to resolve any disputes that may arise. Sponsors remain legally responsible for ensuring that the food service operation meets all requirements specified in the agreement they sign with the State agency.

Sponsors and FSMCs, including commercial meal vendors, must be familiar with the information in this section. A successful vended meal service operation depends on both parties fully understanding their Program responsibilities.

FSMCs are required to have State or local health certification for the facilities in which they propose to prepare Program meals and must ensure that State and local health and sanitation requirements are always met. FSMCs also must ensure that meals are inspected periodically as required 7 CFR 225.6(l)(2)(v). See SFSP 07-2015, *Health and Safety Inspection Requirements*, December 10, 2014, <https://www.fns.usda.gov/cn/health-and-safety-inspection-requirements>.

As with all Program purchases, FSMC contracts must be competitively procured in compliance with 7 CFR 225.15 and 225.17 and 2 CFR Part 200.317-326.



# Food Service Management Company

## Limitations

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7 CFR 225.15(a)(3)

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

- Planning and ordering meals based on participation trends;
- 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 household applications.

Sponsors should check with the State agency before allowing an FSMC to undertake any other tasks that could be identified as management functions that may not be delegated. SFA sponsors are reminded that the SFA must maintain responsibility for submitting claims and remains accountable for ensuring that all SFSP requirements are met. See SFSP 04- 2013 - REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.

## USDA Foods

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7 CFR 225.9(b)

Sponsors eligible to receive USDA Foods include:

- Sponsors preparing meals on site or at a central kitchen;
- Sponsors purchasing meals from an SFA that participates in NSLP; and

- SFA sponsors that procure their SFSP meals from the same FSMC that competitively provided their most recent NSLP or SBP meals.

Eligible sponsors should contact their State agency regarding the availability of USDA Foods. For additional information on USDA Foods, see *Distribution of Donated Foods to Service Institutions Participating in the Summer Food Service Program*, <https://www.fns.usda.gov/usda-fis/distribution-donated-foods-service-institutions-participating-sfsp>.

## Serving Food Beyond the Meal Pattern Requirements

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### 7 CFR 225.16(f)(8)

Sites may choose to serve foods in addition to the food necessary to meet the meal pattern requirements using SFSP funds. However, the foods purchased must be creditable under the meal pattern requirements, described in 7 CFR 225.16(d) and (f).

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 that intend to serve additional foods that do not meet SFSP meal pattern standards must use non-Program funds.

Sites that have additional funds available are encouraged to use these 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.

For guidance and more tips on adding fresh, healthy items to the menu, see:

- SFSP 06-2012, *Serving Additional Foods in Summer Food Service Program*, November 23, 2011, <https://www.fns.usda.gov/sfsp/serving-additional-foods-summer-food-service-program>.
- *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>.

- Summer Food, Summer Moves Resource Kit, <https://www.fns.usda.gov/tn/summer-food-summer-moves>.

## Procurement Procedures

The meal preparation option chosen by the sponsor may influence the procurement method the sponsor will need to pursue, as well as the thresholds they need to be mindful of.

## Procurement Standards

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All procurement of food, supplies, goods, and other services with Program funds by sponsors must comply with procurement standards prescribed in the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* 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.

In addition to complying with Federal requirements, sponsors must meet State and local procurement standards and requirements. Federal, State, and local standards are designed to prevent fraud, waste, and Program abuse. The State agency can provide more detailed information about these requirements, which may be more restrictive. All relevant terms and restrictions should be disclosed before bids are submitted. “Responsive” bidders are those whose bids conform to all of the terms, conditions, and requirements of the IFB.

## Requests for Information

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Market research is an important step in order to assess what’s available and determine a sponsor’s needs. An RFI is a tool that can be used to conduct market research, design bid documents, and assess product availability. It is not used to procure products, but rather to gather information for competitive procurement activities.

An RFI can be as simple as a document listing the products and quantities needed in a period and asking suppliers to respond with product varieties and quantities available in the given time frame. More complex RFIs may ask for an estimated price, food safety practices, detailed specifications, and delivery capacity.

The information from an RFI can be used to estimate the value of potential contracts and determine which procurement method is appropriate.

# Procurement Methods

2 CFR Part 200.320

## Informal Procurement Methods

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2 CFR 200.320(a)

Informal procurement methods are methods used to procure goods or services when the value does not exceed the SAT, the simplified acquisition threshold, or a lower threshold established by a non-Federal entity. Informal procurement methods are used to expedite transactions which minimize administrative burden and cost. Informal procurement methods include micro-purchases and small purchases.

### Micro-Purchase

2 CFR 200.320(a)(1)

A micro-purchase is a purchase of supplies or services in which the total does not exceed the micro-purchase threshold. Micro-purchase thresholds are lower than SATs. The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. Non-Federal entities may establish a threshold higher than the Federal threshold established in the FAR in accordance with Federal procurement regulations.

Micro-purchases may be awarded without soliciting competitive price or rate quotations, if the sponsor considers the price to be reasonable based on research, experience, purchase history or other information, or documentation provided. Sponsors should distribute micro-purchases equitably among qualified suppliers to the maximum extent practicable. For additional information on micro-purchase thresholds see SFSP 01-2022, *Updates to the Federal Micro-Purchase Threshold in 2 CFR 200.320(a)(1)*, December 15, 2021, <https://www.fns.usda.gov/cn/updates-federal-micro-purchase-threshold>.

# Small Purchase

## 2 CFR Part 200.320(a)(2)

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not exceed the SAT, as described in 48 CFR 2.101. The SAT is the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. The dollar amount is set by the Federal Acquisition Regulation and updated periodically.

Each procurement is still conducted in a manner that ensures free and open competition. Price or rate quotations must be obtained from an adequate number of qualified sources, as determined by the sponsor, prior to making a purchase. The sponsor must document the date, vendors consulted, and quotes received, including for verbal quotes. For more information, see SFSP 01-2022, *Updates to the Federal Micro-Purchase Threshold in 2 CFR 200.320(a)(1)*, December 15, 2021, <https://www.fns.usda.gov/cn/updates-federal-micro-purchase-threshold>.

Contracts that exceed the SAT may be subject to the required Federal contract provisions found at 2 CFR Part 200, Appendix II. For purchases estimated to exceed the most restrictive SAT, sponsors must conduct a cost or price analysis, as described in 2 CFR 200.324, and a formal procurement method must be used.

# Formal Procurement Methods

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## 2 CFR 200.320(b)

Formal procurement methods are required when the value of the procurement for services or goods exceeds the SAT, or a lower threshold established by a non-Federal entity. Formal procurement methods include sealed bids and proposals and require public advertising, unless a non-competitive procurement can be used.

# Competitive Sealed Bids

2 CFR 200.320(b)(1)

Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The public solicitation is an 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 publicly 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.

## Proposals

2 CFR 200.320(b)(2)

Proposals is a procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. Competitive proposals must be publicly solicited from an adequate number of qualified sources.

## The Public Solicitation is a Request For Proposals

An RFP is used to solicit responses in a competitive negotiation procurement method. An RFP is more qualitative in nature, The RFP must be publicized and identify all evaluation factors and their relative importance. Any response must be considered to the maximum extend practical.

- The RFP must be solicited from an adequate number of qualified sources.
- The sponsor 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 sponsor, with price and other factors considered.

## Noncompetitive Procurement

2 CFR 200.320(c)

There are specific circumstances when noncompetitive procurement can be used. If one or more of the following circumstances apply, noncompetitive procurement may be awarded:

- The total dollar amount of the purchase of goods or services does not exceed the micro-purchase threshold.
- The item is only available from a single source.
- The public emergency for the good or service cannot be delayed by publicizing a competitive solicitation.
- The Federal awarding agency or pass-through entity approves a noncompetitive procurement in response to a written request from the Program sponsor.
- After solicitation of a number of sources, competition is determined inadequate.

## Procurement Tips and Strategies

### Improving Product Selection and Specifications

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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, including:

- 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.
- 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;
- Cultural acceptability;
- Seasonality; and
- Geographic Origin.

The *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>, has more information on developing food specifications.

## Local Procurement Strategies

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In many regions across the country, summer brings new opportunities to source local foods. Sponsors may decide to include local products that increase the quality and appeal of meals, provide more nutrition education opportunities for children, and support local food producers, as well as 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. When buying local meat, poultry, game, and eggs, sponsors must meet the conditions of the permit which has given them authority to operate as a food service establishment.

For specific guidance on purchasing local meat and other local foods, see:

- SFSP 01-2016, *Procuring Local Meat, Poultry, Game, and Eggs for Child Nutrition Programs – REVISED*, November 20, 2023, <https://www.fns.usda.gov/cn/procuring-local-meat-poultry-game-eggs>.



- *Procuring Local Foods* for Child Nutrition Programs, <https://www.fns.usda.gov/f2s/procuring-local-foods>.

## Factors to Consider When Adding Local Foods

### Defining Local

Sponsors have the flexibility to define what constitutes as “local” to best align with what is available in their geographic area. A variety of factors can impact how “local” may be defined, including seasonal availability, State or municipal boundaries, product pricing and availability, and logistical considerations.

For example, a sponsor’s definition of “local” may change with the seasons; during the school year, a district may decide that their definition of “local” is within the State, but during the summer months, the district may select a narrower definition due to a greater abundance of local products available during that season. For the purposes of farm to school or farm to summer activities, there is not a Federal definition of “local”.

### Sourcing Local Products

Sponsors can find local foods through a variety of sources. When conducting initial market research, sponsors may request their distributor or meals vendor 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. Sponsors can utilize USDA *Local Food Directories*, <https://www.usdalocalfoodportal.com/#directories>, to find nearby farmers markets, food hubs, and on-farm markets. Many states also offer similar state-focused local food directories.

### Methods of Procurement

Sponsors use the same procurement methods for sourcing locally grown, raised, or caught unprocessed agricultural products as they do with all other foods.

Sponsors may choose to apply a geographic preference option when purchasing unprocessed agricultural products. To differentiate between the concept of a geographic preference option and the strategies permitted under it, this Guide will refer to the core strategies as a “defined scoring advantage” and “local as a specification”. The geographic preference option allows sponsors to use a defined scoring advantage for unprocessed agricultural products grown, raised, or caught locally, use local as a specification for unprocessed agricultural products, adopt a mix of both strategies, or elect not to use any of these approaches. There are many ways to source local products by using a geographic preference option or other product specifications and technical requirements that target local when following the informal or formal bidding process or targeting local producers and vendors that sell local unprocessed agricultural products through the informal process. A sponsor must ensure that its definition of local does not overly restrict free and open competition.

If a sponsor is making a purchase under the micro-purchase threshold 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 SAT, 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 SAT, 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**

The geographic preference option applies to unprocessed locally grown, raised, and caught agricultural products. A sponsor may decide to use the geographic preference option, as described in 7 CFR 225.17(e), to source unprocessed locally grown, raised, and caught agricultural products.

This allows sponsors to give a defined scoring advantage, such as bonus points or a price reduction, to bidders that meet their definition of local for unprocessed agricultural products or use local as a specification in the sponsor's solicitation. Using the geographic preference option enables a sponsor to award its contract to a bidder that meets its specifications, even if it did not necessarily provide the lowest bid. Sponsors can find more information about geographic preference or targeting local with specifications in the *Procuring Local Foods for Child Nutrition Programs Guide*, <https://www.fns.usda.gov/f2s/procuring-local-foods>.

## Food Service Management Company Contracts

7 CFR 225.6(k) and 225.17(e)

A State agency may require each FSMC, operating within the State, to register based on State procedures. A State agency may further require the FSMC to certify that the information submitted on its application for registration is true and correct and that the FSMC is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

The solicitation must outline the need and scope of required products and services. If this includes purchasing or menu planning, for example, then the FSMC must provide menus. The FSMC must demonstrate a full understanding of the meal pattern, meal service, sanitation, and site requirements. Additionally, the FSMC must demonstrate an understanding of procurement standards related to geographic preference, including all contract provisions, regulations, and information about the sponsor's intended Program, such as meals to be served, meal pattern requirements, and meal quality standards. This information helps the sponsor evaluate FSMC proposals and ensure the most responsive, responsible, and cost-effective option is selected.

SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>, provides additional guidance on a number of procurement requirements.

# Formal Competitive Bid Waivers

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7 CFR 225.15(m)(4)

Sponsors that are schools or SFAs and have an exclusive contract with an FSMC for year-round service and sponsors whose total contracts with FSMCs will not exceed the SAT or any applicable State or local thresholds are not required to comply with competitive sealed bid procedures. In addition to any applicable State or local bid procedure laws, all other sponsors that contract with an FSMC must comply with competitive sealed bid procedures, as outlined below.

The State agency is responsible for ensuring that contracting and bidding procedures meet FNS requirements. The State agency must also provide technical assistance to sponsors to help them meet these requirements.

## Competitive Sealed Bid Procedures

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7 CFR 225.15(m)(4)(i)-(xii)

Formal competitive sealed bid procedures include the following steps:

- Preparing the IFB.
- Publicly announcing the IFB 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 the bid to State agency prior to accepting it.
- 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.

# Food Service Management Company Bid Bond and Bonding Requirements

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2 CFR 200.325(b), 200.326, and 7 CFR 225.15(m)(6)-(7)

If FSMCs submit a bid over the SAT, they must submit a bid bond or 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 posting any alternative forms of bid bonds.

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 TRE Circular 570. Sponsors may download a free copy from <https://www.fiscal.treasury.gov/surety-bonds/circular-570.html>. A printed copy of Circular 570 is available from the Government Publishing Office for a small fee by calling (202) 512-1800. For additional information and assistance regarding Federal sureties, sponsors may contact the U.S. Department of the Treasury, Bureau of the Fiscal Service, Surety Bond Branch, 200 Third Street, Room 1010, Parkersburg, WV 26106, Telephone (304) 480-6635.

# Food Service Management Company Performance Bond

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2 CFR 200.325(b), 200.326, and 7 CFR 225.15(m)(6)-(7)

When an FSMC and a sponsor enter into one or more contracts totaling over the SAT, the company must obtain a performance bond from a surety company listed in the current United States TRE Circular 570. 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 posting 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.

# Food Service Management Company Bid Specifications

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7 CFR 225.6(k), 225.15(m)(4) and 225.17(e)

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.

A State agency may require each FSMC, operating within the State, to register based on State procedures. A State agency may further require the FSMC to certify that the information submitted on its application for registration is true and correct and that the FSMC is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

The solicitation must outline the need and scope of required products and services. If this includes purchasing or menu planning, for example, the FSMC must provide menus. The FSMC must demonstrate a full understanding of the meal pattern, meal service, sanitation, and site requirements.

Additionally, the FSMC must demonstrate an understanding of procurement standards related to geographic preference. Including all contract provisions, regulations, and information about the sponsor's intended Program, such as meals to be served, meal pattern requirements, and meal quality standards helps the sponsor evaluate FSMC proposals and ensure the most responsive, responsible, and cost-effective option is selected.

# Information for Bid Requirements

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

- 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 meal service;
- Special meal requirements to meet ethnic or religious needs or dietary modifications for children with special physical or medical needs, if these are necessary to meet the needs of the children to be served; and
- The location of the sponsor's sites and the estimated range of meals required.

The IFB must not include:

- A specified minimum price;
- Provision for loans or any other monetary benefit, term, or condition to be made to sponsors by FSMCs; or
- Nonfood items that are not essential to the conduct of the meal service.

For sponsors operating non-congregate sites, the IFB may address specialized requirements. Here are examples:

- Sponsors should provide accurate information regarding the Program, such as site locations, meal service type, meal service times, and the number of meals being served.
- FMSCs must prepare to pack, store, and transport up to 10 days of unitized meals per child. This type of meal service may require different or specialized boxes and containers that are sufficiently durable for transport to the meal service site, and subsequent transport to the child's residence.
- Packaging should be easy to lift and carry. Each meal, with all its meal components, should be clearly labeled. Meals must be prepared and packaged so that they can be stored for 10 days or more without loss of quality or freshness.

- FMSCs should ensure that staffing, food preparation and storage facilities, delivery vehicles, delivery routes, and delivery scheduling can accommodate the needs of sponsors offering multi-meal issuance.
- Sponsors should detail any requirement that FMSCs separate cold and shelf stable foods and labeling any foods that require refrigeration or freezing.
- For meals intended for home delivery, insulated containers and cold packs may be advisable to protect food integrity in the event that a parent or a guardian is not home at the time of delivery.

## Site Information

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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, such as breakfast and lunch, are allowed only at those sites that are equipped with adequate storage and refrigeration facilities.

## Cycle Menu

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7 CFR 225.6(h)(2)(vi) and 225.15 (m)(4)(v) and (vii)

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

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7 CFR 225.7(c), 225.15(m)(4)(vi) and 225.16(i)



As part of the IFB, the sponsor must provide the FSMC with a copy of the meal requirements outlined in 7 CFR 225.16. The sponsor also must provide a copy of the minimum food specifications and model meal quality standards required by 7 CFR 225.7(c). The FSMC must deliver meals that meet these meal requirements and minimum food specifications and model meal quality standards.

Sponsors seeking to operate non-congregate meal service options at their sites are encouraged to submit additional information with their application. Applications should address capabilities and safeguards to effectively operate non-congregate.

## Reimbursable Meals

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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

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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

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Sites without adequate facilities for holding meals within the temperature ranges established by State or local health and safety codes 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 Program operations begin, 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 changes, for example, obtaining additional trucks or increasing refrigeration units. 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

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7 CFR 225.6(l)(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 may be approved by the State agency. Sponsors may submit written requests to the State agency for exceptions to the unitizing requirement for certain components of a meal.

## USDA Foods

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7 CFR 225.9(b)

Sponsors of vended sites 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 or SBP meals.

# Meal Range Adjustments

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7 CFR 225.6(h)(2)(xi)

Actual participation of children under a given sponsor 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

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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 FSMC receives payment for the eligible meals it provides to the sponsor.

## Additional Food Service Management Company Requirements

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7 CFR 225.15(m) and 226.21

There are several specific requirements FSMCs should be aware of before submitting a bid, including provisions that:

- All proposed contracts are publicly announced at least once, not less than 14 calendar days prior to the opening of bids, and the announcement includes the time and place of the bid opening.
- The bids are publicly opened.
- The State agency is notified, at least 14 calendar days prior to the opening of the bids, of the time and place of the bid opening.
- The invitation to bid does not specify a minimum price.
- The invitation to bid contains a cycle menu approved by the State agency upon which the bid is based.
- The invitation to bid contains food specifications and meal quality standards approved by the State agency upon which the bid is based.
- The invitation to bid does not specify special meal requirements to meet ethnic or religious needs unless the requirements are necessary to meet the needs of the children to be served.
- Neither the invitation to bid nor the contract provides for loans or any other monetary benefit or term or condition to be made to sponsors by FSMCs.
- Nonfood items are excluded from the invitation to bid, except where these items are essential to the conduct of the meal service.
- Copies of all contracts between sponsors and FSMCs, along with a certification of independent price determination, are submitted to the State agency prior to the beginning of Program operations.
- Copies of all bids received are submitted to the State agency, along with the sponsor's reason for choosing the successful bidder.
- All bids in an amount which exceeds the lowest bid and all bids totaling the amount specified in the small purchase threshold in 2 CFR part 200, as applicable, or more are submitted to the State agency for approval before acceptance. State agencies must respond to a request for approval of the bids within 5 working days of receipt.

# Health Certification and Inspection

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7 CFR 225.6(l)(2)(v)

FSMCs must have State or local health certification for each facility preparing or serving meals for SFSP. The FSMC must ensure that health and sanitation requirements are always met. In addition, the FSMC 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 FSMC must submit the results of the inspections promptly to the sponsor and the State agency.

## State Agency Inspections and Reviews

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7 CFR 225.5(f) and 225.7(e)

The State agency will conduct reviews of the sponsor's Program operations. The reviews are designed to ensure that the sponsor's overall Program is operating in compliance with SFSP 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 policy guidance, the FSMC's representatives may attend training sessions arranged by the 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 meal service sites and perform meal quality tests. This inspection is independent of the one the FSMC provides.

FNS can help fund State agency health inspections. FNS must provide up to 1 percent of the Program funding need estimated in the MAP. Health inspection funds must be used solely to enable State or local health departments or other governmental agencies charged with health inspection functions to carry out health inspections and meal quality tests. However, if these agencies cannot perform the inspections or

meal quality tests, the State agency may use the funds to contract with an independent agency to conduct them.

## Records

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7 CFR 225.6(l)(2)(iv), 225.6(l)(2)(vii), and 225.6(l)(2)(xv)

FSMCs must maintain records, supported by invoices, receipts, and other evidence to document that the sponsor meets Program responsibilities. FSMCs 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 meal service operations for 3 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 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.

The FSMC must submit records of all costs incurred in the sponsor's meal service operation in sufficient time to allow the sponsor to prepare and submit the claim for reimbursement to meet the 60-day submission deadline.

## Subcontracts

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7 CFR 225.6(l)(2)(ii)

FSMCs cannot subcontract with another company for the complete 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

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7 CFR 225.6(l)(2)(ix) and 225.12(a)

It is important for the prospective FSMC to realize that the contract is a private contract between the FSMC and the sponsor. Neither FNS 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. The FSMC must also assess the sponsor's capability to pay the FSMC for all meals that are properly delivered. If applicable, the FSMC should become familiar with the sponsor's past performance in SFSP or other federally funded programs.

The FSMC must understand that the sponsor must pay for meals delivered by the FSMC as specified under the terms of 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 under the contract, the FSMC should make sure that it is informed of any sponsor disallowances made by the State agency.

## Standard Contracts for Food Service Management Company

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### 7 CFR 225.6(l)(2)

Each State agency must develop a standard contract form for procurement agreements between sponsors and FSMCs. Sponsors that meet specific regulatory requirements may use their own contract form if approved by the State agency. The State agency's standard contract must, at minimum, include all provisions listed in 225.6(l)(2).

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 may become the contract.

# State Agency Approval of Food Service Management Company

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7 CFR 225.6(l)

All FSMC bids over the SAT must be submitted to the State agency for approval before the sponsor can accept a bid. In addition, any bids, that exceed the lowest bid, regardless of dollar amount, 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. For additional guidance see, SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>.

## Awarding the Food Service Management Company Contract

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Sponsors must award the contract to the responsive and responsible bidder whose per-meal bid was lowest in price. The sponsor should award the contract at least 2 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, minority, and women's businesses. Sponsors 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

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After awarding, but before executing the contract, all sponsor and FSMC representatives should meet to discuss their mutual and individual responsibilities in the Program. 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, meal packaging, and State and local health and food



safety requirements. Sponsors should also inform the FSMC of the function of monitors, reviews, and statistical monitoring, if applicable, as directed by the State agency, in the operation of SFSP.

Contracts using Federal funds must contain the Federal contract provisions identified in 2 CFR 200, *Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*,

[https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix II to Part 200](https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix%20II%20to%20Part%20200).

## Use of Small, Minority, and Women's Businesses

2 CFR 200.321 and 7 CFR 225.17(d)

All sponsors are encouraged to take affirmative steps to ensure that small and minority business and women's business enterprises and labor surplus area firms are used when possible. Affirmative steps may include placing these types of businesses on solicitation lists and ensuring that they are solicited whenever they are deemed potential sources. When economically feasible, sponsors may want to divide their total requirements into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises. Sponsors 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 these affirmative steps.

## Assistance Provided by the Small Business Administration

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7 CFR 225.17(d)(5)

SBA is an independent Federal agency established to provide assistance to all small businesses. 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. There is more information about SBA and its services at <https://www.sba.gov/>.

SBA may be able to help minority owned and disadvantaged FSMCs or commercial meal vendors improve or develop their businesses in several areas.

## Financial Assistance

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FSMCs that need money and cannot borrow it on reasonable terms from conventional lenders may be able to get assistance from SBA's loan programs. However, by law, SBA may not make a loan if a business is able to obtain funds from a bank or other private source. 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 SBA may consider lending the entire amount as a direct government loan, if the funds are available. SBA loans may be used to help FSMCs purchase equipment, facilities, and supplies.

## Surety Bonds

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Under SFSP, FSMCs that submit bids over the SAT and that enter into a meal service contract for over the SAT must obtain bid and performance bonds. SBA makes the bonding process accessible to small and emerging contractors that find bonding unavailable to them. SBA is authorized to guarantee a qualified surety up to 90 percent of losses incurred under bid payment bonds.

SBA may 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 may contact SBA for assistance. See SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>.

## Management and Counseling Assistance

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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 may also provide counseling on the problems or concerns FSMCs may have in meeting requirements for SFSP. Minority owned FSMCs should contact SBA's nearest field office for assistance, *SBA Office Locations*, <https://www.sba.gov/about-sba/sba-locations>.

## Default and Disallowances

### Sponsor Disallowances

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7 CFR 225.9(d) and (f), 225.11(c)(4), (d), and (e) and 225.12(a)

The State agency must disallow any portion of a claim for reimbursement and recover any payment to a sponsor that is not properly payable. If the State agency disallows meals, the sponsor is still responsible for paying the FSMC. Reasons for meal disallowances include, but are not limited to:

- 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 congregate meals to be eaten off-site;
- The simultaneous service of more than one meal to any child at congregate meals sites;
- Distributing more than the daily non-congregate meal limit when multi-day service is used;
- Failure to serve meals as a unit without an approved exception;
- Claiming meals served to adults;
- Serving meals outside the approved timeframes at any site except a camp or a non-congregate meal service site; or
- Serving meals in excess of approved meal levels (site caps).

### Food Service Management Company Disallowances

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7 CFR 225.6(l) and 225.11(c)-(e)

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 portion size;
- Distributing more than the daily non-congregate meal limit when multi-day service is used;
- Delivering meals that are missing components; or
- Changing menus or substituting components without the sponsor’s prior approval.

## Default of Food Service Management Company Contract

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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, which may be negotiated on a competitive or a 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:

- 2 CFR Part 180—OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non procurement).
- 2 CFR Part 418—New Restrictions on Lobbying.
- 2 CFR Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- 2 CFR 200.450—Lobbying.
- 7 CFR Part 15—Nondiscrimination
- 7 CFR 15.4—Assurances required.
- 7 CFR 15.4—Civil Rights Assurance Language

# Best Practices for Food Service Management Company Contracts

## Food Service Sites

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7 CFR 225.6(l)(2)(iii)

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 meal service operations begin. A new list should be provided to the FSMC well before it is to start meal service operations and at any other time during the Program when sites are added or deleted. The sponsor should notify the FSMC 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 (Site Caps)

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7 CFR 225.15(b)(2) and (3)

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 vended sites.

The State agency may reduce the approved level at any time if it determines that a site's participation 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 participation 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.

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 the 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.

## Adjusting Meal Deliveries

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### 7 CFR 225.15(b)

One of the most important topics for discussion in the award conference is the adjustment of meal deliveries. Sponsors should establish a system for collecting information on attendance changes from their 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 to:

- Receive orders for delivery adjustments;
- Document orders for delivery adjustments;
- Adjust production levels, if necessary;
- Ensure that delivery receipts are changed to reflect adjusted meal orders; and
- Ensure 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 more than the approved meal level, State agency approval is required.

Participation at sites will probably fluctuate during the duration of the Program, especially if there is no organized activity at a site other than the meal service. Sponsors should try to anticipate certain fluctuations, 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 participation 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 site supervisors in making transfers or other arrangements.

During Program operations, sites may suspend 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. Sponsors are responsible for making sure the FSMC is informed of these types of changes, which will require cooperation from the FSMC.

## Communication

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Good communication is essential for smooth Program operations. Even with good management and good intentions, complaints about the meal service may 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

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2 CFR 200.318(c)(1)

State agencies and sponsors are required to write a code of conduct to govern the performance of employees engaged in procurement. These written standards must prohibit employees from soliciting gifts and other incentives from prospective contractors and 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 02-2015, *Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts*, November 21, 2014, <https://www.fns.usda.gov/cn/written-codes-conduct-and-performance-employees-engaged-award-and-administration-contracts> provides guidance.

# Federal Contract Provisions

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Contracts using the SAT may be subject to required Federal contract provisions under 2 CFR Part 200, *Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*, [https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix II](https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix-II) to Part 200. See Appendix 1 for more information.



# Questions and Answers

## **How many meals per child may be provided through non-congregate meal service?**

The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. For most sites, up to two meals, or one meal and one snack, per child, per day may be offered, in any combination except lunch and supper. Sponsors of non-congregate sites approved to operate multi-day meal issuance may distribute the allowable number of reimbursable meals that would be provided over a 10-day calendar day period. However, State agencies retain the discretion to limit the number of meals a sponsor may distribute at once on a case-by-case basis as outlined in 7 CFR 225.16(i)(1). State agencies should consider both the benefits of multi-day issuance and the need to maintain the food safety, service, and integrity standards of the Program. Meals provided through non-congregate meal service should not require more than minimal preparation by children and families; specifically, non-congregate meals should not require cooking, chopping, or other preparation requiring equipment or cooking skills. In addition, meal pattern requirements still apply when offering non-congregate meals.

## **Can non-congregate meals be provided in non-rural areas if Program access is limited because of lack of transportation, safety concerns, lack of a location to serve meals, or other similar reasons?**

No, non-congregate meal service is only allowed in rural areas where no congregate meal service is available. State agencies and sponsors should work together to determine how best to leverage community resources to provide a congregate meal service that meets the needs of children in non-rural areas.

## **When making a meal modification for a person with a disability, who is considered a “licensed health care professional?”**

Sponsors are required to make substitutions for participants with a disability that restricts a participant’s diet on a case-by-case basis and only when supported by a written statement from a State licensed health care professional, such as a physician or nurse practitioner, who is authorized to write medical prescriptions under State law. For more information, see SFSP 10-2017, *Modifications to Accommodate Disabilities in the*

*Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

### **Do meal modifications need to meet the meal pattern requirements?**

Most meal modifications can be made within the meal pattern requirements. Meal modifications that do not meet the meal pattern requirements must be supported by a medical statement to be reimbursable. Modified meals that meet meal pattern requirements and are not supported by a medical statement are reimbursable. For more information, sponsors should contact the State agency. SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>, provides guidance.

### **Can State agencies establish approval standards, including additional requirements, for non-congregate meal service flexibilities as part of their sponsor application process?**

State agencies may set approval standards and include additional application requirements around non-congregate meal service flexibilities. For example, they might request sample menus from sponsors that want to use multi-day meal issuance or bulk food item flexibilities to ensure children receive a variety of foods meeting SFSP meal pattern requirements. State agencies might also consider a policy that prevents the distribution of the same meals for 10 consecutive days. When developing policies and procedures to guarantee Program integrity with non-congregate meal service flexibilities, State agencies should also carefully consider the needs of the community and how to best ensure Program access within their integrity framework.

### **What is the difference between bulk items and multi-day meal issuance, and how do they relate to unitized meals?**

Bulk items in the non-congregate meal service are specific food items provided in a larger quantity than required for a single meal service. For example, a loaf of bread and a package of luncheon meat may be distributed as bulk items instead of being pre-assembled into individual sandwiches. A unitized meal is a meal that is individually portioned, packaged, and served as a unit; beverages such as milk or juice may be packaged separately, but served with the unitized meal.

Multi-day meal issuance in non-congregate meal service is when multiple days of meals are provided on 1 day, whether unitized or comprised of bulk items. For example, a sponsor may provide 5 days of meals every Monday. Unitized meals served in this fashion would be provided in five distinctly packaged units or sets of menu items. Bulk items, while not unitized in this fashion, must still be able to be portioned into specific quantities in line with the applicable meal pattern requirements, to preserve the quality of the meal.

**May a State agency adopt its own definition of “guardian”?**

Yes. State agencies must define guardian for the purpose of non-congregate meal service based on the State’s needs, and as applicable to the meal service flexibility outlined in Program regulations at 7 CFR 225.16(i)(2). The definition should maintain a caregiver relationship between an adult and a child on the day of meal service. For instance, State agencies may determine that adults who are principally responsible for the care of the child that day, such as grandparents or other adults functioning as childcare providers, are suitable guardians to collect meals on behalf of the children on days when they are providing care. State agencies may also consider how guardian is defined under other State programs related to caregiving, if appropriate. However, it’s important to note that individuals caring for groups of unrelated children formally enrolled in care should not be considered guardians under the State agency’s definition, as per question below.

**Is it permissible for a childcare provider, such as a day care operator or childcare center operator, located in a rural area to collect meals for the children who attend their childcare services?**

No, childcare providers cannot collect Program meals on behalf of parents or guardians for children attending their childcare. Childcare providers who care for groups of unrelated children formally enrolled in their care should not be considered guardians under the State agency’s definition. Allowing a childcare provider to collect and distribute meals on behalf of groups of children introduces significant integrity risks, especially concerning meal duplication, ensuring meals reach eligible children, and food safety risks during transportation, storage, or distribution. In cases where children in childcare settings could benefit from non-congregate meals, FNS strongly encourages State agencies and sponsors to collaborate with local childcare providers and explore the feasibility of these providers becoming summer meal sites or participating in CACFP to support meals for children in their care.

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

Yes, the sale of à la carte items by sponsors or sites during a meal service is permitted. However, the Program and non-Program components 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 the meal service operation and the State agency must ensure that all SFSP reimbursements are used solely for conducting non-profit food service operations, through the review process.

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

Sponsors are encouraged to enter into an agreement with a local SFA about the possibility of obtaining meals. 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 meal pattern requirements if they participate in other Child Nutrition Programs.

### **Are there certain requirements FSMCs need to fill?**

Yes, FSMCs must have State or local health certificates for the facilities they use to prepare SFSP meals and they must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. FSMCs must maintain records supported by invoices, receipts, or other evidence that demonstrates Program responsibilities are met. FSMCs must keep these records for at least 3 years from the date of receipt of final payment under the contract. In addition, FSMCs cannot 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.

### **What options are available for sponsors that cannot contract with an FSMC?**

Sponsors should work with their State agencies to find viable options for procuring meals, such as exploring relationships with school facilities. Sponsors may also contact their State Department of Agriculture, the USDA Rural Development Office in their State, and other public agencies to identify potential vendors.

### **What type of information do sponsors need to provide to FSMCs when they are soliciting an IFB?**

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, copies of the meal pattern requirements and minimum food specifications, and model meal quality standards. Sponsors will need to ensure that the FSMCs 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 USDA Foods will be received only if the vendor is a school or school district, or if the sponsor is an SFA that procures its meals from the same FSMC that currently provides NSLP meals.

**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, some States have found the registration process to be beneficial and continue to require it.

**To whom should a sponsor award a FSMC 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 over the SAT 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 intends to disallow the bid of a previous FSMC due to poor performance, the sponsor should have 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 Program.

**Is it possible for an organization, such as a college or a university, to have year-round contracts that provide SFSP meal service 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 and the resulting contract.

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

The standard contract threshold is a threshold established only for SFSP sponsors. It sets a contract award amount that triggers additional procurement requirements. The standard contract threshold is linked to the SAT, meaning that the standard contract threshold is always the same as the SAT. Non-profit sponsors operating only during the summer months and conducting procurement with an anticipated value greater than the SAT must use the State agency-supplied standard contract and adhere to stricter bid opening and acceptance procedures, as required at 225.15(m)(4). This requirement does not apply to public institutions and organizations with year-round contracts. For more information, see SFSP 07-2013, *Summer Food Service Program Standard Contract Threshold*, January 24, 2013, <https://www.fns.usda.gov/sfsp/summer-food-service-program-standard-contract-threshold>.

**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 at 7 CFR Part 225.17(d). 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.

Procurement regulations at 2 CFR Part 200.320(c)(2) 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, *July 2005 Procurement Questions*, July 14, 2005, <https://www.fns.usda.gov/cn/july-2005-procurement-questions>, primarily addressed to school food authorities operating NSLP and SBP, requires price to be the primary factor. However, SFSP 09-2016, *Guidance on Competitive Procurement Standards for Program Operators*, November 13, 2015, <https://www.fns.usda.gov/cn/guidance-competitive-procurement-standards-program-operators>, clarified this guidance in that price must be the primary factor for contract awards in all

Programs. Awarding a bid to the lowest bidder may not be required as long as there is sound documented reason the bid may be rejected. 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. Sponsors should not have to accept lowest bidder if there have been ongoing compliance issues with that bidder. Sponsors should consult with the 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.



# Appendix 1: Summer Food Service Program Definitions and Basics

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# Table of Contents

Table of Contents .....	3
Introduction .....	4
Definitions of Program Terms.....	5
Income Eligibility Guidelines .....	16
Free and Reduced Price Meal Applications.....	17
Site Definitions and Eligibility Documentation.....	18
Comparison of the Summer Food Service Program, National School Lunch Program, and Seamless Summer Option	21
Meal Pattern Tables .....	30
Breakfast.....	30
Lunch or Supper.....	32
Snack .....	34
Contract Provisions for Non-Federal Entity Contracts Under Federal Awards .....	36
Resources .....	39
General Information.....	39
Policy and Technical Assistance.....	39
Summer Nutrition and Enrichment Activities.....	40

# Introduction

In this appendix you will find definitions of program terms used in this guide, along with other helpful information to support the units.

# Definitions of Program Terms

7 CFR 225.2

**2 CFR part 200** means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by OMB. The part reference covers applicable: Acronyms and Definitions (subpart A), General Provisions (subpart B), Post Federal Award Requirements (subpart D), Cost Principles (subpart E), and Audit Requirements (subpart F). (NOTE: Pre-Federal Award Requirements and Contents of Federal Awards (subpart C) does not apply to the National School Lunch Program).

**Administrative costs** means costs incurred by a sponsor related to planning, organizing, and managing a food service under the Program, and excluding interest costs and operating costs.

**Adult** means, for the purposes of the collection of the last four digits of social security numbers as a condition of eligibility for Program meals, any individual 21 years of age or older.

**Advance payments** means financial assistance made available to a sponsor for its operating costs and/or administrative costs prior to the end of the month in which such costs will be incurred.

**Areas in which poor economic conditions exist** means:

- (1) The attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program;
- (2) A geographic area where, based on the most recent census data available or information provided from a department of welfare or zoning commission, at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program;
- (3) A geographic area where a site demonstrates, based on other approved sources, that at least 50 percent of the children enrolled at the site are eligible for free or reduced price meals under the National School Lunch Program and the School Breakfast Program;

- (4) A closed enrolled site in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals under the National School Lunch Program and School Breakfast Program, as determined by approval of applications in accordance with 225.15(f).

**Camps** means residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children. Nonresidential camp sites must offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.

**Children** means

- (1) Persons 18 years of age and under; and
- (2) Persons over 18 years of age who are determined by a State educational agency or a local public educational agency of a State to be mentally or physically disabled and who participate in a public or non-profit private school program established for the mentally or physically disabled.

**Closed enrolled site** means a site which is open only to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with 7 CFR 225.15(f), or on the basis of documentation that the site meets paragraph (1), (2), or (3) of the definition of “Areas in which poor economic conditions exist”.

**Conditional non-congregate site** means a site which qualifies for Program participation because it conducts a non-congregate meal service for eligible children in an area that does not meet the definition of “areas in which poor economic conditions exist” and is not a “Camp”.

**Congregate meal service** means a food service at which meals that are provided to children are consumed on site in a supervised setting.

**Continuous school calendar** means 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 the period October through April and (b) in attendance at regularly scheduled classes during most of the period May through September.

**Current income** means income, as defined in 225.15 (f)(4)(vi), received during the month prior to application for free meals. If such income does not accurately reflect the household's annual income, income must be based on the projected annual household income. If the prior year's income provides an accurate reflection of the household's current annual income, the prior year may be used as a base for the projected annual income.

**Disclosure** means individual children's program eligibility information obtained through the free and reduced price meal eligibility process that is revealed or used for a purpose other than for the purpose for which the information was obtained. The term refers to access, release, or transfer of personal data about children by means of print, tape, microfilm, microfiche, electronic communication or any other means.

**Documentation** means the completion of the following information on a free or reduced price meal application:

- Names of all household members;
  - Income received by each household member, identified by source of income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, social security, and other cash income);
  - The signature of an adult household member; and
  - The last four digits of the social security number of the adult household member who signs the application, or an indication that the household member does not possess a social security number;
- or

For a child who is a member of a household receiving SNAP, FDPIR, or TANF benefits, "documentation" means completion of only the following information on a free meal application:

- The child's name(s) and appropriate SNAP, FDPIR, or TANF case number; and
- The signature of an adult member of the household.

**Excess funds** means the difference between any advance funding and reimbursement funding, when advance funds received by a sponsor are greater than the reimbursement amount earned by a sponsor.

**Experienced site** means a site which, as determined by the State agency, has successfully participated in the Program in the prior year.

**Experienced sponsor** means a sponsor which, as determined by the State agency, has successfully participated in the Program in the prior year.

**FDPIR household** means any individual or group of individuals which is currently certified to receive assistance as a household under the Food Distribution Program on Indian Reservations.

**Fiscal Year** means the period beginning October 1 of any calendar year and ending September 30 of the following calendar year.

**Food Service Management Company** means any commercial enterprise or non-profit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for the use in the Program, or for managing a sponsor's food service operations in accordance with the limitations set forth in 7 CFR 225.15. Food service management companies/commercial meal vendor may be:

- public agencies or entities;
- private, non-profit organizations; or
- private, for-profit companies.

**Foster child** means a child who is formally placed by a court or a State child welfare agency, as defined in 7 CFR 245.2.

**Good standing** means the status of a sponsor that meets its Program responsibilities, is current with its financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time.

**Household** means "family," meaning a group of related or nonrelated individuals who are not residents of an institution or boarding house but who are living as one economic unit.

**Income accruing to the program** means all funds used by a sponsor in its meal service Program, including but not limited to all monies, other than Program payments, received from Federal, State and local governments, from food sales to adults, and from any other source including cash donations or grants. Income accruing to the Program will be deducted from combined operating and administrative costs.

**Income standards** means the family-size and income standards prescribed annually by USDA for determining eligibility for reduced price meals under the National School Lunch Program and the School

Breakfast Program. See *Income Eligibility Guidelines*, <https://www.fns.usda.gov/school-meals/income-eligibility-guidelines> for the most current guidelines.

**Meals** means food which is served to children at a food service site and which meets the nutritional requirements in 7 CFR 225.

**Milk** means whole milk, low fat milk, skim milk, and buttermilk. All milk must be fluid and pasteurized and must meet State and local standards for the appropriate type of milk. Milk served may be flavored or unflavored. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands of the United States, if a sufficient supply of such types of fluid milk cannot be obtained, reconstituted or recombined milk may be used. All milk should contain Vitamins A and D at the levels specified by the Food and Drug Administration and at levels consistent with State and local standards for such milk.

**Net cash resources** means all monies, as determined in accordance with the State agency's established accounting system that are available to or have accrued to a sponsor's non-profit food service at any given time, less cash payable. Such monies may include, but are not limited to, cash on hand, cash receivable, earnings on investments, cash on deposit and the value of stocks, bonds, or other negotiable securities.

**New site** means a site which did not participate in the Program in the prior year, an experienced site that is proposing to operate a non-congregate meal service for the first time, or, as determined by the State agency, a site which has experienced significant staff turnover from the prior year.

**New sponsor** means a sponsor that did not participate in the Program in the prior year or, as determined by the State agency, a sponsor that has experienced significant staff turnover from the prior year.

**Non-congregate meal service** means a meal service at which meals are provided for children to consume all of the components off-site. Non-congregate meal service must only be operated at sites designated as "rural" with "no congregate meal service," as determined in 7 CFR 225.6(h)(3) and (4).

**Non-profit food service** means all food service operations conducted by the sponsor principally for the benefit of children, all of the revenue from which is used solely for the operation or improvement of such food services.

**Non-profit food service account** means the restricted account in which all of the revenue from all meal service operations conducted by the sponsor principally for the benefit of children is retained and used only for the operation or improvement of the non-profit food service. This account must include, as appropriate, non-Federal funds used to support program operations, and proceeds from non-Program foods.

**NYSP site** means a site at which all of the children receiving Program meals are enrolled in NYSP and qualifies for Program participation on the basis of documentation that the site meets the definition of “Areas in which poor economic conditions exist”.

**Open site** means a site at which meals are made available to all children in the area and which is located in an area in which at least 50 percent of the children are from households that would be eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined in accordance with paragraphs (1), (2), or (3) of the definition of “Areas in which poor economic conditions exist.”

**Operating costs** means the cost of operating a food service under the Program, including the:

- Cost of obtaining food;
- Labor directly involved in the preparation and service of food;
- Cost of nonfood supplies;
- Rental and use allowances for equipment and space; and
- Cost of transporting children in rural areas to meal sites in rural areas.

Excluding:

- The cost of the purchase of land, acquisition or construction of buildings;
- Alteration of existing buildings;
- Interest costs;
- The value of in-kind donations; and
- Administrative costs.

**Private non-profit organization** means an organization, other than a private non-profit residential camp, school food authority, or college or university participating in the NYSP that:



- Exercises full control and authority over the operation of the Program at all sites under the sponsorship of the organization;
- Provides ongoing year-round activities for children or families;
- Demonstrates that the organization has adequate management and the fiscal capacity to operate the Program;
- Is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and
- Meets applicable State and local health, safety, and sanitation standards.

**Program** means the Summer Food Service Program for Children authorized by Section 13 of the Richard B. Russell National School Lunch Act., 42 U.S.C. 1761.

**Program funds** means Federal financial assistance made available to State agencies for the purpose of making Program payments.

**Program payments** means financial assistance in the form of start-up payments, advance payments, or reimbursement paid to sponsors for operating and administrative costs.

**Restricted open site** means a site which is initially open to broad community participation, but at which the sponsor restricts or limits attendance for reasons of security, safety or control. Site eligibility for a restricted open site must be documented in accordance with paragraphs (1), (2), or (3) of the definition of “Areas in which poor economic conditions exist.”

**Rural** means:

- (1) Any area in a county which is not a part of a Metropolitan Statistical Area based on the Office of Management and Budget’s Delineations of Metropolitan Statistical Areas;
- (2) Any area in a county classified as a non-metropolitan area based on USDA Economic Research Service’s Rural-Urban Continuum Codes and Urban Influence Codes;
- (3) Any census tract classified as a non-metropolitan area based on USDA Economic Research Service’s Rural-Urban Commuting Area codes;
- (4) Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area;
- (5) Any area of a State which is not part of an urban area as determined by the Secretary;

- (6) Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create; or
- (7) Any “pocket” within a Metropolitan Statistical Area which, at the option of the State agency and with FNSRO approval, is determined to be rural in character based on other data sources.

**School food authority** means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools. In addition, for the purpose of determining the applicability of food service management company registration and bid procedure requirements, “school food authority” also means any college or university which participates in the Program.

**Self-preparation site**, or self-prep site, means a site that prepares the majority of meals that will be served at its site or receives meals that are prepared at its sponsor's central kitchen. The site does not contract with a food service management company for unitized meals, with or without milk, or for management services.

**Self-preparation sponsor**, or self-prep sponsor, means a sponsor which prepares the meals that will be served at its site(s) and does not contract with a food service management company for unitized meals, with or without milk, or for management services.

**Session** means a specified period of time during which an enrolled group of children attend camp.

**Site** means the place where a child receives a Program meal. A site may be the indoor or outdoor location where congregate meals are served, a stop on a delivery route of a mobile congregate meal service, or the distribution location or route for a non-congregate meal service. However, a child’s residence is not considered a non-congregate meal site for Program monitoring purposes.

**Site supervisor** means the individual who has been trained by the sponsor, and is responsible for all administrative and management activities at the site, including, but not limited to: maintaining documentation of meal deliveries, ensuring that all meals served are safe, and maintaining accurate point of service meal counts. Except for non-congregate meal service sites using delivery services, the site supervisor is on site for the duration of the food service.

**SNAP household** means any individual or group of individuals which is currently certified to receive assistance as a household from, the Supplemental Nutrition Assistance Program, as defined in 7 CFR 245.2.

**Special account** means an account that a State agency may require a vended sponsor to establish with the State agency or with a federally insured bank. Operating costs payable to the sponsor by the State agency are deposited in the account and disbursement of monies from the account must be authorized by both the sponsor and the food service management company.

**Sponsor** means a public or private non-profit school food authority, a public or private non-profit residential summer camp, a unit of local, municipal, county or State government, or a private non-profit organization which develops a special summer or other school vacation program providing meal services similar to that made available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. Sponsors are referred to as “service institutions” in the Richard B. Russell National School Lunch Act.

**Start-up payments** means financial assistance made available to a sponsor for administrative costs to enable the sponsor to effectively plan a summer food service, and to establish effective management procedures for a summer meal service. These payments are deducted from subsequent administrative cost payments.

**State** means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

**State agency** means the State educational agency or an alternate agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and which has been approved by the USDA to administer the Program within the State, or, in States where FNS administers the Program, FNSRO.

**TANF** means the State funded program under part A of title IV of the Social Security Act that is commonly referred to as Temporary Assistance for Needy Families, although States may refer to the program by another name.

**Termination for convenience** means:

- Termination of a State agency's participation in the Program in whole, or in part, when FNS and the State agency agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds; or
- Termination of a permanent operating agreement by a State agency or sponsor due to considerations unrelated to either party's performance of Program responsibilities under the agreement.

**Unaffiliated site** means a site that is legally distinct from the sponsor.

**Unanticipated school closure** means any period from October through April (or any time of the year in an area with a continuous school calendar) during which children who are not in school due to a natural disaster, building repair, court order, labor-management disputes, or, when approved by the State agency, similar cause, may be served meals at non-school sites through the Summer Food Service Program.

**Unit of local, municipal, county or State government** means an entity which is so recognized by the State constitution or State laws, such as the State administrative procedures act, tax laws, or other applicable State laws which delineate authority for government responsibility in the State.

**Unused reimbursement** means the difference between the amount of reimbursement earned and received and allowable costs when reimbursement exceeds costs.

**Vended site** means a site that serves unitized meals, with or without milk, that are procured through a formal agreement or contract with:

- (1) Public agencies or entities, such as a school food authority;
- (2) Private, nonprofit organizations; or
- (3) Private, for-profit companies, such as a commercial food distributor or food service management company.

**Vended sponsor** means a sponsor which purchases from a food service management company the unitized meals, with or without milk, which it will serve at its site(s), or a sponsor which purchases management services, subject to the limitations set forth in Sec. 225.15, from a food service management company.

**Yogurt** means commercially prepared coagulated milk products obtained by the fermentation of specific bacteria, that meet milk fat or milk solid requirements and to which flavoring foods or ingredients may be

added. These products are covered by the Food and Drug Administration's Standard of Identity for yogurt, low-fat yogurt, and nonfat yogurt, (21 CFR 131.200), (21 CFR 131.203), (21 CFR 131.206), respectively.

# Income Eligibility Guidelines

The Income Eligibility Guidelines are used by Child Nutrition sponsors to determine eligibility for free and reduced price meal benefits. These annual adjustments are required by section 9 of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1758. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

They are effective from July 1 through June 30 of each year. A complete list of Income Eligibility Guidelines listed by fiscal year can be found at *Income Eligibility Guidelines*, <https://www.fns.usda.gov/cn/income-eligibility-guidelines>.

# Free and Reduced Price Meal Applications

Schools send school meal applications home at the beginning of each school year. However, applicants may submit an application form to their school district or school any time during the school year. These applications are used by SFSP State agencies and sponsors to determine the eligibility of specific sites and participants.

## **USDA Prototype Applications**

USDA offers prototypes (examples) of school meal applications, as well as sample instructional documents intended to assist State agencies and local officials in the design and distribution of their own application materials. For the *Prototype Application for Free and Reduced Price School Meals*, with accompanying instructions, letter to households, and other materials for State and local agencies, visit the FNS website, *Applying for Free and Reduced Price School Meals*, <https://www.fns.usda.gov/cn/applying-free-and-reduced-price-school-meals>.

# Site Definitions and Eligibility Documentation

An SFSP site is the place where a child receives a Program meal. A site may be the indoor or outdoor location where congregate meals are served, a stop on a delivery route of a mobile congregate meal service, or the distribution location or route for a non-congregate meal service. A child's residence is not considered a non-congregate meal site for Program monitoring purposes.

Type of SFSP Site	Definition	Eligibility Documentation
<b>Open Site</b>	<p>Serves meals to all children in the area on a first-come, first-serve basis.</p> <ul style="list-style-type: none"> <li>• Located in an area where at least 50% of the children are eligible for free or reduced price school meals.</li> <li>• Reimbursed for all attending children.</li> </ul>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• School data.</li> <li>• Census data.</li> <li>• Alternative data sources with State agency approval.</li> </ul>
<b>Restricted Open Site</b>	<p>Serves meals to children in the community on a first-come, first-served basis.</p> <ul style="list-style-type: none"> <li>• Sponsor may limit attendance for reasons of security, safety, or control due to staff (and other) limitations.</li> <li>• Reimbursed for all attending children.</li> </ul>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• School data.</li> <li>• Census data.</li> <li>• Alternative data sources with State agency approval.</li> </ul>



Type of SFSP Site	Definition	Eligibility Documentation
<b>Closed Enrolled Site</b>	<p>Serves meals to enrolled children.</p> <ul style="list-style-type: none"> <li>• Site is not open to the community at large.</li> <li>• Located in an area where at least 50% of the children are eligible for free or reduced price school meals or at least 50 percent of the enrolled children at the site are eligible for free or reduced price meals.</li> <li>• Reimbursed for all children in attendance.</li> </ul>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• Income eligibility applications.</li> <li>• School data.</li> <li>• Census data.</li> <li>• Alternative data sources with State agency approval.</li> </ul>
<b>Camp Site</b>	<p>Residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children.</p> <ul style="list-style-type: none"> <li>• Nonresidential camps must offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.</li> <li>• Reimbursed only for children meeting free or reduced price school meals.</li> </ul>	<p>Income eligibility applications.</p>
<b>NYSP Site</b>	<p>NYSP, or National Youth Sports Program, sites serve meals to children enrolled in the NYSP. Located in an area where at least 50% of the children are eligible for free or reduced price school meals or at least 50 percent of the enrolled children at the site are eligible for free or reduced price meals.</p>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• Income eligibility applications.</li> <li>• School data.</li> <li>• Census data.</li> <li>• Sponsor provides written certification that it meets DHHS income guidelines.</li> </ul>

Type of SFSP Site	Definition	Eligibility Documentation
<b>Migrant Site</b>	<p>Serves meals to primarily children of migrant families but may serve other children as well.</p> <ul style="list-style-type: none"> <li>• Reimbursed for all children served.</li> </ul>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• Certification from a migrant organization indicating that the site serves migrant children.</li> <li>• Certification from a migrant organization, which serves both migrant and non-migrant children, confirming that the site primarily serves migrant children.</li> </ul>
<b>Conditional Non-Congregate Site</b>	<p>Serves non-congregate meals to eligible children.</p> <ul style="list-style-type: none"> <li>• Located in rural areas that do not meet the definition of “areas in which poor economic conditions exist” and is not a “Camp.”</li> <li>• Reimbursed only for meals served to children who qualify for free or reduced price meals.</li> </ul>	<ul style="list-style-type: none"> <li>• Income eligibility applications.</li> <li>• School data for individual children.</li> </ul>

# Comparison of the Summer Food Service Program, National School Lunch Program, and Seamless Summer Option

The table in the link below provides a comparison of the meal benefits and requirements among various Summer Nutrition Programs, to inform and encourage more SFAs to provide meals to students in the summer and other times when school is not in session. Both the SFSP and SSO reduce paperwork and administrative burden, making it easier for SFAs to feed children in low-income areas during the summer months or during the extended breaks of a year-round school schedule. Areas where the provisions in the SSO are same as SFSP, rather than NSLP, are highlighted as *Same as SFSP*.

For more information see *Comparison of Programs: SFSP/NSLP/Seamless Option*, <https://www.fns.usda.gov/cn/comparison-programs-sfsp-nslp-seamless-option>.

# Congregate versus Non-Congregate Chart

The purpose of this table is to explain the major similarities and differences between the SFSP’s congregate and non-congregate meal service requirements. While this table highlights the main requirements, more detailed information is found in the published SFSP rules, memos, policies, and guidance.

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<b>Definition</b>	A food service at which meals that are provided to children are consumed on site in a supervised setting.	A food service at which meals are provided for children to consume all of the components off-site. Non-congregate meal service must only be operated at sites designated as “rural” with no congregate meal service.
<b>Times of Operation</b>	<ul style="list-style-type: none"> <li>• May to September for traditional school calendar areas.</li> <li>• October to April during unanticipated school closures (i.e. emergencies).</li> <li>• During student vacations of 15 days or more for schools on a continuous year calendar.</li> </ul>	<ul style="list-style-type: none"> <li>• May to September for traditional school calendar areas.</li> <li>• October to April during unanticipated school closures (i.e. emergencies).</li> <li>• During student vacations.</li> </ul>
<b>Meal Service Locations</b>	Schools, camps, churches, community centers, housing projects, libraries, migrant centers, parks, playgrounds, pools, and other public sites where children congregate.	Rural sites with no congregate meal service.

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<b>Meal Service Locations</b>	Schools, camps, churches, community centers, housing projects, libraries, migrant centers, parks, playgrounds, pools, and other public sites where children congregate.	Rural sites with no congregate meal service.
<b>Meal Pattern</b>	Meal pattern must meet 7 CFR 225.16(d) standards, though School Food Authorities may substitute NSLP or SBP meal patterns.	Same as Congregate.
<b>Approved Types of Meals</b>	<ul style="list-style-type: none"> <li>• Breakfast</li> <li>• Lunch</li> <li>• Snack (AM or PM)</li> <li>• Supper</li> </ul> <p>Lunch and supper cannot be reimbursed for the same day by the same site, except for camp and migrant sites.</p>	Same as Congregate.
<b>Maximum Number of Meals Per Day</b>	<p>2 meals or 1 meal and a snack at open, restricted open, closed enrolled, or conditional non-congregate sites.</p> <p>3 meals or 2 meals and a snack at camps or migrant sites.</p>	<p>Same as Congregate.</p> <p>However:</p> <ul style="list-style-type: none"> <li>• Non-congregate sites may issue a maximum of 10 calendar days' worth of meals at a time if approved by the State agency.</li> <li>• Non-congregate sites may issue a maximum of 5 calendar days' worth of meals if also providing bulk food items and approved by the State agency.</li> </ul>

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<b>Meal Service Times</b>	<p>Breakfast must be served at or close to the beginning of the day and cannot be served after a lunch or supper.</p> <p>For all sites, except residential camps, a minimum of 1 hour must elapse between the end of one meal service and the beginning of another.</p>	<p>Not required to serve breakfast in the morning (close to or at the beginning of the day).</p> <p>Not required to allow 1 hour between the end of one meal service and the start of the next.</p>
<b>Meal Duplication</b>	<p>Must ensure that congregate sites will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by another site in the same area for the same meal.</p>	<p>Must ensure that the non-congregate sites will not serve the same population of children for the same meal service on the same day as other non-congregate or congregate sites.</p>
<b>Off-Site Consumption of Foods</b>	<p>A child can take one fruit, vegetable, or grain item off-site for later consumption without prior State agency approval provided that all applicable State and local health, safety, and sanitation standards will be met.</p>	<p>Non-congregate meal service specifically provides meals for off-site consumption.</p>

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<p><b>Multi-Day Meal Issuance: Multiple days' worth of meals are provided at one time, whether unitized or comprised of bulk items.</b></p>	<p>N/A</p>	<p>Approved sponsors may distribute up to the allowable number of reimbursable meals that would be provided over a 10-calendar day period.</p> <p>Sponsors electing this option must have procedures in place that document, to a reasonable extent, the proper number of meals are distributed to each eligible child.</p>
<p><b>Bulk Food Items: Specific food items are provided in a larger quantity than required for a single meal service.</b></p>	<p>N/A</p>	<p>Approved self-preparation sponsors may provide bulk food items that meet the minimum amounts of each food component of a reimbursable meal breakfast, lunch, supper, or snack.</p> <p>The maximum number of reimbursable meals provided to a child cannot exceed the number of meals that could be provided over a 5-calendar day period.</p>

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<p><b>Bulk Food Items: Specific food items are provided in a larger quantity than required for a single meal service.</b></p>	<p>N/A</p>	<p>Approved self-preparation sponsors may provide bulk food items that meet the minimum amounts of each food component of a reimbursable meal breakfast, lunch, supper, or snack.</p> <p>The maximum number of reimbursable meals provided to a child cannot exceed the number of meals that could be provided over a 5-calendar day period.</p>
<p><b>Bulk Food Items: Specific food items are provided in a larger quantity than required for a single meal service.</b></p>	<p>N/A</p>	<p>Approved self-preparation sponsors may provide bulk food items that meet the minimum amounts of each food component of a reimbursable meal breakfast, lunch, supper, or snack.</p> <p>The maximum number of reimbursable meals provided to a child cannot exceed the number of meals that could be provided over a 5-calendar day period.</p>



Requirement	Congregate Meal Service	Non-Congregate Meal Service
<b>Parent or Guardian Meal Pick-Up</b>	N/A	<p>Approved sponsors may distribute meals to parents or guardians to take home to their children.</p> <p>Sponsors electing this option must have documented procedures in place to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child.</p>
<b>Sponsor Eligibility</b>	SFAs, local government agencies, private non-profit organizations, universities or colleges, community and faith-based organizations. SFAs are waived of the requirement to demonstrate financial and administrative capability for program operations.	Same as congregate.
<b>Good Standing</b>	New and current SFAs and CACFP institutions in good standing do not need to provide further evidence of financial and administrative capability.	All sponsors must be in good standing, as determined by the state to be approved for non-congregate meal service options.
<b>Home Delivery</b>	N/A	If the sponsor operates a non-congregate meal service that will deliver meals directly to a child's residence, it must obtain written parental consent prior to providing meals to children in that household.

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<p><b>Site Eligibility</b></p>	<ul style="list-style-type: none"> <li>• <u>Open sites</u>: Located in the attendance area of a school or in a geographic area defined by census data where 50 percent or more of the children qualify for free or reduced price school meals, and sites are open to the community.</li> <li>• <u>Enrolled sites</u>: Where 50 percent or more of enrolled children are eligible for free or reduced price meals, determined by approved application under the NSLP and the SBP, or location in an eligible area, as determined by school or census data.</li> <li>• <u>Migrant sites</u>: With certification by a migrant organization that the sites serve primarily children of migrant workers.</li> <li>• <u>Camps</u>: Which offer a regularly scheduled meal service as part of an organized program for enrolled children.</li> </ul> <p>Note: As applicable, alternative forms of data may be used to establish site eligibility, including the Community Eligibility Provision and other special provision data under NSLP or SBP, and census data.</p>	<p>Same as congregate.</p> <p>Additionally, sites that will offer non-congregate meal service must:</p> <ul style="list-style-type: none"> <li>• Be rural.</li> <li>• Not serve an area where children would receive the same meal at an approved congregate meal site, unless it is demonstrated that meal duplication will be avoided.</li> <li>• Be a conditional non-congregate site if providing meals in an area that does not meet the definition of “areas in which poor economic conditions exist” and is not a camp.</li> </ul>

Requirement	Congregate Meal Service	Non-Congregate Meal Service
<b>Participant Eligibility</b>	<p>Persons 18 years or younger, and persons 19 or older with a physical or mental disability, as defined by the State.</p> <p>Individual eligibility for free or reduced price school meals may be determined by using individual eligibility determinations through school data or by the household application process described in Program regulations at 7 CFR 225.15(f).</p>	Same as SFSP
<b>Cost of Food for Children</b>	All meals are free, although camps are only reimbursed for children who qualify for free or reduced price meals. Camp sponsors may, and usually do, provide meals free of charge to all children.	<p>Same as SFSP</p> <p>*However conditional non-congregate sites are only reimbursed for children who qualify for free or reduced price meals.</p>

# Meal Pattern Tables

## Breakfast

Select all three required components for a reimbursable meal.

Food Components	Minimum Amount
<b>Vegetables and Fruits</b>	<b>Required</b>
<b>Vegetable or fruit or</b>	½ cup
<b>Full-strength vegetable or fruit juice</b>	½ cup (4 fluid ounces)
<b>Grains/Breads</b>	<b>Required</b>
<b>Bread or</b>	1 slice
<b>Cornbread, biscuits, rolls, muffins, etc.<sup>1</sup> or</b>	1 serving
<b>Ready-to-eat cereal or</b>	¾ cup or 1 ounce <sup>2</sup>
<b>Cooked cereal or cereal grains or</b>	½ cup
<b>Cooked pasta or noodle products</b>	½ cup
<b>Milk</b>	<b>Required</b>
<b>Fluid milk (whole, low-fat or fat-free)</b>	1 cup (½ pint, 8 fluid ounces) <sup>3</sup>
<b>Meat and Meat Alternates</b>	<b>Optional</b>
<b>Lean meat or poultry or fish or</b>	1 ounce
<b>Alternate protein products<sup>4</sup> or</b>	1 ounce
<b>Cheese or</b>	1 ounce

<sup>1</sup> Bread, pasta or noodle products, and cereal grains (such as rice, bulgur, or corn grits) must be whole-grain or enriched. Cornbread, biscuits, rolls, muffins, etc., must be made with whole-grain or enriched meal or flour. Cereal must be whole-grain, enriched or fortified. Serving sizes and equivalents will be in guidance materials to be distributed by FNS to State agencies.

<sup>2</sup> Either volume (cup) or weight (ounces), whichever is less.

<sup>3</sup> Served as a beverage or on cereal or used in part for each purpose.

<sup>4</sup> Must meet the requirements of 7 CFR 225 Appendix A.

Food Components	Minimum Amount
<b>Egg (large) or</b>	½
<b>Cooked dry beans, peas or lentils, or</b>	¼ cup
<b>Peanut or other nut or seed butters or</b>	2 tablespoons
<b>Nuts or seeds<sup>5</sup> or</b>	1 ounce
<b>Yogurt<sup>6</sup></b>	4 ounces or ½ cup
<b>Tofu<sup>7</sup></b>	¼ cup or 2.2 ounces

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<sup>5</sup> Tree nuts and seeds that may be used as meat alternate are listed in Program guidance.

<sup>6</sup> Plain or flavored, unsweetened or sweetened.

<sup>7</sup> 2.2 ounces by weight (ozw), or ¼ cup by volume, of commercially prepared tofu, containing at least 5 grams of protein, is creditable as 1.0 ounce equivalent of meat alternate (*Revised: Crediting Tofu and Soy Yogurt Products in the School Meal Programs, CACFP, and SFSP*, November 29, 2023, <https://www.fns.usda.gov/cn/crediting-tofu-and-soy-yogurt-products-school-meal-programs-and-cacfp>).

# Lunch or Supper

Select all four components for a reimbursable meal.

Food Components	Minimum Amount
<b>Vegetables and Fruits</b>	<b>Required</b>
<b>Vegetable or fruit<sup>8</sup> or</b>	¾ cup
<b>full-strength vegetable or fruit juice</b>	¾ cup <sup>9</sup> (3 fluid ounces)
<b>Grains/Breads</b>	<b>Required</b>
<b>Bread or</b>	1 slice
<b>Cornbread, biscuits, rolls, muffins, etc.<sup>1</sup> or</b>	1 serving
<b>Ready-to-eat cereal or</b>	¾ cup or 1 ounce <sup>10</sup>
<b>Cooked cereal or cereal grains or</b>	½ cup
<b>Cooked pasta or noodle products</b>	½ cup
<b>Milk</b>	<b>Required</b>
<b>Fluid milk (whole, low-fat or fat-free)</b>	1 cup (½ pint, 8 fluid ounces)
<b>Meat and Meat Alternates</b>	<b>Required</b>
<b>Lean meat or poultry or fish or</b>	2 ounces
<b>Alternate protein products<sup>11</sup> or</b>	2 ounces
<b>Cheese or</b>	2 ounces
<b>Egg (large) or</b>	1
<b>Cooked dry beans, peas or lentils, or</b>	½ cup
<b>Peanut or other nut or seed butters or</b>	4 tablespoons

<sup>8</sup> Serve two or more kinds of vegetable or fruits or a combination of both.

<sup>9</sup> No more than 50 percent of the fruit and vegetable requirement may be met with full-strength vegetable or fruit juice. While providers may serve more than this amount, only ¾ cup may count towards the fruit and vegetable requirement.

<sup>10</sup> Either volume (cup) or weight (ounces), whichever is less.

<sup>11</sup> Must meet the requirements of 7 CFR 225 Appendix A.

Food Components	Minimum Amount
<b>Nuts or seeds<sup>12</sup> or</b>	1 ounce = 50% <sup>13</sup>
<b>Yogurt<sup>14</sup></b>	8 ounces or 1 cup
<b>Tofu<sup>15</sup></b>	½ cup or 4.4 ounces

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<sup>12</sup> Tree nuts and seeds that may be used as meat alternate are listed in Program guidance.

<sup>13</sup> Through June 30, 2024, no more than 50 percent of the requirement must be met with nuts or seeds. Nuts or seeds must be combined with another meat/meat alternate to fulfill the requirement. For purposes of determining combinations, one ounce of nuts or seeds is equal to one ounce of cooked lean meat, poultry or fish. Effective July 1, 2024, nuts and seeds may credit for the entire meats/meat alternates requirement at all meals and snacks.

<sup>14</sup> Plain or flavored, unsweetened or sweetened.

<sup>15</sup> 2.2 ounces by weight (ozw), or ¼ cup by volume, of commercially prepared tofu, containing at least 5 grams of protein, is creditable as 1.0 ounce equivalent of meat alternate (*Revised: Crediting Tofu and Soy Yogurt Products in the School Meal Programs, CACFP, and SFSP*, November 29, 2023, <https://www.fns.usda.gov/cn/crediting-tofu-and-soy-yogurt-products-school-meal-programs-and-cacfp>).

# Snack

Select two of the four optional components for a reimbursable meal.

Food Components	Minimum Amount
<b>Vegetables and Fruits</b>	<b>Optional</b>
<b>Vegetable or fruit or</b>	¾ cup
<b>Full-strength vegetable or fruit juice<sup>16</sup></b>	¾ cup (6 fluid ounces)
<b>Grains/Breads</b>	<b>Optional</b>
<b>Bread or</b>	1 slice
<b>Cornbread, biscuits, rolls, muffins, etc.<sup>1</sup> or</b>	1 serving
<b>Ready-to-eat cereal or</b>	¾ cup or 1 ounce <sup>17</sup>
<b>Cooked cereal or cereal grains or</b>	½ cup
<b>Cooked pasta or noodle products</b>	½ cup
<b>Milk</b>	<b>Optional</b>
<b>Fluid milk (whole, low-fat or fat-free)</b>	1 cup (½ pint, 8 fluid ounces)
<b>Meat and Meat Alternates</b>	<b>Optional</b>
<b>Lean meat or poultry or fish or</b>	1 ounce
<b>Alternate protein products<sup>18</sup> or</b>	1 ounce
<b>Cheese or</b>	1 ounce
<b>Egg (large) or</b>	½
<b>Cooked dry beans, peas or lentils, or</b>	¼ cup
<b>Peanut or other nut or seed butters or</b>	2 tablespoons

<sup>16</sup> Juice cannot be served when milk is the only other snack component.

<sup>17</sup> Either volume (cup) or weight (ounces), whichever is less.

<sup>18</sup> Must meet the requirements of 7 CFR 225 Appendix A.



Food Components	Minimum Amount
<b>Nuts or seeds<sup>19</sup> or</b>	1 ounce
<b>Yogurt<sup>20</sup></b>	4 ounces or ½ cup
<b>Tofu<sup>21</sup></b>	¼ cup or 2.2 ounces

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<sup>19</sup> Tree nuts and seeds that may be used as meat alternate are listed in Program guidance.

<sup>20</sup> Plain or flavored, unsweetened or sweetened.

<sup>21</sup> 2.2 ounces by weight (ozw), or ¼ cup by volume, of commercially prepared tofu, containing at least 5 grams of protein, is creditable as 1.0 ounce equivalent of meat alternate (*Revised: Crediting Tofu and Soy Yogurt Products in the School Meal Programs, CACFP, and SFSP*, November 29, 2023, <https://www.fns.usda.gov/cn/crediting-tofu-and-soy-yogurt-products-school-meal-programs-and-cacfp>).

# Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in must include the equal opportunity clause provided under , in accordance with Executive Order 11246, “Equal Employment Opportunity” (, – 1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at , “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (, and 3146–3148) as supplemented by Department of Labor regulations (, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the

Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with and 3704, as supplemented by Department of Labor regulations (). Under of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or non-profit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Non-profit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations

issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

# Resources

FNS has a variety of online resources available to assist State agencies and sponsors working with the SFSP.

## General Information

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- The main *SFSP website* is a great starting point to find all web-based Program resources: *Summer Food Service Program*, <https://www.fns.usda.gov/sfsp/summer-food-service-program>.

## Policy and Technical Assistance

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- The Richard B. Russell National School Lunch Act authorizes the SFSP: *Richard B. Russell National School Lunch Act*, <https://www.govinfo.gov/app/details/COMPS-10333/>.
- The Code of Federal *Regulations* webpage outlines the regulations for the SFSP: *Part 225 – Summer Food Service Program*, <https://www.ecfr.gov/current/title-7/part-225>.
- The SFSP Program Guidance webpage includes links for guides for sponsors, monitors, and site supervisors, *Program Guidance*, <https://www.fns.usda.gov/sfsp/handbooks>.
  - *Nutrition Guidance for Sponsors*: information on Federal nutrition and food service requirements.
  - *Sponsor Monitor’s Guide*: information on sponsors’ monitoring role for the SFSP.
  - *Site Supervisor’s Guide* (Spanish and English versions): information on the site supervisor’s role in the SFSP.
  - *State Agency Monitoring Guide*: information on State agencies’ monitoring role for the SFSP.
- The *FNS Policy Memos* webpage includes a complete list of current SFSP policy memos that provide up-to-date information about important Program changes, <https://www.fns.usda.gov/sfsp/policy>.
- The *Mapping Tools for Summer Meal Programs* webpage, <https://www.fns.usda.gov/sfsp/mapping-tools-summer-meal-programs>, has interactive tools to assist State agencies and sponsors in

determining if an area is eligible, identifying rural areas, finding potential partners, and providing routing. Mapping tools include the:

- Capacity Builder;
  - Area Eligibility Mapper;
  - Rural Designation Tool; and
  - Mobile Route Maker.
- The Summer Meals Site Finder is a web-based application that can be used to help children, parents, and others quickly and easily find summer meal sites near them: *USDA Summer Meals for Kids Site Finder*, <https://www.fns.usda.gov/meals4kids>.
  - The *Civil Rights Division* webpage, <https://www.fns.usda.gov/civil-rights>, for information on civil rights. The non-discrimination statement can be accessed at *USDA Nondiscrimination Statement*, <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

## Summer Nutrition and Enrichment Activities

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- *Summer Food, Summer Moves Resource Kit*, <https://www.fns.usda.gov/tn/summer-food-summer-moves>.
- *Food Safety for Summer Food Service Programs*, <https://theicn.org/icn-resources-a-z/food-safety/>.
- *The Patrick Leahy Farm to School Program* webpage includes tips on how to improve Summer Meal Programs through the integration of local foods and related enrichment activities, <https://www.fns.usda.gov/f2s/farm-to-school>.
- *Team Nutrition*, <https://www.fns.usda.gov/team-nutrition>.
- *Farm to Summer Factsheet*, <https://www.fns.usda.gov/f2s/farm-summer-ripe-local-foods>.
- *Serving Traditional Indigenous Foods in Child Nutrition Programs*, <https://www.fns.usda.gov/cn/serving-traditional-indigenous-foods>.

- *Turnip the Beet! High Quality Summer Meals Award Program*, <https://www.fns.usda.gov/sfsp/turnip-the-beet>.



# Appendix 2: Prototype Forms for the Summer Food Service Program

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2024

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# Table of Contents

Table of Contents .....	3
Introduction .....	5
Forms Related to Unit 2: Applying to the Summer Food Service Program .....	6
Prototype Proactive Planning for Sponsors Checklist .....	6
Prototype Sponsor Planning Checklist .....	8
Prototype Media Release .....	10
Prototype Media Release: Open sites.....	10
Prototype Media Release: Closed-Enrolled Sites, Camps, and Conditional Rural Non-congregate Sites	12
Forms Related to Unit 3: Administering the Summer Food Service Program .....	14
Prototype Position Description (Cook) .....	14
Prototype Training Checklist for Administrative Staff.....	16
Prototype Training Checklist for Monitors.....	17
Prototype Training Checklist for Site Staff.....	17
Prototype Sponsor/Site Agreement for the Summer Food Service Program .....	19
Prototype Checklist of Records .....	20
Prototype Daily Meal Count Forms.....	23
Instructions .....	23
Prototype Congregate Meal Count Form .....	24
Prototype Non-Congregate Meal Count Form .....	26
Prototype Meal Count (Weekly Consolidated).....	28
Instructions .....	28
Prototype meal count (weekly consolidated).....	29
Prototype Consolidation Form of First and Second Meals Served .....	31
Prototype Meal Count Forms for Camps.....	33

Prototype Mileage Record – Administrative Staff..... 35

Prototype Mileage Record – Site and Food Service Staff ..... 36

Prototype Time Report – Administrative Staff..... 37

Prototype Time Report – Site and Food Service Staff ..... 38

Prototype Summary of Administrative Expenses..... 39

    Instructions ..... 39

    Prototype Summary of Administrative Expenses Form ..... 40

Prototype Food Service Equipment Needs..... 42

Prototype Racial and Ethnic Data Form ..... 43

    Instructions ..... 43

Prototype Racial and Ethnic Data Form..... 44

# Introduction

In this appendix, you will find various prototype (sample) forms to help sponsors at various levels of Program administration. These forms are *optional*. State agencies, sponsors, and sites, may use the forms as they see fit, be it a useful resource, or simply a guide to create their own forms. The forms are grouped by the SFSP Administration Guide unit in which they can be found.

# Forms Related to Unit 2: Applying to the Summer Food Service Program

## Prototype Proactive Planning for Sponsors Checklist

---

Providing summer meals is a year-round effort. At any point throughout the year, there are things you can do to proactively approach SFSP operation. For more information, visit the FNS *Summer Food Service Program*, website, <https://www.fns.usda.gov/sfsp/summer-food-service-program>.

### SPONSOR PLANNING

Given that States have their own deadlines, this list provides general information that sponsors can use to plan their Summer Meal Programs.

### FALL

- Ensure all claims for reimbursement have been filed.
- Consolidate daily meal counts and submit reimbursement claims.
- Take time to reflect on the summer with site administrators and what could be improved or what worked.
- Reflect on the service provided by your vendor. Ensure the food was well-received by the children. Revise menus as needed.
- Review unserved and underserved areas near current sites. Recruit sites to these areas of need.
- Compare participation from this year to that of prior years, as well as current participation for free and reduced price meals in local schools.
- Reach out to sites that were underutilized and offer support to increase participation for the coming year.
- Consider providing nonmonetary awards to recognize sites that excelled during the summer.
- Set participation goals for the next summer and plan how you will accomplish them.
- Look out for dates on mandatory sponsor training from your State agency.

## **WINTER**

- Sign up for and attend mandatory sponsor training classes.
- Determine which sites are returning, explore new site options, and meet with community partners.
- Plan site staff training, meal production and delivery, and programs and activities.

## **MARCH/APRIL**

- Review sites and ensure you are aware of their locations, operational hours, staff, and dates for monitoring.
- Think about how meals will be delivered to the sites and how many will be served.
- Complete pre-operational site visits.
- Ensure administrative staff are trained.
- Finish application and renewal forms.
- Contract with a food service management company, if necessary.
- Check with the State agency to determine if there are any potential sites lacking sponsors or areas lacking sites and sponsors and consider extending service to those areas.

## **PRIOR TO OPENING**

- Ensure your sites are still available and ready to serve meals.
- Conduct outreach to families and children near your sites.
- Finish health inspection letter.
- Ensure site staff and volunteers have been trained.
- Prepare to promote SFSP kick-off events in conjunction with your other State and organizational partners.
- June 15: All sponsor applications must be submitted to the State agency. Note that States may have earlier deadlines.

## **WHILE OPEN**

- Engage with partners to see what else they need to support the Program.
- Conduct monitoring visits to sites and ethnic/racial participation evaluation.
- Ensure all monitoring and financial management documentation is complete and accurate.

# Prototype Sponsor Planning Checklist

Date Completed	Action
	Meet with community leaders, if possible, or survey community for assistance in determining suitable site locations.
	Choose possible sites and compile written documentation supporting the eligibility of each site. This involves determining the method to be used to show need (such as area eligibility based on census tract or school district data, or the enrollment of each participating child) and rural location (for non-congregate meal service).
	Choose method of meal preparation (self-preparation of meals or purchase of meals from a school food authority or a public or private food service management company).
	If meals will not be prepared by the sponsor, contact local schools and other possible vendors concerning vending meals for the Program.
	Contact recreation departments, schools, and local service organizations to coordinate recreation activities with planned food service at sites.
	Contact reliable site supervisors from previous year(s) to determine if they have an interest in continuing in the Program.
	Attend training workshops offered by State agency personnel.
	Hire secretarial staff to assist the program director.
	Develop specifications for the invitation to bid (if applicable).
	Publicly advertise the bid, at least 14 days before bid openings (if applicable).
	Estimate potential Program reimbursement and develop budget and staffing plans for the Program.
	Solicit volunteer help at sites whenever possible.
	Hire an assistant program director, if necessary.
	Design forms, use the State agency's sample forms, or the sample forms in this Guide to support Program operations.
	Set up a filing system for those documents that must be maintained for at least 3 years.

Date Completed	Action
	For camps, conditional non-congregate sites, and closed-enrolled sites using free or reduced price school meal eligibility to qualify, obtain data for each child to document eligibility for free or reduced price school meals.
	Notify the health department of intention to operate a food service program, giving a list of sites you plan to serve.
	Submit to the State agency a copy of the notification letter to the health department as part of the application for participation.
	Conduct a pre-operational visit for new sites, sites that experienced operational problems the previous year, and existing sites that are new to non-congregate meal service.
	Submit a complete application with accompanying documents to the State agency. Include all attachments as requested by the State agency.
	Use proper procedures to select a vendor (if applicable).
	Meet the vendor and develop delivery schedules (if applicable).
	Arrange for facilities, equipment, and food purchases at self-preparation sites (if applicable).
	Hire monitors and site supervisors.
	Hold training workshops for monitors and site supervisors.
	Announce the availability of the Program and the nondiscrimination policy through the local media.
	Finalize monitoring schedules and any emergency procedures.
	Arrange to have a nondiscrimination poster, either developed by USDA or approved by the State agency, for each site.

# Prototype Media Release

---

Sponsors are required announce annually the availability of free meals through the media serving the area from which it draws its attendance availability. Below are a sample media releases that Sponsors may use to craft their outreach message.

## Prototype Media Release: Open sites

[Insert name of Sponsor] is participating in the Summer Food Service Program. Meals will be provided to all children without charge and are the same for all children regardless of race, color, national origin, sex (including gender identity and sexual orientation), age or disability, and there will be no discrimination during the course of the meal service. Meals will be provided, at a first come, first serve basis, at the sites and times listed below:

*[list all sites along with the start and end times of meal service for each site]*

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:



**1. mail:**

**U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or**

**2. fax:**

**(833) 256-1665 or (202) 690-7442; or**

**3. email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

# Prototype Media Release: Closed-Enrolled Sites, Camps, and Conditional Rural Non-congregate Sites

[Insert name of Sponsor] is participating in the Summer Food Service Program. Meals will be provided to all eligible children free of charge. (To be eligible to receive free meals at a residential or non-residential camp or at a conditional rural non-congregate site, children must meet income guidelines for free or reduced price meals in the National School Lunch Program. The income guidelines for free or reduced price meals by family size are listed on the next page.) [Note to sponsors: include the income eligibility guidelines with this release.] Foster children or children who are part of households that receive Supplemental Nutrition Assistance Program (SNAP) benefits or benefits under the Food Distribution Program or Indian Reservations (FDPIR), or Temporary Assistance to Needy Families (TANF) are automatically eligible to receive free meals.

Acceptance and participation requirements for the Program and all activities are the same for all children regardless of race, color, national origin, sex, age or disability, and there will be no discrimination in the course of the meal service. Meals will be provided, at a first come, first serve basis, at the sites and times listed below:

*[list all sites along with the start and end times of meal service for each site]*

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name,

address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

**1. mail:**

**U.S. Department of Agriculture**

**Office of the Assistant Secretary for Civil Rights**

**1400 Independence Avenue, SW**

**Washington, D.C. 20250-9410; or**

**2. fax:**

**(833) 256-1665 or (202) 690-7442; or**

**3. email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

This institution is an equal opportunity provider.

# Forms Related to Unit 3: Administering the Summer Food Service Program

## Prototype Position Description (Cook)

Below you will find a sample position description for a cook, which includes a description of the duties and responsibilities. This is only an example and can be customized for any other relevant roles.

**Job Title:** Cook

**Effective Date:**

Prepares, seasons, and cooks soups, meats, vegetables, desserts, and other foods for consumption by children and some adults.

**Responsibilities:**

Reads from menu and recipes to estimate food requirements and orders food from supplier or procures it from storage.

Prepares food according to food safety requirements, and records temperatures of equipment and food at time of service. Reinforces the practice of frequent handwashing and takes steps to prevent cross-contamination.

Adjusts thermostat controls to regulate temperature of ovens, broilers, grills, roasters, and/or steam kettles.

Measures and mixes ingredients according to recipe, using variety of kitchen utensils and equipment, such as blenders, mixers, grinders, slicers, and tenderizers, to prepare soups, salads, gravies, desserts, sauces, and casseroles.

Bakes, roasts, broils, or steams meats, fish, vegetables, and other foods.

Adds seasoning to food during mixing or cooking, according to standardized recipes.

Observes and tests food being cooked by tasting, smelling, and taking the internal temperature of food to determine that it is cooked.

Carves meat, portions food on serving plates, and adds gravies, sauces, and garnishes to food orders.

May supervise other cooks and kitchen employees.

May wash, peel, cut, and shred vegetables and fruits to prepare them for use.

May bake bread, rolls, cakes, and pastry.

**Job Title:** Cook

**Effective Date:**

Keeps accurate records of amounts used.

Clean up as necessary.

# Prototype Training Checklist for Administrative Staff

---

Use this checklist for training sponsor administrative staff, including office assistants, clerks, bookkeepers, secretaries, area supervisors, and monitors. Everything listed in this checklist applies to both congregate and non-congregate meal sites, unless otherwise specified.

## **1. General explanation of the Program:**

- Purpose of the Program
- Site eligibility
- Recordkeeping requirements
- Site operations
- Meal pattern requirements
- Nondiscrimination compliance

## **2. How the Program operates:**

- How meals will be provided
- The delivery schedule of vended meals, if applicable
- Delivery routes for non-congregate meal sites
- What records are kept and what forms are used

## **3. Special duties of Monitors (include if separate training is not held for monitors):**

- How to conduct site visits and reviews
- Sites for which each monitor is responsible
- Monitoring schedule
- Reporting procedures
- Office procedures

# Prototype Training Checklist for Monitors

---

In addition to the topics covered above, this checklist outlines sample topics that monitors should be trained on.

- Sites for which they will be responsible
- Conducting site visits and reviews
- Monitoring schedules
- Reporting and recordkeeping procedures
- Follow-up procedures
- Office procedures
- Local sanitation and health laws
- Civil Rights requirements
- Reporting racial/ethnic data
- Personal safety precautions, *if necessary*

# Prototype Training Checklist for Site Staff

---

## 1. General explanation of the Program

- Purpose of the Program
- Site eligibility
- Importance of accurate records especially meal counts
- Importance of organized activities at sites

## 2. How sites operate

### a. For vended sites:

- Types of meals to be served and the meal pattern requirements (provide planned menus)
- Delivery schedules (give exact times)
- Adjustments in the number of meals delivered
- Facilities for storing meals
- Who to contact about problems (name and phone number)
- Approved level of meal service

### b. For self-preparation sites:

Meal pattern requirements

c. Non-congregate meal service - *the topics listed below are in addition to the topics mentioned above depending on the chosen site type:*

Multi-day meal issues

Parent or guardian pick-up of meals

Bulk meals (self-prep sites only)

### **3. Recordkeeping requirements**

Daily recordkeeping requirements

Delivery receipts (provide 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. Monitors' responsibilities (use site visit and review forms)**

Duties and authority

Introduce monitors and discuss areas of assignment

### **5. Civil Rights requirements**

### **6. Other policies/issues**

What to do in inclement weather and alternate service areas

How to handle unauthorized adults trying to eat meals

How to handle discipline

Review equipment, facilities, and materials available for recreational activities

Review trash removal requirements

Discuss corrective action

Nutrition education



# Prototype Sponsor/Site Agreement for the Summer Food Service Program

---

When sponsors administer sites that are not legally affiliated with their organization, the sponsor should enter into an agreement with the site supervisor or responsible official. Below is a sample Sponsor/Site Agreement form that sponsors may use.

Name of site: \_\_\_\_\_

Address of site: \_\_\_\_\_

Site supervisor: \_\_\_\_\_ Telephone: \_\_\_\_\_

The person named above agrees to:

1. Serve meals to all eligible children 18 years of age and under (or persons 19 and over who are mentally or physically disabled and participating in a public or private non-profit school program for the mentally or physically disabled).
2. Serve meals that meet the minimum meal pattern requirements.
3. Provide adequate supervision during the meal service. Except for non-congregate meal service sites using home delivery services, the individual is on site for the duration of the food service.
4. Maintain and submit promptly such reports and records that the sponsor requires.
5. Report to the sponsor any changes in the number of meals required as attendance fluctuates.
6. Report any other problems regarding the meal services.
7. Comply with civil rights laws and regulations.
8. Attend sponsor training sessions.

Site Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Prototype Checklist of Records

---

This is intended as a prototype and is not an all-inclusive list. Sponsors should check with their State agency for a complete list of record requirements. See SFSP 05-2023, *Best Practices for Meal Claim Verification and Ensuring Properly Payable Claims in the Summer Food Service Program*, April 3, 2023, <https://www.fns.usda.gov/sfsp/best-practices-meal-claim-verification-payable-claims> for more information for additional information.

## 1. Records that document eligibility for the Summer Food Service Program:

- Approved agreement
- Application
- Site Information Sheet for each site
- Evidence to show eligibility for each site based on serving needy children (or in the case of camps, closed-enrolled sites, and conditional non-congregate sites, evidence to show that children are individually documented as being eligible for free or reduced price school meals)
- Public release
- Letter from IRS showing tax-exempt status (for private non-profit sponsors)
- Pre-operational site visit forms
- Sponsor/site agreements
- Documentation of training
- Letter of engagement of CPA firm or independent accountant, or State or local government accountant and management letter (if applicable)
- Letter to health department

## 2. Records that support the number of meals served to children:

- Daily count of milks delivered
- Daily count of milks leftover
- Daily count of meals prepared or received at sites
- Daily count of complete first meals served to children
- Daily count of complete second meals served to children at congregate sites
- Daily count of meals served to Program and non-Program adults

- Daily count of disallowed meals
- Daily count of excess meals
- Delivery Receipts
- Menus
- Production Records
- Sponsor Applications/Site Information Sheets
- Daily Participation or Attendance Records

**3. Records that support food service costs:**

- Food inventories
- Delivery receipts for vended meals
- Payroll and time-and-attendance records for site personnel
- Purchase invoices, such as milk and food receipts (to include documentation of cash purchases)

**4. Records that support administrative costs:**

- Payroll and daily time-and-attendance records for administrative personnel
- Rental agreements for office equipment or space
- Mileage records

**5. Records to support funds accruing to the Program:**

- Site records of cash collected
- Copies of receipts given for cash donations
- Records of any other funds received for the Summer Food Service Program

**6. Other records:**

- Agreement with schools to furnish meals
- Contract with a food service management company
- Bid procedures used
- Records and inventories of USDA-donated foods
- Monitor's reports of site visits and reviews

- Records of training conducted
- Menu records
- Receipts, invoices, and bills for all rented or purchased items and services
- Bank statements and deposit slips
- Accounting ledgers
- Sanitation and health reports
- Certification of Independent Price Determination (FSMC contracts)
- Beneficiary Data Form
- Food Donations
- Procurement Procedures
- Written Standards of Conduct
- All sponsor procedures which reflect the SFSP operations

# Prototype Daily Meal Count Forms

---

## Instructions

Each site must take a point-of-service meal count every day. This form may be used for the daily meal count.

1. Line 1 equals the total meals available. That number equals the number of meals received or prepared plus the number of meals available from the previous day.
2. Line 2 equals the total number of first meals served to children. Cross out each number as a child receives a meal. Include any teenagers, 18 and under, paid or unpaid, who are helping out at the site. (If more than 150 children are served at the site, use the optional second page. For sites needing the second page, we suggest printing this form front to back.)
3. Line 3 equals the total number of second meals served to children. (Remember, reimbursable meals are limited to no more than two percent of the total number of first meals served.)
4. Line 4 equals the total number of meals served to Program adults. “Program adults” are adults who work directly as part of the operation of the food service. This includes all adults who prepare meals, serve meals, clean up, or supervise the children. This does not include teenagers, 18 and under, who may perform these tasks at the site. Meals for children 18 and under are fully reimbursable, and you would count these meals on Line 2.
5. Line 5 equals the total number of meals served to non-Program adults. “Non-Program adults” are adults who are not directly involved in the operation of the food service. Non-Program adults include any sponsor administrative staff, such as monitors or sponsor directors, or State or Federal reviewers.
6. Line 6 equals the total number of meals served, which is the sum of Lines 2 – 5.
7. Line 7 equals the total number of meals that are unusable because they are damaged, incomplete, or otherwise non-reimbursable.
8. Line 8 equals the total number of leftover meals, which is calculated by subtracting Line 6 from Line 1.
9. Line 9 equals the sum of Lines 6, 7, and 8. It accounts for all meals and should equal Line 1.
10. Use the line at the bottom of the form to record the number of children requesting a (first) meal after all available meals were served. This information is helpful in adjusting meal orders upward.
11. The site supervisor must sign and date the meal count form.

# Prototype Congregate Meal Count Form

Site name: \_\_\_\_\_

Supervisor's name: \_\_\_\_\_

Site address: \_\_\_\_\_

Delivery time: \_\_\_\_\_

Site telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

## Meal type:

Breakfast

Lunch

Snack

Supper

(1) Total meals available: \_\_\_\_\_

(Total meals available = meals received/prepared + meals available from previous day)

(2) Total first meals: \_\_\_\_\_

(To count total first meals, cross off a number on the grid below as each child receives a meal)

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150

(3) Total second meals: \_\_\_\_\_

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

11	12	13	14	15	16	17	18	19	20
----	----	----	----	----	----	----	----	----	----

(4) Meals served to Program adults: \_\_\_\_\_

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20

(5) Meals served to non-Program adults: \_\_\_\_\_

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20

(6) Total meals served: \_\_\_\_\_

(Total meals served = 2 + 3 + 4 + 5)

(7) Total damaged/incomplete/other non-reimbursable meals: \_\_\_\_\_

(8) Total leftover meals: \_\_\_\_\_

(9) Total of items: \_\_\_\_\_

(Total of items = 6 + 7 + 8, and should be equal to item 1)

(10) Number of additional children requesting a meal after all available meals were served:

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20

By signing below, I certify that the information above is true and accurate:

Supervisor's name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Prototype Non-Congregate Meal Count Form

Site name: \_\_\_\_\_

Supervisor's name: \_\_\_\_\_

Site address: \_\_\_\_\_

Delivery time: \_\_\_\_\_

Site telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

**Meal type:**

Breakfast

Lunch

Snack

Suppe

**Total meals available:** \_\_\_\_\_

(Total meals available = meals received/prepared + meals available from previous day)

**A. How many breakfasts, lunch, snacks, or suppers (circle one) is the child receiving at one time?**

(Please note that children may not receive more than 5 days' worth of meals at one time)

1	2	3	4	5
---	---	---	---	---

**B. Children Served (each mark = 1 meal pack of 1, 2, 3, 4, or 5 meals as stated in Section A):**

(Note that all meals recorded on this sheet are for children 18 and younger only)

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130



131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150
151	152	153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168	169	170
171	172	173	174	175	176	177	178	179	180
181	182	183	184	185	186	187	188	189	190
191	192	193	194	195	196	197	198	199	200

**C. Individual meals served:** \_\_\_\_\_

(if multiple meals are offered but fewer are requested, mark them individually below)

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

**D. Total meals served (# of Meals Provided [A] x Children Served [B] + Individual meals served to children [C])**

Total Meals Calculation: ([A] \_\_\_\_\_ x [B] \_\_\_\_\_) + [C] \_\_\_\_\_ = D) Total Meals to Claim: \_\_\_\_\_

**Total leftover meals:** \_\_\_\_\_

**Total damaged/incomplete/other non-reimbursable meals:** \_\_\_\_\_

**Total meals served + Non-reimbursable meals + Total leftover meals:** \_\_\_\_\_

(This number should be equal to total number of meals available for the day)

By signing below, I certify that the information above is true and accurate:

Supervisor's name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Prototype Meal Count (Weekly Consolidated)

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## Instructions

1. Use this form to consolidate daily meal count information.
2. Use a separate consolidated meal count form for each meal type.
3. Information for Items 1 – 9 should be transferred directly from the Daily Meal Count Form for the week.
4. Information for Item 10, Money Collected/To Be Collected For Adult Meals, is not collected on the Daily Meal Count Form.
5. When completed, this form must be signed and dated by the Site Supervisor.



	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Week's total
10. Money collected/to be collected for adult meals								

Remarks:



Meal Type	(A) Total 1 <sup>st</sup> Meal/Snacks Served	(B) Total 2 <sup>nd</sup> Meal/Snacks Served	(C) Total 2nd Meal/Snacks Limitation (.02 x A)	(D) Allowable 2 <sup>nd</sup> Meals/Snacks - Lesser of (B) or (C)	(E) Allowable Total Meals/Snacks (A) + (D)
<b>Breakfast</b>					
<b>Lunch</b>					
<b>Snack</b>					
<b>Supper</b>					



Camper's Name	Meals code	Mon	Tue	Wed	Thu	Fri	Sat	Sun
		<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper
		<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper
		<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper
		<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper
		<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper	<input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Supper

Total eligible meals: \_\_\_\_\_

Total Program adult meals: \_\_\_\_\_

Total ineligible meals: \_\_\_\_\_

Total non-Program adult meals: \_\_\_\_\_

I certify that the information above is true and accurate:

Supervisor's name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_







# Prototype Time Report – Administrative Staff

Sponsor name: \_\_\_\_\_

Sponsor Phone number: \_\_\_\_\_

Sponsor Address: \_\_\_\_\_

## Hours Worked in SFSP Administration

Name	Hours Per Day							Total Hours Weekly	Hours Wage	Total Claimable
	S	M	T	W	T	F	S			

I understand that this information is being given in connection with the receipt of Federal funds and that deliberate misrepresentation may subject me to prosecution under applicable State and Federal criminal statutes.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* Use this form for administrative staff performing an **administrative** cost task, that is, tasks related to the **administration** of the Program (e.g. monitors, bookkeepers, office staff, directors).

Note: Administrative labor costs must be in the administrative budget approved by the State Agency.

# Prototype Time Report – Site and Food Service Staff

Site name: \_\_\_\_\_

Sponsor name: \_\_\_\_\_

Site number: \_\_\_\_\_

Sponsor number: \_\_\_\_\_

Site address: \_\_\_\_\_

Sponsor address: \_\_\_\_\_

## Hours Worked in Food Service

Name	Hours Per Day							Total Hours Weekly	Hours Wage	Total Claimable
	S	M	T	W	T	F	S			

I understand that this information is being given in connection with the receipt of Federal funds and that deliberate misrepresentation may subject me to prosecution under applicable State and Federal criminal statutes.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\* Use this form for all site-level and food service staff performing **operating** costs task, that is, tasks directly related to the **food service** (e.g. meal servers, cooks, supervising children at the site).

# Prototype Summary of Administrative Expenses

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## Instructions

### Item number:

1. Enter the name of the sponsor.
2. Enter the time period (month and year) covered by the form.
3. Enter:
  - a. the position,
  - b. the number of people working in that position,
  - c. the hourly salary rate they receive,
  - d. the number of hours they spend working with SFSP administration,
  - e. the total dollar amount spent on salaries for that position ( $b \times c \times d$ ), and
  - f. add the total dollar amount spent on salaries for all positions.
4. Enter the total dollar amount spent on salaries during the month (line 3f).
5. Enter the total dollar amount spent on transportation during the month.
6. Enter the total dollar amount spent on communication during the month.
7. Enter the total dollar amount spent on the rental of office space during the month.
8. Enter the total dollar amount spent on office supplies during the month.
9. Enter the total dollar amount spent on utilities during the month.
10. Enter the total dollar amount spent on use allowance of furniture and fixtures.
11. Enter total dollar amount spent on audit fees.
12. Enter total dollar amount spent on legal fees.
13. Enter total dollar amount spent on office building maintenance.
14. Enter the total dollar amount spent on miscellaneous administrative supplies or services during the month that do not fall under any of the categories mentioned above.
15. Add items 4 through 14 and enter the total administrative expenses for the month.



13. Office building maintenance: \_\_\_\_\_

14. Other (specify): \_\_\_\_\_

15. TOTAL: \_\_\_\_\_

# Prototype Food Service Equipment Needs

Equipment	Number of Children			
	1-50	51-100	101-200	201-300
<b>Range with ventilating hood</b>	1 range with oven; 30" domestic or 30" - 36" commercial (2 burners)	1 range with oven 30" - 36" commercial (4 burners)	1 range with oven 30" - 36" commercial (2 if over 150 children) (6 burners)	2 ranges with ovens 30" - 36" commercial or 1 range w/oven 60" or larger commercial (8 burners)
<b>Refrigerator with shelves</b>	single section domestic 18 cu. ft. or commercial reach-in 20-25 cu. ft.	double section commercial reach-in 40-50 cu. ft.	double section commercial reach-in 50-60 cu. ft. or 64 sq. ft. (8 ft. x 8 ft.) walk-in	triple section commercial reach-in 60-75 cu. ft. or 64 sq. ft. (8 ft. x 8 ft.) walk-in
<b>Freezer</b>	same as refrigerator	same as refrigerator	same as refrigerator	same as refrigerator
<b>Worktables (Allow 4 linear feet per worker). Use countertops as tables</b>	1 table	2 tables	3 tables	4 tables
<b>Sink with separate hand sink</b>	1 sink - 3 compartments	1 sink - 3 compartments	1 sink - 3 compartments	1 sink - 3 compartments

If the site will serve over 100 children, the following equipment is recommended to supplement the minimum items listed above:

- Steam equipment (kettle, steamer)
- Hot food holding cabinet
- Convection oven
- Electric food slicer
- Mixer with attachments (vegetable slicer/shredder, meat and food chopper)
- As a reminder, sponsors must ensure that they follow local health, safety and sanitation standards.



# Prototype Racial and Ethnic Data Form

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## Instructions

- The sponsor should complete this form for each site under its jurisdiction each year. Sponsors of residential camps must collect this information for each camp session. For all other sites, the sponsor must count the participating children at least once during the site's operation.
- To provide flexibility and ensure data quality, 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 sponsor must retain racial and ethnic data, as well as documentation for the data for 3 years and must safeguard this information to prevent its use for discriminatory purposes. Access to Program records containing racial and ethnic data should be limited to authorized personnel.

# Prototype Racial and Ethnic Data Form

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Sponsor: \_\_\_\_\_

Site: \_\_\_\_\_

Site Contact Name: \_\_\_\_\_ Title \_\_\_\_\_

Site Address: \_\_\_\_\_

Ethnic Categories	Number of Participating Children
Hispanic or Latino	
Non-Hispanic or Latino	

Hispanic or Latino: 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.”

Racial Categories	Number of Participating Children
American Indian or Alaska Native	
Asian	
Black or African American	
Native Hawaiian or Other Pacific Islander	
White	

- **American Indian or Alaska Native:** 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 recognition.
- **Asian:** 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.
- **Black or African American:** 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.”

- **Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White:** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The information listed above is based on Revisions to OMB's Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity,

<https://www.federalregister.gov/documents/2024/03/29/2024-06469/revisions-to-ombs-statistical-policy-directive-no-15-standards-for-maintaining-collecting-and>, March 29, 2024 and in FNS Instruction 113-1,

Civil Rights Compliance and Enforcement – Nutrition Programs and Activities,

<https://www.fns.usda.gov/cr/fns-instruction-113-1>, November 8, 2005.