Reply to
Attn. of: SFSP-359

Subject: Summer Food Service Program (SFSP) Policy Memorandum # 6-99: Waiver of Site Limits for Private Nonprofit Organization Sponsors

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

This memorandum extends the authority that Regional Offices (RO) have to approve waivers of site limits for private nonprofit organization sponsors. It is a continuation, with some changes resulting from reauthorization, of Policy Memorandum SFSP-333, issued on March 23, 1998. This memorandum is effective for administering the SFSP beginning October 1, 1998, the effective date of the law, and will remain in effect until superseded by regulation or future memorandum.

Policy Memorandum SFSP-333 allowed ROs to grant waivers pertaining to Section 13(a)(7)(B)(i) of the National School Lunch Act (NSLA), and Sections 225.6(b)(6)(ii) and 225.14(d)(7)(ii) of SFSP Regulations. Those provisions set limits on the numbers of sites and children that private nonprofit organization sponsors may be approved to serve.

The Child Nutrition Reauthorization Act of 1998 (Public Law 105-336), signed into law on October 31, 1998, amended Section 13(a)(7)(B)(i) of the NSLA by modifying those restrictions. Private nonprofit organization sponsors may now be approved to serve up to 25 sites, regardless of the locations of their proposed sites. The law retains the limits on the number of children who may be served each day at any one site (i.e., not more than 300 children or, not more than 500 children, with a waiver granted by the State Agency (SA)). However, the law no longer limits the total daily attendance,
previously set at 2,500 children, for all sites served by a
private nonprofit organization sponsor.

Through this memorandum, we are implementing the reauthorization
amendments and, based on those changes, revising the waiver
authority on site limits. Thus, ROs may approve requests by
capable private nonprofit organization sponsors to serve more
than 25 sites. In addition, these waivers may be granted for up
to 3 years. This memorandum also provides the following
guidance on what ROs should consider when reviewing these
requests.

**Eligibility**

First, the SA is expected to demonstrate that it has made a
systematic effort to find other eligible sponsors. SAs are
expected to continue their efforts to initiate the SFSP,
particularly in unserved rural areas, by recruiting public
agencies, schools, camps, and other eligible organizations to
become sponsors.

Second, waiver requests should provide assurance that each
private nonprofit organization sponsor approved to expand its
meal service is capable of administering the program in
accordance with SFSP Regulations. The sponsor’s staffing plan
and administrative budget should show that the sponsor will
devote adequate resources to supervise and monitor program
compliance at all of its sites. The SA should ensure that the
sponsor will not duplicate coverage of areas served by another
sponsor.

**Training, Technical Assistance, and Monitoring**

The SA is expected to give advice and technical assistance to
the sponsor, as necessary. The SA should not submit waiver
requests on behalf of sponsors if they cannot fully support
them. The SA should provide additional technical assistance and
monitoring to help the sponsor in its administration of new
program sites, particularly if the waiver is requested on behalf
of a new sponsor.
Application Requirements

At a minimum, applications should:

(1) identify the sponsor for which the waiver is being sought, including its name and address, and a general description of the size and scope of any child nutrition program in which it participates;

(2) explain the circumstances that resulted in the request for waiver, including the efforts made to attract other sponsors and a description of the size and scope of the new sites the sponsor proposes to operate;

(3) describe the SA’s expectation as to how the waiver will improve services and the expected outcomes if the waiver is granted; and

(4) explain the process used by the SA or the sponsor to provide notice and information to the public regarding the proposed waiver.

Reporting

If you request a waiver, please notify us, by October 1, 1999, of the total increase in the number of children served and how the waiver resulted in improved service to children.

If you have any questions, please contact our office at (303) 844-0359.

Mary

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Regional Director
Child Nutrition Programs