Reply to
Attn. of: SP-05-30
SFSP-518

July 12, 2005

Subject: Summer Food Service Program (SFSP) and Seamless Summer Option Questions and Answers (Q&A)

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

For your information, attached is a list of policy Q & As on the SFSP, and Seamless Summer Option compiled based on questions raised by state agencies since our Consolidated Q & A Memorandum, SFSP-511 was issued on January 28, 2005.

As you know, we periodically review questions asked by state agencies and issue a Q & A policy memorandum such as this. Please note that the numbering for these Q & As do not begin with number one, but are consecutively numbered with existing questions within the Consolidated Q & A that was issued in January.

This Q & A may be accessed through the Partner Web using this Policy Memorandum number. Very soon, these questions may be accessed through the Consolidated Q & A Memorandum. When this linking is complete an e-mail notification will be forwarded to the Partner Web Community.

If you have any questions, please contact my staff at 303-844-0354.

[Signature]

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment
Civil Rights

CR 10  Q. Should the nondiscrimination statement and procedures for filing a complaint as explained in FNS Instruction 113-8 be included on documents not intended for the public? These documents would include the letter to the health department.

A. No, the nondiscrimination statement and procedures for filing a complaint do not need to be included on forms not intended for beneficiaries.

CR 11  Q. Is there a requirement that children must be residents of the United States to receive SFSP benefits?

A. There is no United States residency requirement for the Summer Food Service Program (SFSP), or any other Child Nutrition Program through the Food and Nutrition Service. In fact, the nondiscrimination statement specifically protects children from discrimination based on national origin.

Meal Service

MS 33  Q. Can a non-school site vended by a school use the meal pattern used in schools, e.g., the National School Lunch Program (NSLP) meal pattern or nutrient standard menu planning instead of the SFSP meal pattern?

A. A school may vend to another sponsor using the menu planning system it uses during the academic year. For example, the food based NSLP meal pattern or nutrient standard menu planning may be vended to a non-school sponsor. However, Offer Versus Serve may not be used at non-school sponsored sites because it is a service option, and not a meal pattern.

MS 34  Q. Can a school use the SFSP meal pattern for breakfast and the NSLP menu planning option for lunch?

A. There is no requirement that a school only implement one menu planning method for all meal types served. So, the school may use the SFSP meal pattern for breakfast and nutrient standard menu planning for lunch.
Private Nonprofit Sponsors

PNP 5  Q. Is a private university or college sponsoring a site in the SFSP considered private nonprofit sponsor for purposes of Federal Reviews?

A. No, Section 225.2 describes all schools sponsoring the SFSP, public or private, as a school food authority. School food authorities are not subject to Federal Review requirements.

PNP 6  Q. Is a private nonprofit residential camp subject to Federal Review?

A. No, a residential camp is considered a “camp” and is not subject to Federal Review requirements.

Seamless Summer Option

SS 8  Q. When determining a Seamless Summer Option site open, must October data be used?

A. There is no requirement in the SFSP to use a particular month. Since site eligibility in the Seamless Summer Option is based on SFSP rules, any month documenting over 50 percent free or reduced price eligibility may be used.

SS 9  Q. Does site eligibility documentation need to be gathered yearly in the Seamless Summer Option?

A. That question was answered in SS 3, but has been superseded by Policy Memorandum SFSP-513/SP 05-22 issued on April 8, 2005. This Policy explains in Question 15 that eligibility must be documented annually for Seamless Summer Option sites. Question 16 explains site eligibility documentation for schools operating under Provision 2 or 3.

SS 10  Q. May a school use data collected during the operation of the Seamless Summer Option from the previous summer to qualify the site the subsequent summer? This would ensure that the site is eligible since all meals are recorded at the free rate.

A. No, the school must use a month when income eligibility applications were in effect to document open site eligibility. Using
a month when the Seamless Summer Option is in effect would not be appropriate.

**Sponsor or Site Eligibility**

**SSE 70**

*Q.* A school is offering an enrichment program at a site located in an income eligible area. May the school operate this site as a closed enrolled site, or is the site required to operate as an open site since it is in a low income area?

*A.* If a site is located in an income eligible area, it can operate as open or enrolled depending on the type of summer program offered to children. There is no requirement that this enrichment school site operate as open because it is area eligible. However, if the school only offers summer school, it is required to operate as an open site as explained in Section 225.14(d)(2). If the school operates summer school and does not want to operate as an open site, it must instead operate the NSLP.

**SSE 71**

*Q.* A site that a sponsor has included in the application was found to be seriously deficient (SD) in the Child and Adult Care Food Program. Can this SD site operate under the competent sponsorship of another entity?

*A.* No, as explained in Section 225.11(c), the State Agency cannot enter into an agreement with any applicant sponsor identifiable through its corporate organization, officers, employees or otherwise as an institution which participated in any Federal Child nutrition Program and was seriously deficient in its operation of any such Program.