



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: Site Caps in the Summer Food Service Program: Revised

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Summer Food Service Program (SFSP) regulations require State agencies to set limits on the number of meals each approved site may serve to children; this is known as the ‘site cap.’ The purpose of this memorandum is to clarify for State agencies and sponsors the meal disallowance requirements as they relate to site caps. Additionally, this memorandum provides flexibility enabling SFSP sponsors of sites serving meals prepared by food service management companies, known as “vended sites,” to request adjustments when meals are served in excess of site caps at such vended sites. Finally, this memorandum also provides guidance on the use of site caps as a management tool to promote Program integrity for all sites. This memorandum is effective for SFSP activities beginning in summer 2015 and supersedes SFSP 08-2013, *Site Caps in the Summer Food Service Program*, January 24, 2013.

The SFSP regulations differ in treatment of meals served to children in excess of site caps, depending on the source of the meals. Program regulations require sponsors of vended sites to have an approved site cap [7 CFR 225.6(d)(2)]. Additionally, Program regulations require State agencies to disallow meals served to children at any vended site in excess of the approved site caps [7 CFR 225.9(f) and 225.11(e)(3)].

Similarly, when evaluating a proposed self-preparation site, the State agency must ensure that the site is approved to serve no more than the number of children for which its facilities are adequate. This means that a site cap also must be established for a self-preparation site prior to approval [7 CFR 225.6(d)(1)(iii)]. However Program regulations do not require State agencies to disallow meals served to children at self-preparation sites in excess of site caps.

### **Establishing Site Caps**

All SFSP sites are required to have an approved site cap. The purpose of a site cap is to ensure that a site does not purchase and/or produce meals outside the capability of the site and the need of the community, thereby reducing waste and protecting the integrity of the Program. State agencies, through the required training provided to sponsors under

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

7 CFR 225.7(a), and sponsors, through the required training provide to site supervisors under 7 CFR 225.6(e)(1)(6) and 225.15(d)(1), must ensure sponsors and site supervisors are trained and fully understand site caps requirements. This would include clarifying that special events, such as summer kick-off and late-summer back-to-school events, that may result in larger than average participation would require approval of a temporary site cap increase.

The State-sponsor agreement must be updated annually to indicate the approved site cap for every vended site and expectations for making adjustments to the limits [7 CFR 225.6(e)(7)]. The terms of the agreement should make clear that meals served in excess of these established caps highlight mismanagement of the Program and at the State agency's discretion can indicate the need for further investigation of meal claims to determine whether these meals should be disallowed. The Food and Nutrition Service (FNS) encourages State agencies to include site caps in the State-sponsor agreement for sponsors of self-preparation sites as well.

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

FNS encourages State agencies to work with sponsors to establish reasonable site caps which reflect the true capacity and capability of sites while allowing for growth of the Program. State agencies also 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. State agencies should work closely with sponsors to ensure realistic expectations are set for each new site.

### **Adjustments to Established Cap**

The site cap requirement provides protection for sites and sponsors. However, it is sometimes difficult for a State agency working with a sponsor to accurately assess capability and need of a site. For example, in recent years, some States agencies and sponsors have found that open sites, which provide meals for any children that come to the sites, have attracted more children than originally anticipated. In such circumstances, sponsors and sites have worked with State agencies to demonstrate that the site cap should be increased. Once satisfied of the need for a site cap increase, the State agencies have approved those sites to provide meal service to those additional children.

FNS encourages State agencies to develop procedures for site supervisors and sponsors to request an increase in the site cap. State agencies may initially grant this approval electronically or by telephone. However, the request should be followed up immediately through writing, and the State-sponsor agreement should be updated as soon as possible to reflect the change.

Regional Directors

State Directors

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### **Flexibility Regarding Adjustments to Site Caps**

In recent years, there have been efforts to expand access to SFSP at the national, State, and local levels. Such expansion efforts focused on increasing participation at the site level, which increased the risk that sites would exceed established site caps; for vended sites, this could result in a disallowance of meals.

Due to the ongoing expansion of the SFSP, beginning in summer 2015, FNS is providing flexibility to sponsors of vended sites to allow requests to increase a site cap any time prior to the submission of the meal claim forms for reimbursement. State agencies now have the discretion to approve a sponsor's request to increase an established site cap, if the sponsor has submitted a written request prior to submission of a claim for reimbursement for meals served that month. In those situations, because the State agency would have approved an increase to the initially established site cap, the additional meals claimed would be allowable at vended sites.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate FNS Regional Office.

**Original Signed**

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Child Nutrition Programs