Reply to
Attn of:    SFSP-538        April 4, 2007

Subject:    Summer Food Service Program (SFSP) Questions and Answers (Q&As)

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

For your information, attached is a list of policy Q & As on the SFSP compiled and
based on questions raised by state agencies since our Q & A Memorandum SFSP-532
was issued on June 29, 2006.

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 does not begin with number one but rather, the Q & As are consecutively
numbered.

This Q & A may be accessed through the Partner Web using this Policy
Memorandum number. If you have any questions, please contact Marj DeBoer or
Tandy Jones at 303-844-0354.

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment
Summer Food Service Program
Questions and Answers
March 2007

Costs

CST 42 Q. Can a security guard that is only present at an open site during a lunch service (no other activities) be claimed as an administrative cost?

A. Yes, if the sponsor has assessed the situation and determined that the cost is reasonable and necessary for supervision of food service workers and children (see Sponsor’s Fiscal Guide, page 9, Operational Labor Tasks, #3).

CST 43 Q. Is there any means of compensating a sponsor that receives vended meals and that has some spoilage due to a loss of power in a disaster situation?

A. No, if the sponsor does not receive commodities, there is no remedy for a food loss.

Crediting Foods

CRD 11 Q. A fruit bite/gummy candy is listed on the exemption list. May it be used to meet the fruit/vegetable component in the traditional menu planning option? If so, may similar products but with different names be used?

A. No. Items on the exemption list are eligible to be sold a la carte or vended in competition with the school meal; exemption does not make them eligible as a component of the school meal. Also, each individual product, by name, must be approved for the exemption list; general categories such as “fruit bite” are not approved.

Financial Management

FM 9 Q. Must State Administrative Funds be “obligated” or “spent” by September 30 (the end of the Federal Fiscal Year)?

A. The regulations at 225.5(d)(6) state that each state agency shall release to FNS any funds which it determines are unobligated as of September 30 of each fiscal year. If the funds are not obligated (do not have to be spent) by September 30, they will be recovered.
Sponsor or Site Eligibility

SSE 77 Q. Is a 21st Century Learning Center that operates enhancement programs during the summer and has weekly programs considered a “school” or a “camp”? If it is a “camp”, must it be reimbursed for income eligible children only? Must the claim be filed weekly or may it be filed monthly?

A. Yes. Enhancement programs would meet the definition of “day camp” as described in the 2007 Administrative Guidance for Sponsors, page 20. Camps are reimbursed only for meals served to children who meet the income eligibility criteria. Because the sponsor, not the camp, files the claim, it may be filed monthly. The sponsor must provide the State agency with the number of children enrolled in each session at each camp that have been determined eligible for reimbursable meals at the time the sponsor’s claim is submitted or at an earlier time specified by the State agency.

SSE 78 Q. May a school be determined 50 percent eligible by using only the days in the month when the eligibility exceeds 50 percent and averaging those days or must the whole month’s percentage be used?

A. The entire month must be used when averaging the days to determine if the month is 50 percent or more eligible.

SSE 79 Q. There are two school buildings in a school district. One is located in an area that is under 50 percent eligible and one is located in an area that is over 50 percent eligible based on census block data. May the building that is located in the area that is under 50 percent eligible be designated an open site?

A. No. The open site should be in the building that is in an area that is over 50 percent eligible. That site could then serve children that are located and coming from the under 50 percent area.
Q. Are there instances where we may be more liberal in determining site eligibility, and may we determine site eligibility as it is determined in the Afterschool Care Program, which is a part of the National School Lunch Program?

A. When determining site eligibility, one must remember the intent of the Program; that is, to provide meals to needy children in low income areas. Placing sites where pockets of poverty do not exist does not meet the intent of the Program. Sites should be located in directly eligible areas rather than in an area that is based on a different area’s annual data. It is best when sites are placed in low income areas so children can obtain a meal by walking a few blocks to a site.

The purpose of the Afterschool Care Program is to remove children, rich and poor alike, from the streets during after school hours. The purpose of the SFSP is to feed needy children in low income areas.

Q. What level of automation may be required by State agencies (SAs) for institutions participating in Child Nutrition Programs (CNPs)?

A. Most SAs have some degree of automation in the agreement, application, and claim process; therefore, it would be appropriate to establish an internet based system of records, including but not limited to, applications, submissions and claim processing. However, any such system must include a means to fully access Program benefits without internet access or an otherwise eligible institution would be denied access to the Program. The various CNP regulations authorize SAs to make additional requirements but include the stipulations that any additional requirements shall be approved by FNSRO and may not deny the Program to an eligible institution. The SA may not be able to guarantee the same level of service, in terms of processing time, to applicants and/or participants that are unwilling or unable to utilize their internet based processes. It is possible that electronically filed claims could be paid within a matter of days, while a paper claim takes longer. However, the SA must meet the regulatory requirement that all claims be paid within 45 days and agreements processed within 30 days, etc.
Q. May a State agency request a waiver for a regulatory requirement?
A. Yes. The application to waive a regulatory requirement is a formal process. The application should be prepared by the State Director, in consultation with the Regional Office, and forwarded to the Regional Director of SNP. The application must include all items as listed in SFSP-302, Application Procedures, Part A-F. Once received, the waiver application is evaluated and forwarded to our National Office with either a recommendation for denial or approval.

Q. What is the process for asking forgiveness of a debt that the State agency is unable to collect from a sponsor?
A. When a State agency is unable to collect a debt, it may use FNS Instruction 420-1, Revision 1, to request forgiveness from FNS. Part Two is particularly helpful in ensuring all necessary items are included in the letter from the State agency to the Special Nutrition Programs Regional Director.