Reply to
Attn. of: SFSP-159

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 questions and answer memorandum, SFSP-137, dated October 22, 1991. Please contact my staff at (303) 844-0359 if you need further information.

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

Attachment
SUMMER FOOD SERVICE PROGRAM (SFSP) QUESTIONS AND ANSWERS
April 1992

1. Q. A school district superintendent wants to know if the Chapter I funds they receive would be affected if they participate in the SFSP?

A. As with any funds received, if all or a portion of the funds are earmarked for the food service, that amount would be reported as income to the Program. However, Chapter I funds are based on the number of low income children in the district, and are given to school districts to meet educational needs, i.e., reading lab or teachers' aides. Therefore, unless the school district is using these funds in the food service, they would not be deducted from SFSP costs.

2. Q. Is there a conflict of interest in a case where a city is the SFSP sponsor and the owner of the small convenience store that vends sandwiches to the Program is also a member of the city council?

A. In order to avoid a conflict of interest, the council member who is the vendor should not vote on awarding contracts or on anything that would influence monetary value for himself.

3. Q. Must a school that switches to the SFSP in the summer open up their Program to all children in the area or can they limit participation?

A. A school sponsor can only limit participation by being an enrolled site. The Program must still be announced to all children in its service area and/or in its school year program. The Program can never be limited to only the children in the summer school program. However, the sponsor would clarify that children must be enrolled in order to participate in the SFSP.

Site eligibility would be established if 50% of those enrolled are eligible for free or reduced price meals, and all children's meals would be claimed.

4. Q. Can a State Agency (SA) contract with a person to conduct outreach?

A. We have no objections to using contract personnel, especially in circumstances where the SA does not have enough staff to devote to outreach and all of the other administrative functions required in administering the SFSP.

5. Q. When a sponsor wants to use data from a welfare agency or zoning commission because it does not want to service an area as large as that covered by the census tract data, are there specific reports or data that must be requested from those entities?
We are not aware of any specific reports that must be obtained; however, we recommend that the sponsor provide a clear explanation of the type of information needed and then determine, based on the entity's response, if the information available would meet its needs. The SA must also adequately review the information to ensure that the site is eligible.

6. Q. Does a site need to provide shelter to be considered a homeless site?

A. Yes. By definition a "homeless feeding site" means a feeding site whose primary purpose is to provide shelter and one or more regularly scheduled meal services per day to homeless families and which is not a residential child care institution. These sites would be eligible to claim up to two meal types.

Q. A homeless site's feeding facility is three blocks away from its sleeping facility. Is the site eligible?

A. Yes, if both buildings are owned, operated, or administered by the same agency as part of its services to the homeless. However, the sponsor must understand that they need a method to monitor that participation is the same at both facilities.

Q. Can "homeless shelter" be defined as daytime shelter where no one receives overnight shelter?

A. No. The Regulations imply overnight shelter.

7. Q. Can a school that claims snacks in the CACFP and breakfasts and lunches in the NSLP during the school year continue to claim snacks in the CACFP, but switch to the SFSP for the breakfasts and lunches to avoid changing their CACFP agreement?

A. Yes, as long as the SA is satisfied that breakfasts and lunches are not being claimed under both Programs.

8. Q. If a school uses NSLP commodities for the SFSP and replaces the commodities with purchased food, could the costs of the food be charged against the SFSP?

A. Food costs are allowable costs; however, this is not the way to handle commodity products; i.e., buying, selling, exchanging commodities. The commodity inventory should only be adjusted with the Distributing Agency's knowledge. The better way to handle such a situation is to purchase food for the SFSP and keep commodity products in the NSLP.
9. Q. A school district is considering having its elementary summer school sites under the sponsorship of the city for the SFSP. These schools normally only have grades K-5; therefore, some principals/superintendents are concerned about having older children possibly enter the premises with weapons. Can the sponsor restrict participation by age of children who normally attend the school?

A. The schools should consider having enrolled rather than open sites. They would need to advertise to parents of all children enrolled in the regular school year and include in the announcement the cutoff date for enrolling in the SFSP.

10. Q. Is there a time limit for the breakfast program? What about 9:00 a.m., if breakfast is the only meal served?

A. We have never specified a time for any meal service. The general guidance provided is that it is within a time that is reasonable, customary, or a traditional time for the meal service in question. The time restrictions established for meal services, as specified in Part 225.16(c) must always be followed. For breakfasts, we suggest the meal service be completed before 10:00 a.m.; therefore, in this case 9:00 a.m. is acceptable.

11. Q. A county health department, acting as an SFSP sponsor, is considering contracting with a school food authority (SFA) without going out for bid. Can this be approved?

A. Yes. If the sponsor feels the SFA’s price is reasonable and it can provide good service, meet delivery requirements, etc., the sponsor is not required to go out for bid. However, as we clarified by policy, a sponsor is not required to enter into a contract with a SFA if it feels the SFA cannot provide needed service for all of its sites, or the quality or price would not be satisfactory. The same provision applies if the SFA cannot provide all of the meals required, i.e., can provide only cold food when hot food items are also required. As always, the sponsor should maintain documentation of the reasons a vendor was not selected.

12. Q. Can a camp sponsor have family style meal service?

A. Yes. FNS Instruction 783-3 allows family style meal service for camp sites only. Enough food must be placed on the table to meet the minimum portion requirements for the number of children and adults eating the meal. A portion of each required component must be taken by each child. If full portions are not taken originally, children must be encouraged to accept full portion sizes during the course of the meal, but they are not required to accept more food.

13. Q. A sponsor operates an open site. There are two other organizations, i.e., a recreation center, that bring their children to the sponsor’s site for SFSP meals. The recreation center wants to take its group of children on field trips occasionally and have the sponsor provide SFSP meals. Is this allowable?
14. Q. I understand that canned peas and carrots (mixed) are counted as only one vegetable component; however, if the sponsor opens a can of peas and a can of carrots but still mixes the two together, is it not counted as two vegetable components?

A. No. A mixed vegetable combination item, whether purchased as such or mixed by a food service worker, is still considered one menu item and one component.

15. Q. An SFA is vending meals to the city; however, the vending site is also one of the sponsor’s SFSP feeding sites. Can the (vendor’s) cook also take the meal count?

A. No, unless the cook is switched over to an employee of the sponsor for that part of the meal service. Counting meals or recordkeeping is a sponsor function that cannot be contracted out. The city must have ultimate responsibility of site personnel. In addition, there would be, at a minimum, an appearance of a conflict of interest, if the vendor (cook) is documenting the number of meals for which it is to be paid.

16. Q. Should a sponsor report the value of donated food as income to the SFSP?

A. No, the sponsor only reports the costs of foods purchased. It is not necessary for the sponsor to report the value of the donated food as income on the Claim for Reimbursement.

17. Q. Is it allowable for a sponsor in an urban area to receive the higher administrative rate if meals are vended by an SFA rather than a commercial food service management company (FSMC)?

A. Although the sponsor purchases meals prepared by an SFA, because the site is located in an urban area, the sponsor must be reimbursed the urban/vended rate. The type of FSMC under contract is not the dominant factor in determining administrative reimbursement.