Subject: Historical Surveys for the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP)

To: STATE AGENCY DIRECTORS
(Special Nutrition Programs)

Colorado ED, Colorado DH, Colorado SS,
Iowa, Kansas, Missouri ED, Missouri SS,
Missouri DH, Montana OPI, Montana DHSS,
Nebraska ED, Nebraska SS, North Dakota,
South Dakota, Utah, Wyoming ED, and
Wyoming DHSS

As part of our ongoing commitment to provide technical assistance to State Agencies, attached for your information and use are the subject histories. You will note that these surveys are updated through Public Law 101-147. We hope this information proves useful to you.

Ann C. Hector
ANN C. HECTOR
Regional Director
Special Nutrition Programs

Attachment
SUMMER FOOD SERVICE PROGRAM: A HISTORICAL SURVEY

Public Law 90-302, enacted May 8, 1968, established the Special Food Service Program for Children (SFSPFC), a 3-year pilot program consisting of the forerunners to both the Child Care Food Program (CCFP) and the Summer Food Service Program (SFSP). The SFSPFC was created in response to the growing national awareness of children's need for good nutrition and the increasing number of working mothers. The SFSP and CCFP, which were developed from the SFSPFC, are part of the Department's system of nutrition programs for children, which includes the Special Supplemental Food Program, the National School Lunch Program, the School Breakfast Program, and the Special Milk Program.

Congress developed the summer feeding component of the SFSPFC in order to provide Federal grants for meals served to needy children during the summer months when school was not in session. The Program was geared to school-age children, in areas where there was a high concentration of working mothers and where poor economic conditions existed. The institutions eligible to participate included city government organizations, community action agencies, churches, day camps, and institutions providing day care programs for the handicapped.

In September of 1972 and May of 1975, Congress reaffirmed its support of this Program by extending the SFSPFC until the end of September 1975 with Public Laws 92-433 and 94-20. Food service programs for children were further strengthened and expanded in 1975 when Congress separated the child care and summer feeding components of the SFSPFC and provided each with individual legislative authorization. Public Law 94-105, enacted in November of 1975, mandated a number of significant Program changes. Program eligibility was extended to include residential summer camps. Institutions and residential summer camps had to conduct a regularly scheduled program for children at site locations where organized recreational activities or food services were provided. These institutions and camps had to provide a service in areas where at least one-third of the children qualified for free or reduced price school meals. They also had to acquire their meals whenever feasible from existing school food service facilities. However, they no longer had to serve areas with a high concentration of working mothers in order to qualify for the Program. The deadlines for publishing U.S. Department of Agriculture (USDA) regulations and guidance handbooks were adjusted to give State agencies and sponsors sufficient time for pre-Program planning and training. State administrative funding was altered significantly to allow State agencies to increase their staffs administering the Program. For sponsoring organizations, start-up payments were provided to defray the costs of Program planning and organizing, and advance payments were provided to improve cash flow.
Public Law 94-105 and the regulations which implemented it served to promote significant Program growth. However, it was discovered that several provisions led to some abuse and administrative problems in efficiently operating the Program. Specifically, creating management problems were the requirements (1) that any eligible service institution shall be able to participate in the Program upon its request and (2) that institutions could not be prohibited from serving all the different meal types unless the service period of the different meals coincided or overlapped. In addition, problems were encountered at the State level when staff personnel attempted to carry out their new responsibilities. Bidding and contracting problems and alleged collusion between sponsors and vendors surfaced. It became apparent that the responsibilities of administering agencies should be more precisely defined and that the administrative funding formula should be adjusted accordingly.

Public Law 95-166, enacted in November of 1977, addressed the issues discussed above and reflected the concern at all levels of government about the problems which had occurred with the SFSP. Major changes mandated by the law included requirements that:

(1) sponsors demonstrate that they had adequate administrative and financial responsibility to manage an effective food service, and that they had not been seriously deficient in operating under the Program in the past;

(2) sponsors provide an ongoing year-round service to the community, such as recreational activities or food services for children, in order to participate. The State agency granted exceptions to this year-round service requirement to those sponsors who met the other eligibility criteria and whose exclusion from the Program would result in an area in which poor economic conditions exist not being served or in a significant number of needy children not having reasonable access to the SFSP;

(3) States be given a priority system for approving sponsors in cases where overlapping of sites occurred;

(4) residential camps be allowed to claim only meals served to children qualifying for free and reduced price meals;

(5) sponsors submit a complete budget for administrative costs to the State agency for approval;

(6) the release of advance funds to sponsors be restricted and limited;

(7) a new formula be provided for State administrative funding;

(8) USDA develop State staffing standards and effective dates, to ensure sufficient administrative staff time for planning;
penalties be specified for fraud;

publishing deadlines for USDA regulations and guidance handbooks be adjusted to allow States more time for pre-program planning and training; and

food service management companies be registered in the State in which they planned to operate. Furthermore, if a company lacked the administrative and financial capability to perform or had been seriously deficient in the past, Program participation could be denied.

Public Law 95-627, enacted in November 1978, dealt primarily with the CCFP, though issues concerning the SFSP were addressed. The formula for determining State Administrative Expense funding was revised to increase the amount that States could spend to administer the Program. Also, Program eligibility was extended to persons over 18 years of age who were determined by a State or local educational agency to be mentally or physically handicapped and who participated in a public or nonprofit private school program established for the mentally or physically handicapped.

Public Law 96-38, enacted in July 1979, prohibited State agencies from paying any Fiscal Year 1979 claims for reimbursement submitted to them after January 1, 1980. The only exception to this prohibition was for amended claims submitted after that date due to audits and/or investigations. This rule was established to allow State agencies adequate time to finalize their accounting records.

Public Law 96-108, enacted in November 1979, limited the eligibility of some private nonprofit institutions which sponsored large programs and purchased meals from food service management companies. Such sponsors which retained their eligibility in the Program were those which served an area where there were no public sponsors, private nonprofit schools, migrant farmworkers organizations, smaller private nonprofit sponsors, or sponsors which prepared their own meals or which obtained them from a public facility. Regulations implementing Public Law 96-108 further emphasized the State agencies' responsibility of attempting to locate high priority sponsors to administer the Program for sites in areas where poor economic conditions exist. These changes were intended to reduce mismanagement, waste, and abuse in the Program by more thoroughly screening applicant sponsors of large, vended Programs and to intensify the effort to locate the most capable sponsors to administer sites.

On October 1, 1980, Congress passed a continuing resolution which provided funding for the Program through December 15, 1980. Public Law 96-499, the Omnibus Reconciliation Act of 1980, was passed on December 5, 1980, and authorized the SFSP through Fiscal Year 1984. On August 13, 1981, Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, was enacted. This legislation limited the types of organizations eligible to sponsor the SFSP (only public entities, private nonprofit schools and camps), changed eligibility criteria based on income; changed eligibility criteria for areas of economic need (50 percent of the children in the area must qualify for free
or reduced price meals), limited the ability of the Department to administer the Program previously administered by State agencies, affected claims settlement, eliminated dual participation in the SFSP and the Special Milk Program, and changed the free meal policy procedures at enrolled sites.

Specifically, this Act changed the Program by:

(1) requiring that open sites operate only in areas in which 50 percent of the children served were eligible for free or reduced price lunches;

(2) restricting sponsorship to public or private nonprofit school food authorities; State, local, municipal, or county governments, and camps;

(3) specifying that government sponsors must directly operate the Program at their sites; and

(4) prohibiting simultaneous participation in the Special Milk Program and the SFSP.

Public Law 97-365, enacted October 25, 1982, referred to as the Debt Collection Act of 1982, provided specific legislative authority in Section 10 for the head of an agency or his designee, after determining that a claim is valid and overdue, and had sent written notification informing the individual that the claim was overdue, may attempt to collect such a claim by means of administrative offset. However, if the claim had been outstanding for more than 10 years, it cannot be collected by means of administrative offset.

Public Law 97-370, enacted December 18, 1982, established that only final reimbursement claims for service of meals and supplements submitted to State agencies by eligible summer camps and service institutions within 60 days following the claiming month shall be eligible for reimbursement. Furthermore, States may receive Program funds for meals and supplements served during any month, only if the final Program operations report for such month was submitted to the Department within 90 days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

Public Laws 99-500 and 99-591 made several changes in the SFSP. These changes included (1) authority for sponsors which were school food authorities to use facilities, equipment and personnel in support of a nonprofit nutrition program for the elderly; and (2) automatic (or "categorical") free meal eligibility to children from households receiving food stamps or Aid to Families with Dependent Children. In addition, Public Law 99-500 reauthorized appropriate funding necessary to carry out the SFSP until September 30, 1989.

Public Law 100-435, the Hunger Prevention Act of 1988, was enacted on September 19, 1988. This legislation expanded the definition of an eligible SFSP sponsor to include public and private colleges and universities which are participating in the National Youth Sports Program (NYSP). Prior to the enactment of this provision, only public colleges and universities in the NYSP were able to participate because they qualified as a unit of State or local government.
Public Law 101-147, the Child Nutrition and WIC Reauthorization Act of 1989, was enacted November 10, 1989. It included several significant provisions affecting the SFSP. First among these was making private nonprofit organizations (other than those currently eligible under the law) eligible to participate in the Program under a number of specific conditions. It also required State agencies to implement expanded outreach, training and monitoring for these organizations and reserved one-half of one percent of Program funds for those monitoring and training functions. The law allowed SFSP sponsors participating in the NYSP to receive reimbursement for meals served to NYSP participants on a year-round basis, subject to certain conditions. Meals served during the academic year (October through April) must meet School Lunch and Breakfast Program meal patterns and will be reimbursed at rates established for those Programs. Reimbursements for academic year NYSP meals were made retroactive to October 1, 1989. It made meal providers who conduct a regularly scheduled food service primarily for homeless children eligible to participate as sites in the Program. Finally, it reauthorized the SFSP through Fiscal Year 1994.

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