USDA United States Department of Agriculture
Food and Nutrition Service
Mountain Plains Region
1244 Speer Boulevard, Suite 903
Denver, Colorado 80204-3585

FEB 11 2003

Reply to
Attn of: SFSP-468
SP 03-07

Subject: Seamless Summer Feeding Waiver Prototype for Fiscal Year (FY) 2003

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

Through Policy Memorandum SFSP-462, we delegated to State Agencies the authority to approve seamless waiver operations requested by School Food Authorities (SFAs). This delegation of authority extends only to operations that replicate the FNS-designed seamless waiver that began with a few SFAs in California and Florida in Fiscal Year (FY) 2001 and was offered nationwide in FY 2002. The description of this waiver and the requirements for requesting permission to operate the waiver for FY 2003 are outlined in the attached prototype.

The attached document is very similar to the prototype that was forwarded to you in Policy Memorandum SFSP-436. Some changes, however, have been made to reflect the delegation of approval authority to States and to clarify certain aspects of the waiver. All changes from last year's prototype are highlighted for ease of reference.

The prototype serves two purposes. First, and most importantly, it describes how the seamless waiver should operate. Second, it provides a format for SFAs to request approval to operate the waiver. Although State Agencies may design any format for seamless waiver requests, they must ensure that SFAs include information outlined in the attached prototype. States may, of course, require SFAs to submit additional information.

Please provide this document (or your version of this document) to all SFAs that have not already been approved to operate the waiver and are interested in doing so this year. Waiver requests that have already been approved through FY 2003 do not need to be revised to reflect the new prototype.

If you have any questions, please contact my staff at 303-844-0359.

Eve Ashmore

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment

Prototype:
Seamless Summer Feeding Waiver Request
FY 2003

Part A: Identify School Food Authority (SFA); describe waiver request and special provisions

1. Information about the SFA requesting the waiver

Name, address, and phone number of responsible SFA official requesting the waiver.

List all child nutrition programs operated by the SFA **(optional)**

Indicate why the SFA wants to operate the Seamless Summer Feeding Waiver (optional)

2. Describe the waiver request

_____(The SFA) seeks approval under the waiver provisions found in section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 12(l)) to operate a Seamless Summer Feeding Waiver in specific locations within its jurisdiction, referred to as *waiver sites.*

The waiver combines features of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Summer Food Service Program (SFSP). The purpose of this waiver is to feed children in low-income areas during the summer months (or during extended breaks of a year-round school schedule). This waiver reduces paperwork and administrative burden that is normally associated with operating all three programs. To accomplish this, _____ (the SFA) requests a waiver of significant portions of the SFSP Federal regulations at 7 CFR Part 225. Specific provisions to be waived are identified in Part B. In lieu of SFSP regulations that are waived, _____ (the SFA) will follow corresponding requirements, where applicable, in the NSLP and SBP regulations at 7 CFR Parts 210 and 220, respectively.

<u>Location and description of waiver sites</u>

Waiver sites will include:

1.
2.
3.
etc.

(List all sites, where seamless waiver meals will be served. At a minimum, include the following information for each waiver site:

- Name and address of site
- **Indicate if the site operates on a year-round school calendar**
- Percent of Free/Reduced price eligibility for school meals

- Type of site (i.e., open, restricted open, closed enrolled, migrant, or camp
- Organization to operate the site under the SFA sponsorship
- How meals will be advertised to the community (n/a for enrolled sites or camps)
- Additional information for closed enrolled sites and camps (see item 3b)
- **Other information as required by the State agency***

*** For example, the State agency may require information about the planned meal service including -- estimated number of meals to be served, beginning and ending dates of meal service, days during week that meals will be served, and types of meals to be served.)**

3. Special Provisions of the Seamless Summer Feeding Waiver

_____ (The SFA) agrees to adhere to the special provisions of the Seamless Summer Feeding Waiver, which are described in the following paragraphs numbered 3(a) – 3(i).

3(a) General Program Administration and Sponsor Responsibilities
As required in §225.14(c)(1) of the SFSP regulations, the SFA demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites.

3(b) Site Eligibility
Generally, the SFA will follow SFSP policy (established in the body of regulations, instructions, handbooks, and other written guidance) to choose waiver sites.

To the greatest extent possible, waiver sites will be located in eligible areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals. These sites will be open to the community **located in the eligible area**, except that in some cases, participation may later be limited for reasons of safety, security, or control.

Closed enrolled sites or camps may operate under the waiver, under the following conditions:

For each closed enrolled site, in addition to providing the name and address, the SFA must explain:
- Whether the sites are located in eligible areas,
- How it determined that at least 50 percent of the enrolled group of children in a non-eligible area qualify for free/reduced price school meals, and
- Why it is sponsoring closed sites.

For each camp to be operated under the seamless waiver, in addition to providing the name and address, the SFA must provide the following information:

- Whether the camp is residential or non-residential
- Whether it is located in an eligible area
- Why it is sponsoring the camp and
- Provide a statement certifying that only the meals served to children determined to be eligible for free/reduced price meals will be claimed for reimbursement.

Consistent with SFSP policy, schools that operate academic summer school sessions at waiver sites must be open for meals to all children in the **area eligible** community. Otherwise, schools will not be eligible to participate in the Seamless Summer Feeding Waiver, and meals at such schools will be reimbursed based on the individual student eligibility for free, reduced price, or paid rates.

Consistent with SFSP policy, year-round schools may operate waiver sites for off-track students, provided that the sites are open to all children in the **area eligible** community. Meals for on-track students will be reimbursed based on the individual student eligibility for free, reduced price, or paid rates.

The SFA will not claim any meals under the seamless waiver at any site without receiving prior approval from the State agency.

3(c) Participant Eligibility

All persons meeting the definition of *Children* in the SFSP Federal regulations at §225.2 are eligible to participate. This includes all persons in the community who are 18 years of age and under and (as defined at §225.2) those persons over age 18 who meet the State agency definition of mentally or physically disabled persons.

3(d) Meal Service

The SFA will follow NSLP meal service requirements for lunch or snacks (§210.10) and SBP meal service requirements (§220.8) for breakfast. **With State agency approval, the SFA may serve a supper meal, using applicable NSLP meal service requirements for lunches.**

Consistent with NSLP and SBP regulations and instructions, the following provisions will apply to meal service at waiver sites:

- Second meals are not reimbursable and may not be claimed
- Production and menu records will be maintained that show compliance with meal requirements
- The designated lunch period will be between the hours of 10 a.m. and 2 p.m., unless otherwise exempted by FNS **(such as supper service that would not occur during these hours)**
- The SFA may allow offer versus serve meals at waiver sites

- Off-site consumption of meals will not be allowed, except as part of a scheduled event such as a planned field trip.

3(e) Number and Types of Reimbursable Meals
The number and types of meals will comply with the SFSP requirements at §225.16(b), as described below:

- All sites except camps or migrant sites: With State agency approval, the SFA may serve up to two meals at all sites, except for camps or migrant sites. Meal service may include breakfast, lunch, snack, or supper. The SFA may not claim both lunch and supper meals at the same site on the same day.

- Camps and migrant sites: With State agency approval, the SFA may serve up to three meals or two meals and a snack per day.

3(f) No charge for meals served to eligible participants.
Meals at all approved waiver sites, except camps, will be served free to all children in accordance with §225.6(e)(4) of the SFSP regulations. However, sponsors of camps may charge for the meals served to children who are ineligible to receive free or reduced price school meals; sponsors may claim reimbursement at the free rate only for children who are eligible for free or reduced price rates for school meals.

3(g) Claims and Reimbursements
The SFA may claim meals at the "free" rates prescribed by USDA for the NSLP (including snacks) and the SBP. **Supper meals, if permitted by the State agency, may be claimed at the free rate for NSLP lunches.** All lunches and suppers served under this waiver will receive the standard commodity support rate available for the NSLP. **Waiver sites that qualify for the severe need breakfast rate will continue to receive this differential.**

On the monthly claim filed with the State agency, the SFA must identify meals served at waiver sites separately from other NSLP or SBP meals served at other sites.

3(h) Monitoring
The SFA will review the meal counting, claiming, and meal pattern compliance within the three (3) weeks of starting operations **for all sites that are newly approved in FY 2003 to operate the Seamless Summer Feeding Waiver or that are operated by non-SFA personnel. At the State agency's option, waiver sites that were reviewed in FY 2001 and 2002, where no significant operational deficiencies were detected, do not have to be reviewed by the SFA for FY 2003.**

Edit checks, as outlined in §210.8 will not be required for food service operations conducted under the waiver.

3(i) Additional Reporting/Reviews/Evaluation

The State agency will include waiver sites operated under this waiver in the management review requirements described at 210.18 of the NSLP regulations. If a CRE is conducted of the SFA, at least one waiver site will be visited while it is in operation.

FNS reserves the right to conduct an evaluation of these waiver sites. The evaluation may include periodic special reviews. The SFA agrees to cooperate as necessary, including making all applicable records and operations available for review.

FNS may request additional information for evaluation purposes. In the event that additional information on waiver site operations is required, FNS will allow sufficient time for the State agency and the SFA to comply with the request.

Part B: Specific Regulatory Requirements to be Waived

1. Exempted SFSP Regulations

To operate the Seamless Summer Feeding Waiver, the SFA requests a waiver from the following regulatory provisions in 7 CFR Part 225:

7 CFR 225.6, State agency responsibilities, paragraphs (b), (c), (e), (f), (h)
Except paragraphs (e)(4) and (e)(7);
7 CFR 225.7, Program monitoring and assistance, entire section;
7 CFR 225.8, Records and reports, entire section;
7 CFR 225.9, Program assistance to sponsors, entire section;
7 CFR 225.10, Audits and management evaluations, entire section;
7 CFR 225.11, Corrective action procedures, entire section;
7 CFR 225.12, Claims against sponsors, entire section;
7 CFR 225.13, Appeal procedure, entire section;
7 CFR 225.14, Requirements for sponsor participation, entire section
Except paragraphs (c)(1), (c)(2), (c)(3), and (d)(2);
7 CFR 225.15, Management responsibilities of sponsor, entire section
7 CFR 225.16, Meal service requirement, entire section
Except paragraph (b);
7 CFR 225.17, Procurement standards, entire section;
7 CFR 225.18, Miscellaneous administrative provision, entire section.

2. Non-exempted SFSP provisions

The SFSP Federal regulatory provisions, as identified in item 1 above, which remain in force include:

§225.6(e)(4) Section 225.6 covers State agency responsibilities. Paragraph (e) covers the State-Sponsor Agreement. Paragraph (e)(4) requires that the sponsor agree to serve meals at no cost.

§225.6(e)(7) Paragraph (e)(7) requires the sponsor to agree to claim reimbursement only for the types of meals agreed upon with the State agency and served without charge to children at approved sites during the approved meal service period. This paragraph also prohibits permanent changes to the serving time of any meal unless approved by the State agency.

§225.14(c)(1) Paragraph (c)(1) requires that sponsors demonstrate financial and administrative capability to operate the program and requires sponsors to accept final financial and administrative responsibility for the total program operations at all sites.

§225.14(c)(2) Paragraph (c)(2) requires that sponsors must not have been declared seriously deficient in operating the program.

§225.14(c)(3) Paragraph (c)(3) requires that sponsors will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (except for camps).

§225.14(d)(2) Paragraph (d)(2) requires that meals served in schools must be open to children in the community as well as children enrolled in summer school.

§225.16(b) Section 225.16 covers the meal service requirements, and establishes limits on the number of meals that may be served.

3. NSLP and SBP Regulations

Although the Federal regulations governing the NSLP and the SBP are not exempted under this waiver, some provisions may be difficult to follow for waiver sites. Therefore, FNS will provide technical assistance as necessary to the State agency and the SFA in adapting requirements.