Reply to:
Attn. of: SFSP-118

Subject: Summer Food Service Program (SFSP) Policy Memoranda

To: STATE AGENCY DIRECTORS (Special Nutrition Programs) - Colorado ED, Iowa, Kansas, Montana OPI, Nebraska ED, North Dakota, South Dakota, Utah, and Wyoming DHSS

Attached are questions and answers that have been received from various State Agencies and Field Offices since our last question and answer memorandum, SFSP-107, dated October 10, 1990. Please contact my staff at (303) 844-0359 if you need further information.

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Attachment
SUMMER FOOD SERVICE PROGRAM (SFSP) QUESTIONS AND ANSWERS

1. Q. For SFSP Federal Reviews, when the State Agency (SA) goes back to the sponsor to disallow meals and reclaim money, must the SA give the sponsor appeal rights?
   A. Yes.

2. Q. Another SA states that an Upward Bound Program (UBP) can be an enrollment site and if 50 percent or more meet the free/reduced price (F/RP) guidelines, then all participants may be counted. We have always treated UBPs as a camp. Which is correct?
   A. An UBP is usually a residential setting and therefore, may be considered a camp and claim up to four meals for F/RP eligible children only. However, the sponsor may choose to be an enrolled site and claim all the children for up to two meal services, excluding supper.

3. Q. If a migrant program busses children into an area that does not meet the definition of an "area in which poor economic conditions exist," do F/RP applications have to be taken?
   A. If a migrant organization provided documentation that all children participating are income eligible, then no F/RP applications should be taken.

4. Q. If an applicant is interested in applying as a private nonprofit sponsor, can they be working towards tax-exempt status or must they already have achieved tax exempt status to be eligible for the SFSP?
   A. There is no provision in current Regulations, as in Child and Adult Care Food Program, that sponsors can be approved to participate in the SFSP as long as moving towards tax exempt status. Applicants must provide documentation initially that Internal Revenue Service has already approved their tax exempt status before being approved as an SFSP sponsor.

5. Q. If a nursing home is owned by a town, can the nursing home participate as a sponsor in the SFSP to serve meals to children?
   A. The town could be approved as the sponsor since it is a "unit of government" and therefore eligible.
   Q. If the town acted as the sponsor, can the nursing home provide the meals without being classified as a food service management company (FSMC)?
   A. If there is a clear legal connection between the town and nursing home, the nursing home could prepare meals without it being necessary to be registered by the SA as an FSMC.
6. Q. Page 13455 of the April 10, 1990, Federal Register says that a demonstration homeless site can operate all year. Is this right?

A. No, not for the SFSP. That part of the Preamble to the Regulations is addressing the Child and Adult Care Food Program homeless demonstration project only. A homeless site on the SFSP may only operate May through September.

7. Q. If a public school district wants to sponsor the SFSP, but another sponsor already serves lunches in the same area, can the public school district serve breakfast only (it will open up to all children in addition to its summer school students)? The summer school students are dismissed from school early enough to participate in the other sponsor’s lunch meal service.

A. Yes, there is no problem with this arrangement as long as the site is opened to all children.

8. Q. Is there any requirement that SFSP reimbursement go through the General Fund rather than to a School Food Service (SFS) account?

A. No, that would be an SA option. But if National School Lunch Program (NSLP) funds, etc., go through an SFS account, it would seem the same would be true of SFSP reimbursement.

9. Q. If a private nonprofit (PNP) sponsor had a school site that was visited under NSLP during a school review, would it need a preapproval visit?

A. A school site is not covered under Part 225.7(d)(1)(i). If the school is not the sponsor, but a site under a PNP sponsor, it must be reviewed if the anticipated participation is over 100 and it was not in the Program last year.