

**Summer Food Service Program
Consolidated Questions and Answers
January 2005**

Page	Categories	Acronym
2	Adults	ADT
3	Advance/Start Up	ADV
3	Agreements	AGR
4	Audits	AUD
5	Appeal Procedures	APL
6	Applications for Sponsor/Site	APP
9	Camps	CMP
10	Civil Rights	CR
13	Commodities	COM
14	Corrective Action	CA
14	Costs	CST
21	Crediting Foods	CRD
23	Federal Grants	GNT
23	Financial Management	FM
25	Income Eligibility	IE
26	Meal Service Requirements	MS
33	Media	MED
34	Monitoring Requirements	MON
37	Private Non-Profit Sponsors	PNP
38	Procurement	PRO
42	Program Income	PI
43	Records	REC
43	Reimbursement	RMB
47	Seamless Summer Option	SS
49	Sponsor or Site Eligibility	SSE
62	Sponsor Responsibilities	SR
64	State Agency Requirements	SAR
65	Unitized Meals	UM

The January 2005 Questions and Answers (Q & A) are included in this document of consolidated Q & As and are indicated by a “(1-2005)” at the end of the answer. Previously issued Q & As are indicated by a parenthesis following each answer that indicating the original policy memorandum number, i.e., “(504)”, which denotes that the Q & A was first provided in SFSP-504.

**Summer Food Service Program (SFSP)
Consolidated Questions and Answers
January 2005**

ADULTS

ADT 1 Q: A camp runs different sessions that have handicapped up to age 50. Must those over 18 years meet the definition for children in Section 225.2 regarding participation in a public or nonprofit private school program established for physically or mentally handicapped?

A: Yes they would. The sponsor would only claim meals for attendees over 18 years that meet that definition, and for individuals age 18 and under. (131)

ADT 2 Q: What is the definition of a 'program adult'?

A: A 'program adult' is one who performs necessary food service labor. The FNS Financial Management Instruction 796-4, Revision 4, states that program labor involves the following tasks (239):

- a. Preparation, delivery, and service of program meals and cleanup;
- b. Supervision of children during the meal service; and
- c. Onsite preparation of records required for the program.

ADT 3 Q: Can an adult who reads to the participants prior to the meal be counted as a program adult?

A: No. Program adults are those involved in the purchasing, preparation, serving, clean-up, supervision, etc. of the food service. Reading to participants cannot be considered as necessary to the meal service. (382)

ADT 4 Q: A 'diabetic camp' brought in additional personnel to assist with the participants. Would these be considered Program adults for the purpose of determining costs?

- A: Only if they were involved directly with the food service would they be considered SFSP adults. (319)
- ADT 5 Q: Is the person who evaluates the Income Eligibility Forms (IEF) considered a Program adult?
- A: No. SFSP-330 defines a Program adult as someone who is performing meal service duties on-site during the meal service. Reference also FNS 796-4, Rev. 4 for specific types of duties. (338)
- ADT 6 Q: A camp has two adults for every table of six children. It serves family style meals and the adults sit at the table throughout the meal service. Can they be counted as Program adults?
- A: Yes, this acceptable. (171)

ADVANCE/START-UP

- ADV 1 Q: The SFSP Sponsors Fiscal Guide states a sponsor may receive an operating advance payment which would be the greater of three items, one being "50 percent of the estimated amount needed for this summer by those sponsors who contract with Food Service Management Companies (FSMCs)". Is this correct?
- A: No; it should read "50 percent of the estimated amount needed for this month by those sponsors who contract with FSMCs". 225.9(c)(1)(B) (296)
- ADV 2 Q: Can an advance be withheld from a sponsor if the application is pending additional materials?
- A: Yes. Advances are issued only to approved sponsors. (348)

AGREEMENTS

- AGR 1 Q: Can a residential care facility approved for the National School Lunch Program (NSLP), but has not submitted a claim, be on the SFSP?
- A: No. The facility should remain on the NSLP year round. When the same groups of children are in attendance, facilities cannot switch back and forth between Programs. (65)
- AGR 2 Q: Can a school district operating a summer school program participate in the SFSP?

A: Although this question has already been addressed, we continue to receive numerous questions on this subject. Therefore, we want to reiterate the policy that if the school district opens up the site to all children in the area or who normally attend the school, and not just to summer school students or other closed programs on site, it is eligible to participate in the SFSP. If the school district wants to only claim summer school students, it should remain on the NSLP during the summer.

If the school cannot meet eligibility based on 50 percent free/reduced price (F/RP) for the area, it can take applications to become a closed enrolled site. However, the school cannot take applications from only summer school students. An F/RP application would be requested from children wanting to attend if one was not completed during the school year. Once the 50 percent F/RP requirement is met, all children in attendance or enrolled can eat and all meals can be claimed. (100)

AGR 3 Q: Can the school district open up the lunch meal service to the area, but serve snacks only to an enrolled group?

A: No. The above principles apply for all SFSP meals to be claimed. (100)

AGR 4 Q: When a school sponsor with multiple-sites has one site approved for school lunch, can they be approved to operate SFSP at all other sites but continue NSLP at this site?

A: Yes. (100)

AUDITS

AUD 1 Q: When are audits due into the Clearing House?

A: Audits are due nine months after the audit period. For example - if the audited period ended December 30, 1999, the report is due by September 30, 2000. (416)

AUD 2 Q: Is a subgrantee required to submit an audit to the State Agency (SA) if there were no findings?

A: No. Submission is required only if 1) the audit generated findings, and questioned costs relating to awards received from the SA and/or, 2) its Summary of Prior Audit Findings shows deficiencies from prior audits relating to awards from the SA for which corrective action is incomplete. If the subgrantee is not required to submit the entire report based on 1 or 2 above, it must notify the SA in writing that the audit was made in accordance with 7 CFR Part 3052; there were no findings

or questioned costs relating to awards received from the SA; and there were no unresolved prior year audit findings relating to such awards. (416)

APPEAL PROCEDURES

APL 1 Q: For SFSP Federal Reviews, when the SA goes back to the sponsor to disallow meals and reclaim money, must the SA give the sponsor appeal rights?

A: Yes. (118)

APL 2 Q: If a sponsor did not earn its advance and the SA requires that the unearned funds be returned, must appeal rights be provided?

A: Yes, as explained in Section 225.13(a) appeal rights must be provided for a claim against a sponsor for remittance of a payment. (439)

APL 3 Q: An applicant sponsor has submitted an agreement/application to participate in the SFSP. However, this applicant has been determined seriously deficient in the Child and Adult Care Food Program. If the applicant appeals the decision to deny the agreement/application, what happens to the agreement/application during appeal?

A: Participation in the SFSP is not a “right”, but is available to applicants that have demonstrated the ability to properly operate the Program. Therefore, the State Agency (SA) is under no obligation to allow the sponsor to participate pending the appeal process.

However, if the hearing official overturns the denial, the SA must approve the applicant sponsor. (504)

APL 4 Q: An applicant sponsor submitted a site sheet, but never submitted the sponsor agreement or application. Technical assistance was provided timely, but the sponsor still never submitted the application. Is this applicant eligible to appeal the denial of the site sheet?

A: This applicant did not submit an application or agreement, so it was not eligible to appeal as an institution for its site. (504)

APPLICATIONS FOR SPONSOR/SITE

APP 1 Q: If a *day* camp has less than 50 percent of the children eligible for free meals, they can participate in the SFSP and claim only for those children. However, if they have over 50 percent, could they be an enrollment site

and claim all the children but be limited to two meals, same as a regular site?

A: Yes. (65)

APP 2 Q: Is a Child and Adult Care Food Program (CACFP) center or residential child care institution eligible to participate in the SFSP?

A: If SFSP participants are the same children as CACFP and the activities are the same, they should not switch between CACFP or NSLP/School Breakfast Program and SFSP. For each such inquiry the SA is required to evaluate, on a case by case basis, if a substantial number of additional children will participate and how much programs/ activities change. FNS Instruction 782-4, Revision 2 addresses this issue. (100)

APP 3 Q: A residential child care institution (RCCI) that participates in the NSLP wants to apply for the SFSP in order to receive reimbursement for supper and snacks. Can this be done?

A: No. The RCCI is not expanding its program to additional children and not changing activities. (268)

APP 4 Q: A sponsor is interested in serving only lunch most days, and breakfast on days they plan field trips. Is this permissible?

A: Yes, if they request it on their site sheet and the SA gives prior approval. The sponsor needs to give the SA sufficient information during the application process on schedules, locations, etc., for determining when the program can be monitored. (100)

APP 5 Q: Does the SA need corporation papers, Bylaws, etc., to determine a sponsor/applicant's nonprofit status?

A: No. The SA only needs to obtain proof of IRS tax exempt status to determine its nonprofit status. (100)

APP 6 Q: If an entity wants to sponsor a site outside of its State borders, with which SA should they apply for participation?

A: The application is made with the SA where the site is located. The sponsor would need to make all records available for the SA monitoring process. (107)

- APP 7 Q: Should the SA monitor Federal Funds received by a sponsor, even if not reported as income?
- A: NYSP sponsors are exempt from reporting their Federal Funds for food service as income, but other sponsors receiving Federal Funds earmarked for food service must report them as income on the Claim for Reimbursement. It is suggested that when reviewing the sponsor, SA consultants should evaluate the receipt and use of Federal Funds received, as well as other sources of income to the Program. (137)
- APP 8 Q: Does income from other Federal sources have to be reported as income to the Program?
- National Youth Sports Program (NYSP) funds are exempt from being reported as income to the SFSP; however, all other Federal funding that is earmarked for food service would have to be reported as income. (100)
- APP 9 Q: If an area is 49.7 percent can this be rounded up to 50 percent?
- A: No. (288)
- APP 10 Q: A school site is planned which will cover an area covered by two census tract areas. One meets the 50 percent criteria; however, the second is less than 50 percent, and the average of the two is less than 50 percent. Can the site be approved only on the higher criteria?
- A: No. Eligibility is based on the area from which the site draws its attendance. If school or census data does not establish site eligibility, the school may need to be encouraged to become an enrollment site. (288)
- APP 11 Q: If an application is received before the June 15th Regulation cut-off date, does the application need to be approved before June 15th?
- A: No. It only needs to be received before that date. The application needs to be date stamped as received by the cut-off date. The SA should maintain documentation that it is working within the 15-day time frame. (309)
- APP 12 Q: If a sponsor begins SFSP participation on or after July 1, does it use the income guidelines published for the previous year ending June 30, or the new guidelines that become effective on July 1?

- A: Since the Regulatory deadline for submission for the SFSP agreement is June 15, or an earlier date established by the SA, the income guidelines effective when the agreement is submitted are to be used. (504)
- APP 13 Q: Can a sponsor combine school and migrant data at a school site which is less than 50% income eligible to make the site eligible?
- A: No. (319)
- APP 14 Q: A middle school has over 50 percent income eligible, and two elementary schools feed into it, however one of these is less than 50 percent. Could the feeding site be located at this school?
- A: No. The feeding site should be located at the middle school. (319)
- APP 15 Q: An elementary school and middle school are eligible to operate as an open site. The middle school has construction being done, and the elementary school has no preparation facilities. However, a high school is located within three blocks of both of these schools. Can the meals be prepared and served at the high school?
- A: Yes. The location of the high school can be treated as a generic open site, and School Food Authority (SFA) data gathered from whichever schools represent the drawing area. (338)
- APP 16 Q: Census data will be used to establish a site's eligibility. Does the census data have to be evaluated or can the percentage be used?
- A: The percentage may be used, assuming the site covers only one Block Numbering Areas (BNA). If two or more BNAs cover the site's boundaries, then raw data must averaged. (338)
- APP 17 Q: Two schools in close proximity of each other plan to operate SFSP sites. One will be a closed enrolled site. Can both schools participate?
- A: Yes. Both can participate, even if the boundaries overlap, since they will not be serving the same children. (338)
- APP 18 Q: A private non-profit sponsor plans to operate an enrolled site in the same vicinity of the above schools. Can it operate a program?
- A: Yes. The enrolled program does not interfere with the boundaries of an open program and vice versa. (338)

APP 19 Q: How is an Upward Bound Program classified?
A: If participants stay overnight it is a residential camp. If not a residential situation, it may choose to be classified as either a day camp (and may serve 3 meals to income eligible participants only), or as a closed enrolled program (and claim 2 meals for all participants). (344)

APP 20 Q: A Boys and Girls Club wants to serve snacks under the SFSP after school begins in the fall. Is this allowable?
A: No. Part 225.1 states: "The primary purpose of the Program is to provide food service to children from needy areas during periods when schools are closed for vacation." The sponsor could apply for the Child and Adult Care Food Program. (344)

CAMPS

CMP 1 Q: Is there anything against a camp on the Special Milk Program (SMP) switching to the SFSP?

A: No. It is allowable for a sponsor to switch to SFSP from SMP. Dual participation is not allowable nor can sponsors switch back and forth between the CACFP and the SFSP unless there are significant increases in enrollment or substantially changed enrollment as explained in FNS Instruction 782-4, Rev. 2. (131)

CMP 2 Q: A camp sponsor has children in attendance four days but the adult staff is on site for five days. Can meals be claimed for five days?

A: No. (171)

CMP 3 Q: Can a camp claim all children's meals?

A: No. Camp sponsors can only claim meals (up to three per day) for those children who are income eligible. All children's meals are reported for commodity distribution. However, if a day camp has over 50 percent that are income eligible, it may be classified as an enrolled site. In that case only two meals per day for all children (any combination except for a lunch and supper) may be claimed rather than three per day for a camp. (234)

CMP 4 Q: Can a day camp be classified as an enrolled site and claim two meals per child per day if over 50 percent of the day campers are income eligible?

A: Yes. Only day camps (not residential camps) may operate as closed enrolled sites. (461)

CMP 5 Q: Is it allowable for a camp to charge separately for meals?

A: Yes, it is allowable for camps to charge separately for meals as explained in Section 225 .6 (c)(4)(ii). (461)

CMP 6 Q: Several schools want to sponsor the SFSP. However, none can meet the 50 percent requirement by means of school data, census data, or by taking IEFs. Each school does have daily activities. Can they participate as day camps?

A: Yes. As long as the school meets the criteria for camps of a continuous schedule of organized cultural or recreational programs for enrolled children between meals. Only those meals served to children who have an approved IEF on file for free meals may be claimed for reimbursement. (416)

CMP 7 Q: Can a residential camp be classified as an enrolled site when over 50 percent of its campers are income eligible?

A: No. The National School Lunch Act at Section 13(a)(1)(B), explains that a residential camp may only be classified as a residential camp and only income eligible camper's meals may be claimed for reimbursement. In 1980-81 that there was concern that legislation would cause residential camps to be dropped as an eligible sponsor type. Lobbying on behalf of residential camps led to a compromise which only permitted eligible camper's meals to be claimed for reimbursement. (461)

CIVIL RIGHTS

CR 1 Q: If a camp or enrollment sponsor has a question on their application to identify the racial or ethnic background of the children, do they have to repeat it on the income eligibility form?

A: No. As long as those applications are available on site to retrieve the required data, that procedure is permissible. (100)

CR 2 Q: For camps, is the racial/ethnic data supposed to be collected on all children or just the ones participating in the Program (free and reduced price eligible)?

A: Section VII C of FNS Instruction 113-8 states that racial/ethnic data must be collected on the beneficiaries. In Section IV C of the

Instruction, beneficiaries are defined as "those children to whom meals are served under the SFSP." Therefore, the data must be collected on the children participating in the SFSP. (107)

- CR 3 Q: An SFSP sponsor is considering closing a site because of a crime related incident. If a police report is written on the child, can the child be forbidden "entry" in the future and would there be a civil rights problem with forbidding an individual on the premises of an open site?
- A: Yes, the child can be forbidden on the premises, and no, this would not be a civil rights violation. We suggest, however, that the sponsor issue an announcement covering all sites. It should inform participants that if they cause problems that jeopardize the safety of others, they will be denied access to the premises. (175)
- CR 4 Q: A sponsor wants to serve hot meals to migrant children and cold meals to non-migrant children at the same site, either at the same time or separate times. Can this be done?
- A: No. Part 225.6(c)(4)(i) states that the sponsor must ensure that all children are served the same meals at no separate charge and that there is no discrimination in the course of the meal service. Serving hot meals to one group of children, and cold meals to another group would be considered as discriminating between the two groups of children. Such service could not be done at the same site even at different times. However, the sponsor could serve one group at another site physically separate from the other. Another possibility would be to serve both hot and cold meals at the same site allowing the children to choose which meal they wanted. The children must be given the freedom of choice in this instance. (202)
- CR 5 Q: During a site review at a Boys and Girls Club, it was noted that the children stand in lines together to receive their meals. However, the boys and girls then eat in separate rooms. Is this a civil rights violation?
- A: No. The Regulations exempts from coverage certain organizations which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1964, which include YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls. Also exempt from coverage are voluntary youth service organizations of which the membership has traditionally been limited to one sex and principally to persons less than nineteen years of age. Boys and Girls Clubs are considered voluntary youth service organizations and are therefore exempt from Title IX coverage of Title VI of the Civil Rights act of 1964. (268)

- CR 6 Q: Regarding racial/ethnic information gathering required as part of Civil Rights compliance, can the SA accept information in the form of a percentage for "potential beneficiaries"? FCS Instruction 113-8 states that the "number" must be obtained.
- A: Yes. The SA can accept the potential beneficiaries in the form of a percentage. Some sources may only give this information as a percentage. However, the second part of the information gathering asks for "actual number of participants". This must be raw numbers, rather than a percentage. This is based on an actual head count of participants. (309)
- CR 7 Q: A religious organization which is an SFSP feeding site wants to require attendance at a religious meeting prior to or following the meal, and/or say grace prior to lunch. Is this permissible?
- A: The service of a Federally funded meal cannot be withheld because of non-attendance at a meeting. However, it would be permissible to have a prayer prior to the meal but no person may be required to participate in that prayer. (309)
- CR 8 Q: Is it necessary for residential camp sponsors to gather racial/ethnic data for their campers in addition to the racial/ethnic data collected on the enrollment application?
- A: No, the racial/ethnic data gathered on the application is sufficient for a camp sponsor. (432)
- CR 9 Q: A sponsor has a site that is a shelter workshop for disabled children that is also an open site for community children. They currently have shift feeding; area children eat first outside and an hour later, the disabled children eat inside. The main reason they are separated is to spare the disabled children from cruel comments or possible abuse/molestation from the area children. Another reason is they do not believe they would be able to transport the disabled children outside to feed them. Is this allowable?
- A: No, it is not. If there is a capacity problem, they may feed in shifts, but they cannot separate the children according to ability or disability. They must serve everyone at the same location – inside or outside. In addition, the sponsor may need to have more site personnel approved and available during meal services to prevent negative behavior and protect the disabled children from abuse. (182)

- 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.

COMMODITIES

- COM 1 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. (159)
- COM 2 Q: Can a private nonprofit sponsor which contracts with a school district for meals receive commodities?
- A: Yes. (239)
- COM 3 Q: Are second meals eligible for commodities and, if so are they reported on Line 24 on the FNS-418?
- A: Yes, all meals served that are eligible for commodities are to be reported on line 24 of the FNS-418. Commodities are not required to be used in preparation of those meals reported on Line 24. Meals eligible for commodities are those served by self-preparation sponsors, meals vended from schools, schools that competitively bid for meals from a food service management company in the National School Lunch Program during the last period in which the school was in session and all meals

served to all children in residential camps as explained in Section 225.9(b).

Second meals containing all components should be reported on Line 24 of the FSN-418 for sponsors eligible to receive commodities. (504)

CORRECTIVE ACTION PLAN

CA 1 Q: Our office notified a sponsor to correct SFSP materials and to only request one social security number (SSN). Its F/RP application and parent letter were submitted for review. The parent letter was corrected; however, the F/RP application still requests the SSN of all household members. Do we need to make the sponsor change the F/RP application also?

A: Yes. (171)

CA 2 Q: A sponsor decided to shut down SFSP operations because of low participation; however, a review had been conducted prior to closure which revealed problems that required corrective action and resulted in disallowed meals. Must the SA pursue corrective action?

A: Since the site has already closed, it would not be necessary for the SA to continue to pursue corrective action; however, if the sponsor decided to submit a Claim for Reimbursement for the meals served prior to closure, the disallowed meals must be deducted. If the sponsor applies for participation in the future, before the SA can grant approval, the SA must ensure that necessary actions have been taken to correct all problems found the prior year. (175)

COSTS

CST 1 Q: Can rental of portable toilets be considered an allowable operating cost in the SFSP?

A: No, only the cost of the food service is an allowable cost; i.e., purchasing, storage, preparation, service, and cleaning. (65)

CST 2 Q: Is rental of a dining facility an allowable operational cost?

A: Yes, if the site is self-preparation and dining will be in the facility. Per Instruction 796-4 Rev. 4, page 11, rental of space for dining only, which is not part of a school food service facility or a larger facility used for the preparation of food, is an unapproved cost. (65)

- CST 3 Q: Are kitchen scales an allowable cost for the SFSP if they will also be used for the NSLP?
- A: Yes, if the cost does not exceed the limit for non-expendable equipment. However, the cost needs to be prorated between the SFSP and NSLP. (65)
- CST 4 Q: Is a water heater an allowable cost?
- A: No, SFSP funds cannot be used to purchase any nonexpendable equipment. (65)
- CST 5 Q: Can the sponsor charge all or a portion of its costs to rent the campground to its SFSP operating budget?
- A: If it is a self preparation sponsor, it can charge only the portion of the costs relevant to the period during the meal service. (171)
- CST 6 Q: Can an exception ever be made to allow a sponsor to purchase nonexpendable equipment such as a vehicle?
- A: No, SFSP funds cannot be used to purchase any nonexpendable equipment. Our definition in accordance with SFSP-460 of nonexpendable equipment includes a useful life of at least 1-year. (65)
- CST 7 Q: Is equipment such as warmers for transporting and holding meals an allowable SFSP operating cost?
- A: Nonexpendable equipment is not allowable; expendable equipment may be approved if operating reimbursement is expected to be sufficient to cover these costs. (65)
- CST 8 Q: How is the purchase of nonexpendable equipment reflected as costs in the SFSP?
- A: Nonexpendable equipment cannot be purchased in SFSP. However, depreciation for equipment is allowable with certain limitations. Depreciation may be used by the sponsor for the SFSP portion of the year for a total of up to 12 months. (100)
- CST 9 Q: If a SFSP sponsor had a beginning inventory, would that be included in their operating cost?
- A: Beginning inventory, plus purchases, minus ending inventory would equal food cost for operating cost. The SFSP Nutrition Guidance for Sponsors Handbook has a template “Food Inventory Record” form and instructions that may be used. (65)

- CST 10 Q: Can Program adult meals be claimed?
- A: The cost of food and labor for preparing the meals are costs that may be reported on the claim for reimbursement. However, meals served to kitchen staff cannot be counted as part of the number by type, that are reported for reimbursement. (65)
- CST 11 Q: Can the costs for replacing stolen food be claimed?
- A: Yes. The SA is advised to work with sponsors in implementing procedures to minimize the potential for theft of SFSP foods and other goods. (100)
- CST 12 Q: If a sponsor is using monitors that are paid by Job Training/Partnership (or other Federal grants) can they also list the monitors' salaries as administrative costs for SFSP?
- A: No, not if it is for the same block of time; however, as an example, if they work 4 hours a day and are paid 2 hours by the other program, the sponsor can charge the remaining 2 hours to SFSP. (100)
- CST 13 Q: If the Upward Bound pays the salary of the Director, or other staff of SFSP, how should it be shown on the budget; as volunteer with Upward Bound as the source of funds? Can the SFSP pay salary to those employees?
- A: The budget should reflect volunteer labor in order to give a total picture of funding needs as well as employee and funds resources available to operate a SFSP site(s). If the individuals work more hours on SFSP than they are paid by Upward Bound then those balance of hours can be claimed in the SFSP. They must keep records of amount of time worked on SFSP versus the time worked in other areas. (100)
- CST 14 Q: When it is so late in the year and the sponsor finds it difficult to obtain invoices, can the sponsor carry the cost over to the next year?
- A: No, all SFSP claims are paid on a year to date basis within a fiscal year. They need to submit a claim for actual costs incurred or paid within 60 days of the end of operation. When the remainder of invoices or a final total of costs are received, they can submit an adjusted claim and the SA can include the change in the SA funds report if within 90 days of the end of the claim period. (100)

CST 15 Q: Can an SFSP sponsor claim the cost of transporting children to its site?

FNS Instruction 796-4 Rev. 4, XA6 allows rural sponsors to claim the cost of transporting children to a central feeding location within rural areas as an operating cost. This provision does not apply to urban sponsors. However, if a sponsor and site(s) are located in a rural pocket within an MSA, it would also be eligible to claim applicable transportation costs. (107)

CST 16 Q: Can a camp program charge the transportation costs to bus children to and from camp to the SFSP?

A: No, this is not an allowable cost because it is transporting for the whole day's activities, not just the meal service. (171)

CST 17 Q: Children at a rural feeding site are beyond reasonable walking distance. Are costs of transporting these children an allowable operating cost?

A: Yes. (268)

CST 18 Q: A sponsor utilizes a church as a site. The church does not charge rental fees for use of the facility; however, the sponsor replaces toilet paper, etc., used up by the participants and SFSP staff. Can the sponsor claim the costs of these items:

A: Yes, in the category of "other" under operating costs. (107)

CST 19 Q: Can a sponsor have a telephone installed for the SFSP at a central preparation kitchen where the office for SFSP is maintained? The telephone is used in both operating and administrative functions.

A: It is allowable to claim those costs; however, the costs would have to be separated into amounts applicable to administrative versus operating and reported on the Claim for Reimbursement accordingly. The SA should review and approve the rationale for determining telephone charges to the SFSP. (131)

CST 20 Q: A school district SFSP sponsor has telephones in the schools, but they ring only in the front offices. Can they pay to have the telephone service programmed to ring directly in the kitchens and charge it as an SFSP cost?

A: Yes. (137)

- CST 21 Q: Explain how to calculate reimbursement when: (1) income from meals is reported and (2) income is not reported for non-program meals.
- A: If income is reported, it would be subtracted from costs. The lesser of meals x rates or costs would be paid. If no income is reported for non-program meals, then determine the percentage of Program meals to total meals and apply that percentage factor to operating costs. That would be the operating costs the sponsor should report. The percentage factor is not applied to administrative costs. (137)
- CST 22 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. (159)
- CST 23 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. (159)
- CST 24 Q: Is the cost of "other" foods such as ice cream and potato chips allowable program costs?
- A: Yes. The Regulations do not state how to pay for "other" foods but they do suggest that they be added to the menu for extra calories and nutrients. (182)
- CST 25 Q: Can a sponsor purchase surplus bulk food left over from Operation Desert Storm and claim the costs?
- A: Yes. An institution may purchase surplus bulk food to serve in the SFSP. The costs of purchasing and transporting are allowable costs. (202)
- CST 26 Q: Is there a Federal requirement that a sponsor furnish a list of equipment showing the acquisition cost?

- A: No. However, a sponsor must have information to document the approximate acquisition value in order to show that the prorated cost is reasonable and necessary. (202)
- CST 27 Q: Can a SA require sponsors to use the formula in FNS Instruction 796-4 to determine food costs?
- A: Yes, a SA can require more than what is stated in FNS Instructions, policy, or Regulations; however, the SA may not require anything that is contrary to FNS Instructions, policy, or Regulations, nor can the SA policy restrict participation to an otherwise eligible sponsor. (182)
- CST 28 Q: Can a camp director claim mileage from his/her home to the camp as an administrative cost?
- A: No. (288)
- CST 29 Q: Can the cost of second meals above the allowed 2 percent level be claimed?
- A: No. These meals are considered ineligible meals unless specifically approved by the SA. However, the sponsor could consider serving larger portions or second items, or seek other sources of income to cover any additional costs for serving second meals. (288)
- CST 30 Q: A sponsor wants to rent a kitchen and dining facilities from a school for the SFSP. Is this an allowable expense?
- A: Yes. Reference Instruction FNS-796-4, page 11, and the SFSP Sponsor Fiscal Guide, also page 11. (319)
- CST 31 Q: Are menu planning costs operational or administrative costs?
- A: This depends on who actually prepare them, food service staff, or administrative staff. (319)
- CST 32 Q: Can a Food Service Management Company take the percentage of the performance bond cost that pertains to the SFSP and claim it as an allowable cost?
- A: Yes. The cost of required bonding is an allowable cost. Because bid and performance bonding are specific requirements under the SFSP, these costs are not general operating expenses, but program-specific costs.

The principle behind allowing this cost is that the Federal Program receives benefit from these expenses. (338)

- CST 33 Q: Does the cost of the performance bond for a FSMC go in the administrative or operating budget?
- A: It would go in the operation budget since the FSMC should not be performing any administrative duties. (344)
- CST 34 Q: Can a SA approve a mileage rate for a private nonprofit organization which is higher than the SA rate?
- A: Yes. The SFSP Financial Management Instruction FNS 796-4, Revision 4 states only that mileage costs are allowable and does not go into any further detail. However, the CACFP Financial Management Instruction FNS 796-2, Revision 2, states that the rate for mileage must be reasonable, and must be consistent with the mileage allowance used by the institution for nonfederal funded travel. Since this Instruction is taken from the OMB Circular A-122 which applies to both the CACFP and SFSP, this also applies to the SFSP. (348)
- CST 35 Q: A sponsor made some income through the sale of non-program adult meals. Can it use those funds to purchase chips, candy, or ice cream to add to the children's meals at the end of the Program year as a treat?
- A: Yes. Although Program income can be and should be used to enhance the meals, we would encourage more nutritious items. However, since this is a one time situation, it would be permissible. (348)
- CST 36 Q: A sponsor wants to require background checks and drug tests for SFSP staff. Is this an allowable cost?
- A: Costs must be necessary and reasonable for proper and efficient administration of the Program. Additional factors to be considered are provided in FNS Instruction 796-4, Revision 4 IX(A). Drug tests and background tests would not seem necessary and reasonable to the administration of the Program. The sponsor could require these tests, but they would not be funded through the SFSP. (432)
- CST 37 Q: Is it allowable for a sponsor to claim the cost of a bicycle awarded to a child at an SFSP site? Could the bicycle be considered an administrative cost?
- A: Costs must be necessary and reasonable for proper and efficient administration of the Program and chargeable within the guidelines of FNS Instruction 796-4, Rev. 4. Section (X A B) of this Instruction describes allowable administrative costs as including the costs necessary

for planning, organizing and managing a food service under the Program. A bicycle would not be a necessary component for administering the SFSP as explained. (486)

CST 38 Q: A school wants to charge rent for its SFSP facilities. This will maximize its costs. Is this allowable?

A: No, an institution/sponsor may not rent space or facilities to itself. In addition, a sponsor cannot charge itself rent or costs for leasing vehicles or equipment that it owns. To reflect the value of the space, the school could depreciate the portion of the space used by the SFSP if the building has not already been fully depreciated. A use allowance could be used for the portion of space used for the SFSP if the building had already been fully depreciated before the school began operating Child Nutrition Programs. Or, the school could track costs for the SFSP directly if those costs are not already included in an indirect cost pool. (486)

CST 39 Q: Is it a requirement that sponsors take a beginning and ending inventory to document the cost of food used, or can receipts be evaluated to document the costs of obtaining food?

A: FNS Instruction 796-4, Rev 4 X A 2 a & b, explains that sponsors, at a minimum must take a single food inventory at the beginning and at the end of the Program to determine the cost of food used. However, sponsors who pay for food as they use it and, therefore, maintain no inventory of food may report food costs on a cash basis, if approved by the SA. (1-2005)

CREDITING FOODS

CRD 1 Q: A FSMC providing meals in a SFSP sponsor's program is serving macaroni and cheese; however, the cheese is actually a sauce poured over the macaroni. Can this be counted as a meat/meat alternate?

A: No. There is no way to know the amount of cheese that is in the cheese sauce. (131)

CRD 2 Q: A food bank will be supplying Pizza Hut pizzas and Kentucky Fried Chicken (KFC) to SFSP sponsors. The food bank requires a product analysis sheet on these products. Will this be sufficient to count these meals as meeting requirements?

- A: As long as the Pizza Hut and KFC product analysis information documents that these items provide adequate meat/meat alternate, etc., they would be creditable to be served in SFSP meals. We recommend the sponsor obtain copies from the food bank and maintain them in their files. (171)
- CRD 3 Q: Are soft pretzels creditable in the SFSP if they were the same ones used in the NSLP?
- A: Yes, if the pretzels weigh 25 grams for one serving and the main ingredient is whole-grain or enriched flour or meal. (171)
- CRD 4 Q: Is a frozen juice bar and milk a creditable snack?
- A: No. Although the juice is in a frozen form, "juice is juice" and it is still considered or treated the same as serving only liquid items. Juice cannot be served as the only other component with milk for the snack/supplement meal service. (175)
- CRD 5 Q: In order to reduce waste, a school site serving breakfast allows children to choose their fruit (orange, apple, banana or juice). The other components of the meal are the same for all children. Is this allowable since children are not being served the same meal?
- A: Yes, as long as there is no discrimination against children and they are not pressured to make a certain choice. (182)
- CRD 6 Q: Is reduced-fat peanut butter creditable as a meat/meat (M/MA) alternate?
- A: No. There is no Standard of Identity for reduced-fat peanut butter. This means each brand may have a different amount of the actual peanut in it. Therefore, reduced-fat peanut butter may not be credited as an M/MA in the CNP. (296)
- CRD 7 Q: Is low fat and fat free cheese creditable as an M/MA?
- A: Yes. FDA has identified these as cheese products. Cheese products may be served as an M/MA. (296)
- CRD 8 Q: Is frozen yogurt creditable?
- A: No. There is no Standard of Identity for these products. Therefore, the amount of yogurt in any particular brand is unknown and is not creditable to the meal pattern. (296)

CRD 9 Q: Are "Jell-0 Kid Pack Wild Berry Lowfat Yogurt" and "Yo-Gel" yogurt creditable as an M/MA?

A: Yes. Both are labeled as a yogurt as opposed to a yogurt product. Therefore, since yogurt has a Standard of Identity, both are creditable. (296)

CRD 10 Q: Are Curly-Cue potatoes (100 percent potato) creditable in the SFSP? If so, how is the serving size per purchase unit determined?

A: Use the french fries, frozen curly, calculations in the Food Buying Guide since it is a very similar product and this is the closest thing we have to the Curly-Cue product. (182)

FEDERAL GRANTS

GNT 1 Q: A public entity wants to apply for a HUD grant, but in order to qualify for the grant, it must have a 100 percent match. Can they include SFSP funds as income to meet that match?

A: No, because the SFSP is a performance reimbursement program for expenses incurred or meals served. Potential or estimated reimbursement is not income. (100)

FINANCIAL MANAGEMENT

FM 1 Q: Is there any requirement that SFSP reimbursement go through the General Fund rather than to a School Food Service (SFS) account?

A: No, that would be an SA option. But if NSLP funds, etc., go through an SFS account, it would seem the same would be true of SFSP reimbursement. (118)

FM 2 Q: Where sponsors show in their administrative budget the total administrative staff, even if some are paid from other sources, would the SA show only that portion to be paid by SFSP administrative funds as the approved administrative budget?

A: Yes. In order to not cause unnecessary confusion for the sponsor, only that portion expected to be covered by SFSP funds should be recorded as the sponsor's approved budget. (131)

FM 3 Q: What is the use allowance for nonexpendable equipment used exclusively for the SFSP?

A: The allowance is 6.66 percent per year of the acquisition cost prorated on a monthly basis. A use allowance is only appropriate if the non-expendable equipment was purchased and depreciated before the institution began operating a Child Nutrition Program. (202)

FM 4 Q: A sponsor was underpaid through no fault of its own – the error occurred at the SA. Since the claim was submitted timely and records were in place to support the claim, the sponsor is entitled to the full reimbursement without requesting an exception for the operation of its Program. The discrepancy was not discovered before the 90-Day, and final reports had been submitted. What should be done?

A: Both the 60/90-Day Guidance in IV. B. V. A. 2., and Section 225.8(b) & (c) explain that the SA must request an exception from the Regional Office on its behalf so that funds may be reimbursed to the sponsor, if available, and updates accepted by the Regional Office for the FNS-418 and SF-269. The 60/90-Day Guidance details the procedures for requesting an exception on behalf of the SA in VIII. B.

However, if the changes are exclusively downward or only in meal categories without an increase in entitlement, no request to the Regional Office for an exception would be required when updating the FNS-418. If funds were recovered in a downward adjustment, provisions noted in Section 225.12(d) should be followed. The 60/90-Day Guidance applies to all Child

Nutrition Programs and those appropriate reporting forms, i.e., the FNS-44 or FNS-10. (504)

FM 5 Q: When are the SFSP rates published for the new Fiscal Year?

A: They are normally published in the last week of December or the first week in January. (504)

FM 6 Q: A sponsor was overpaid through no fault of its own. The amount overpaid was just over \$100 and the SA would like to forgive the overclaim since it was not the fault of the sponsor. The overpayment was found in the next Fiscal Year and after the sponsor received all reimbursements.

A: The SA must reclaim the overpayment because the amount exceeds the \$100 level set through Section 225.10(c). Although the disregard level has been increased to \$600 in the NSLP/SBP/CACFP that disregard level has not been increased correspondingly in the SFSP. (1-2005)

- FM 7 Q: A sponsor was underpaid through an incorrect application of the reimbursement rate by the SA. The amount underpaid was nominal and the SA explained it would cost more to process the claim correctly. Should the SA reimburse the sponsor the remaining amount?
- A: The sponsor is entitled to the full amount of reimbursement and the SA must process the claim correctly even if the cost to do so exceeds the reimbursement earned by the sponsor. (1-2005)

INCOME ELIGIBILITY

- IE 1 Q: Can the sponsor representative complete F/RP applications for campers himself?
- A: On a limited basis, this would be allowable. Just as in the NSLP, if a household failed to apply, and the camp director, etc., has personal knowledge of a family's economic situation, he/she could complete an application for the child. We want to stress that this procedure cannot be used extensively in approving campers for F/RP eligibility. (131)
- IE 2 Q: Does a FSMC have the right to monitor or review Free and Reduced Price Applications for the SFSP?
- A: No. The applications are confidential and only authorized sponsor, SA, and USDA personnel may review them. The FSMC is only responsible for preparing meals. Sponsors may not delegate or contract out management responsibilities for the SFSP. (195)
- IE 3 Q: A school district sponsor would like to have a SFSP site at a new school that has not yet opened, but will hold summer school for grades 4, 5, and 6 this year. The SFSP would be open to all children. How can the school document eligibility since this is a new school?
- A: The school district, as the sponsor, can use its F/RP from the school that covered the area this school year, since the site will be open to the same children that attended that school. (234)
- IE 4 Q: Can the income of temporary census workers be excluded from consideration as income under the SFSP?
- A: No. The National Office has indicated there is no statutory or regulatory authority to authorize such exclusion. (402)

- IE 5 Q: Income after deductions is reported under Upward Bound rules when determining income eligibility for that program. Is it allowable to use the Upward Bound income eligibility determination to approve SFSP participation at that site?
- A: Income applications taken and approved by Upward Bound officials may be used to qualify a participant for SFSP meals in Fiscal Year 2002. The use of these income eligibility applications will be reevaluated in future years. (461)
- IE 6 Q: Must a child be a US citizen to receive meals through the SFSP and other CNPs?
- A: The Eligibility For School Meals Manual explains “US citizenship is not a condition of eligibility for free and reduced price benefits.” (493)

MEAL SERVICE REQUIREMENTS

- MS 1 Q: Where is the citation that production records are to be maintained?
- A: The SFSP Nutrition Guidance for Sponsors Handbook indicates that included in the “Reference Section” is a “Daily Menu Production Worksheet” and instruction that production records are to be maintained. Part 225.15(a) in the SFSP regulation states that sponsors must comply with instructions and handbooks issued by FNS. (65)
- MS 2 Q: If older children showed up at the site with younger siblings that could not eat the regular meal, does the sponsor have to provide suitable food for the infants?
- A: Based on 225.16(f)(2), if the sponsor is approved to serve children under one year of age, they would have to comply with the CACFP meal pattern requirements. (65)
- MS 3 Q: When does lunch need to be served?
- A: We normally say mid-day. (100)
- MS 4 Q: Would 10:00 a.m. through 2:00 p.m. be considered mid-day?
- A: If that is how the SA wants to define it, that is acceptable. The SA and sponsor must keep in mind that three hours are required between the beginning of one meal service and the beginning of the next meal service as explained in Section 225.16(c). (100)

- MS 5 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. (159)
- MS 6 Q: At an enrollment program at a university, there is a Buddhist participating that cannot eat certain things; i.e., any products from hoofed animals, this includes milk. Can FNS Instruction 783-13 be used to allow the meals to be claimed?
- A: This Instruction is specific to Jewish schools/institutions. The sponsor either has to serve the milk, etc., and the student can discard it or give it to another student or the SA can submit a request to MPRO for a variation, giving what the limitations are and what foods can be substituted. (100)
- MS 7 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. (159)
- MS 8 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. (159)
- MS 9 Q: A site expects to have one 8-month child in attendance. Can a meal be specially prepared for the child?
- A: This is a SA decision. If the SA approves, it is permissible, using the CACFP infant meal pattern. (202)
- MS 10 Q: Is a sponsor required to feed children under 6 years of age?

- A: Yes. The Program is for children under the age of 18. The exception is with children under 1 year old. The site must have SA approval to feed infants. (288)
- MS 11 Q: A school provides services for migrant children during the summer and wants them to have SFSP meals. However, it does not want to be an SFSP sponsor and prepare the meals for such a small number of children. Can it take the children over to a college which is an SFSP sponsor for the National Sports Program and Upward Bound Program and have the college claim the meals for the migrant children?
- A: No. The school would have to be the sponsor but the college could vend the meals. (239)
- MS 12 Q: A site was approved to serve lunch only; however, the sponsor now sees a need to serve breakfast. May it be approved to serve breakfast?
- A: Yes. If the SA knows the site can accommodate an additional meal, it may approve the breakfast to begin the next day. The sponsor needs to follow up in writing with updated information on the added meal service. (239)
- MS 13 Q: Can a non-program adult who paid for a meal take a component off site?
- A: The Regulations do not address this issue for non-program adults. However, it may be best to discourage this so children will not want to take meals or components off site unless SA staff has approved certain items. The purpose of children not taking meals or components off site is to prevent others from consuming the meal. (268)
- MS 14 Q: Are specific types of milk required in the SFSP as in the NSLP?
- A: No. As long as it meets the definition in Section 225.2, it may be served. Also Instruction 783-7 gives additional guidance on milk. (271)
- MS 15 Q: Can a NYSP serve meals on weekends?
- A: Yes. If the SA approves such meal service. (288)
- MS 16 Q: Can NuMenus be applied to meals for all children?
- A: No. Snacks and meals for children under 2 years of age must be planned using the SFSP meal requirements. (288)

- MS 17 Q: If a school site is using the SFSP meal pattern, can it still use Offer-vs-Serve (OVS)?
- A: No. (319)
- MS 18 Q: A school sponsored site serves 300 - 500 children per day at lunch. Parents of a Jewish child have requested meals meeting the dietary requirements of their religion. Is the sponsor required to meet this request?
- A: No. FCS Instruction 783-13, Rev. 2, Variations in Meal Requirements for Religious Reasons: Jewish Schools, Institutions and Sponsors states: "Entities wishing to exercise the options available (in the Instruction) shall notify the State AgencySFSP sponsors shall do so on behalf of their facilities or sites. *The decision to exercise these options shall be at the facility or site level*". Therefore, a sponsor not wishing to meet such a request is not required to do so. (296)
- MS 19 Q: Could meals be taken from an approved SFSP feeding site to a child in a full body cast who is confined to his home?
- A: No. Meals taken off site are not reimbursable. (296)
- MS 20 Q: A school site has OVS when school is in session and wants to continue OVS for the SFSP. Is this allowable?
- A: Yes. SFSP-306, which implements the Welfare Reform Act, states that OVS is allowable for the SFSP for sponsors operating programs at school sites on the same basis that OVS is operated during the school year under the NSLP. (389)
- MS 21 Q: An Upward Bound camp serves meals cafeteria style. Seconds are allowed, but not all children take a complete second meal. The director wants to just claim an extra 2 percent of meals each month without taking a point of service count. Is this allowable?
- A: There is currently no policy that prohibits Upward Bound sponsors from claiming second meals. However, because it is a camp situation where only eligible children's meals can be claimed, the sponsor cannot automatically add 2 percent. The reason for allowing the claiming of second meals was to provide an avenue for sponsors to handle extra meals when they had attempted to produce one meal per child per day, but still had leftover meals. This is not necessarily the situation with most college cafeterias. The vendors normally prepare plenty of extra food so that children can go back for additional servings. Sponsors serving second meals must maintain accurate meal counts, insure that *complete* second meals are served, and only *eligible* children's meals are claimed. (382)

- MS 22 Q: A SFA sponsor wants to have separate feeding times for summer school children and area children. Their reasoning is to be able to get the summer school children back to class easier and to help make sure they don't lose children who decide they want to play with neighborhood children. Is this allowable?
- A: No. If there is a capacity issue then shift feeding would be allowable. However, the school could not manipulate feeding times by letting the summer school children go to lunch first and call that the first shift. Meals must be on a first come, first serve basis. (382)
- MS 23 Q: A day camp wants to serve two snacks only, one in the morning and one in the afternoon. Is this allowable?
- A: Yes. A day camp is considered as a camp in relation to meals served. Part 225.16(b) states that, "No sponsor shall be approved to provide more than two services of supplemental food per day." Part 225.16(b)(1)(i) addressed the maximum number of meals which may be served by camps. The Welfare Reform Act changed the maximum number of meals that camps may serve each day from four to three. (389)
- MS 24 Q: Can family style meal service be served at an open site?
- A: No. Family style service may only be used at camp (FNS 783-3, Rev. 1) and migrant sites. (389)
- MS 25 Q: A sponsor wants to be able to give leftover meals to a local food pantry. It would have a representative from the food pantry at the site. once the meal service is over for the children the sponsor would give the leftover food to the representative who would in turn give it out to the parents at the site. Is this allowable?
- A: Yes. However, the sponsor must take care to plan and prepare meals for only the number of children expected. (389)
- MS 26 Q: If a restaurant/vendor serves either as a FSMC or vendor and a sponsor is purchasing meals and/or components for a site from a restaurant/vendor capable of providing various food items, what kind of production records are required for either situation (FSMC or vendor)?
- A: The sponsor needs to provide the restaurant/vendor with a copy of the meal pattern requirements. The sponsor must be able to document that the meals meet the meal pattern requirements. The vendor agreement or contract must contain language which indicates that production records will be kept by the vendor to document meals meet the meal pattern requirements.

If the vendor is part of a restaurant chain, production records may not be necessary since the vendor may be able to provide a Product Fact Sheet which states the contribution to the meat/meat alternate, bread/grain, etc. However, if the vendor is a small restaurant that does not have the resources to produce an accurate Product Fact Sheet, it may be necessary for the restaurant to make its recipes available for analysis. Language should be included in the contract/agreement with the restaurant/vendor that the meals must meet the meal pattern requirements.

If Product Fact Sheets are to be used for food items prepared for the SFSP sponsor, the Product Fact Sheet should contain the name of the company; the name of the product; cooked portion size; the contribution toward the meal pattern requirements; a signature of a company official; and the date of the signature.

The sponsor will want to protect itself if it is found that the meals purchased from a vendor are not provided per the contract specifications. Meaning if the contract or Product Fact Sheet says each hamburger will contain 2 ounces of meat and a review or audit reveals that only 1 ½ ounces of meat was provided, the sponsor should be able to go back and collect any overclaims from the vendor that have been assessed by the state agency.

Any contracts/agreements with restaurants/vendors providing menu items in this manner must contain information stating that their facilities may be reviewed by either state agency staff or Federal reviewers. (404)

MS 27 Q: What meal service combinations may be provided at a site other than a migrant or camp site?

A: As explained in SFSP-381, the meal service combinations that may be provided at a site that is not migrant or a camp site are the following combinations (439):

- Breakfast
- Snack
- Lunch
- Supper
- Breakfast and AM snack
- Breakfast and lunch
- Breakfast and PM snack
- Breakfast and supper
- Lunch and AM snack
- Lunch and PM snack

Supper and AM snack
Supper and PM snack
Two snacks

The only unallowable meal combination is a lunch and supper.

- MS 28 Q: Could a breakfast last longer than the 1-hour requirement as explained in Section 225.16(c)?
- A: States were given flexibility through SFSP-443 to extend the meal service time frames to prevent barriers at SFSP feeding sites. However, SAs must ensure that appropriate procedures are in place to ensure that food safety and oversight are not compromised. These requests may be made as part of the application process. (486)

- MS 29 Q: When a child is unable to finish an SFSP meal, may the parent eat what the child does not eat? Or may the parent eat with the child from the child's plate because she/he knows the child will not be able to finish the meal?
- A: No, meals served in the SFSP are intended for low income children 18 years and younger to eat. If a large amount of "plate waste" is common at a given site, the sponsor might consider revising the menu to ensure that the meals served are likely to be enjoyed by children. Also, the SA may allow sponsors to provide smaller portions to children under age 6 as explained in Section 225.16(f)(2).

Policy Memo SFSP-356 explains how to determine Program and non-Program adults (not parents) and sponsor responsibilities to ensure that eligible children receive a meal before adults. This Memo also explains meal pattern changes for children under 6 years old and other meal pattern questions regarding older children and infants. (504)

- MS 30 Q: A sponsor wants to limit children who attend its open site meal service to those between the ages of 5 and 18. The limitation is because the general activities offered are directed toward school aged children. Is this allowable?
- A: A sponsor classified as operating an open site must feed children through age 18 that come to the site. The children attending the site that are not in the age group that general activities are geared toward, do not need to stay for those activities, but should be fed. If the sponsor does not want to provide a meal to all children through age 18, it has the option of operating as a closed enrolled site and only enrolling children from the age group for which activities are planned. (504)

MS 31 Q: CACFP-330 outlined a change in the policy of on-site consumption of meals, allowing some fruits and vegetables to be taken off-site. Can other foods, which are not counted as components, be taken off-site?

A: Our memorandum does not address this. The SA should determine what it thinks is most reasonable. (338)

MS 32 Q: When a parent accompanies a child to an SFSP site, can the parent eat the child's leftover food?

A: The intent of the Program is to provide nutritionally balanced meals in correctly proportioned quantities to children, as defined in Section 225.2. The Regulations are specific that the meal is intended for consumption by children only. Although the Department does not advocate waste of food, it is essential to maintain the Program as one providing benefits to children. (107)

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.

MEDIA

MED 1 Q: A private nonprofit organization is sponsoring an enrolled site at a Boys and Girls Club. In order to participate at that site, the participants must be enrolled in the Boys and Girls Club. Should this be stated in the public release?

A: Yes. The public release should advise of any enrollment requirements. However, it would be advisable to include that the Boys and Girls Club does not discriminate in its enrollment procedures. (271)

MED 2 Q: Is a sponsor required to list every site with the type(s) of meal service, and the time of each meal service in its media release?

A: It is sufficient for a sponsor to simply list the site locations. The sponsor address and telephone number in this case would be provided so that interested persons may contact the sponsor directly. Telephone numbers for all sites could be listed so that persons can call for specific information. (171)

MED 3 Q: Section 225.15(e) states that "Each sponsor shall annually announce in the media serving the area from which it draws its attendance the availability of free meals." A SA wants to provide the media release for all sponsors. The SA has contacts with the media throughout the entire State. Is this allowable?

A: Yes. We do not believe it was the intention of the regulations that only sponsors could issue the media release. (402)

MED 4 Q: What information needs to be included in a media release?

A: Section 225.15(e) provides information about what should be included for different types of sites. In addition, FNS Instruction 113-8 VI B 1 and 2, describes civil rights information that should be included when SFSP information is provided to the public. (432)

MONITORING REQUIREMENTS

MON 1 Q: If a Private Nonprofit (PNP) sponsor had a school site that was visited under NSLP during a school review, would it need a preapproval visit?

A: A school site is not covered under Part 225.7(d)(2)(i). If the school is not the sponsor, but a site under a PNP sponsor, it must be reviewed if it was not in the Program last year, or if the NSLP review reported that operations were not satisfactory. (118)

MON 2 Q: A site received a health inspection in March prior to applying for the SFSP. Does the site have to have another one for the SFSP?

A: Part 225.26(a) only requires the sponsor to notify the appropriate health department of its participation in the Program. It is up to the health authorities to decide if another inspection is needed. (271)

MON 3 Q: In determining the number of sites to be reviewed in accordance with Part 225.7 (d) (2), does one round up or down in computing the number?

- A: Use normal rules of rounding; if less than .5, round down (for example $16 \times .15 - 2.4 = 2$); if more than .5, round up (for example; $17 \times .15 = 2.55 = 3$). (271)
- MON 4 Q: If an SFA uses the Traditional or Enhanced Meal Pattern during the school year and then wants to use that same meal pattern for SFSP, must the SA conduct a nutrient analysis of the meals during reviews as required under the NSLP?
- A: No. (424)
- MON 5 Q: How would a review check production records for breakfasts and lunches based on NuMenus?
- A: The reviewer would have to assess the nutrient analysis for the meals for the last completed week prior to the review week, unless FNS issues other guidance. (288)
- MON 6 Q: Can the required first week's site visit be made during the second week since the bulk of children participate then?
- A: No. The site visit must be in the first week. That gives time to fix any noted problems before the increase in participation. (296)
- MON 7 Q: A sponsor wanted to do the first week visit in the second week because of more participants. Is this allowable?
- A: No. This first week visit is required by Part 225.15(d)(2). However, this visit does not have to be a full review, but it still has to be conducted to ensure the site operates correctly from the start. (344)
- MON 8 Q: Will reviewers conducting Sponsor Reviews/State Reviews/Federal Reviews/Audits be looking at production records of restaurants/vendors and chain fast-food establishments?
- A: Reviewers should and will be looking for documentation that the meal pattern requirement is met. That means the sponsor will be held responsible for ensuring the documentation is adequate to determine if the meals served have met the meal pattern requirement. If a Product Fact Sheet is available and there are no further questions, that may be all that is necessary. If a Product Fact Sheet is not available, the reviewer would look for other methods of determining if the meal pattern has been met. The reviewer might possibly visit the food establishment that vended the meals and ask to look at its records or the reviewer may ask the sponsor to obtain any necessary documentation as needed. If the food establishment does not

allow the reviewer or sponsor to determine if the meals met the meal pattern requirement and were therefore reimbursable, an overclaim would be established for which the sponsor would be responsible to pay. (404)

- MON 9 Q: What other documentation or records are required other than production records or Product Fact Sheets when menu items are provided from a restaurant/vendor?
- A: Food/delivery receipts provide documentation that a certain number of food items/components are received from the restaurant/vendor. If a sponsor has a Product Fact Sheet on file from a particular restaurant/vendor which states the contribution of the food item purchased to the meal pattern, the food receipt would show the number of servings provided of that particular food item. (404)
- MON 10 Q: Section 225.7(d)(2)(i) states, in part, that when the same SFA personnel administer the SFSP as well as the NSLP, and the SFA had a good Coordinated Review Effort (CRE) in the current year, the SA is not required to conduct a SFSP review of that SFA in that same year. However, Section 225.7(d)(2)(ii)(A) states that SAs must conduct a review of every new sponsor at least once during the first year of operation. A SFA with a good current CRE review is sponsoring the SFSP for the first time. Which of the above Sections takes precedence?
- A: Since the SFA is a new SFSP sponsor, the SA would be required to review the SFSP. That is to say that Section 225.7(d)(2)(ii)(A) would take precedence. The rationale is that, because the SFSP and the NSLP are different Programs with different requirements, the SA needs to ensure that this new SFSP sponsor is in compliance with SFSP Regulations. In subsequent years, however, the SA would not be required to conduct a review of this sponsor, provided it receives a satisfactory review in the same year under the NSLP and the same SFA personnel administer both Programs. (416)
- MON 11 Q: Does the SA need to request a waiver if it does not complete an administrative review of a SFA that received a satisfactory NSLP review?
- A: The SA does not need to request a waiver to forgo a review for a SFA that received a satisfactory NSLP review in the same year. This discretion is provided to SAs in Section 225.7(d)(2). The SA must still review this SFA at least once every 3 years. (432)
- MON 12 Q: A sponsor required to submit corrective action to the SA does not do within the required time period. What recourse does the SA have to encourage submission of this corrective action?

A: In Section 225.11(f) it is explained that the SA shall require a specific corrective action plan to be followed by a sponsor that is in violation of the Program and shall either conduct a follow-up visit or in some way verify that the specified correction plan has been implemented. The SA shall terminate the participation of a sponsor's site if the sponsor fails to take action. The SA should establish a standard procedure that will explain timeframes, along with penalties, so sponsors understand consequences of not providing a corrective action plan or implementing that plan. (1-2005)

PRIVATE NON-PROFIT SPONSORS

PNP 1 Q: Is it allowable for two PNP sponsors to service the same site on different days? Both sponsors will operate open sites.

A: Yes. (171)

PNP 2 Q: Can a PNP site be self preparation for the breakfast meal service but vended for lunch?

A: Yes. Nothing in Regulation prohibits this type operation although the accounting becomes more difficult. (171)

PNP 3 Q: A potential PNP sponsor wants to apply to participate in the SFSP but does not have its tax exempt status from IRS. Can it be approved if it has submitted its tax exempt application to IRS?

A: No, unlike the CACFP, an SFSP applicant must have already been approved for tax exempt status prior to being approved for the SFSP. (171)

PNP 4 Q: A State issued a certificate which states that a sponsor is incorporated as a PNP under state nonprofit corporate law. Is this acceptable for the SFSP?

A: No. A PNP must have Federal IRS tax exemption for the SFSP unless it is a church. (389)

PNP 5 Q: If a day camp is sponsored by a PNP sponsor, is that sponsor and site subject to Federal PNP requirements and is the nonresidential day camp subject to the Federal PNP review schedule?

A: Yes. (309)

PNP 6 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 7 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.

PROCUREMENT

PRO 1 Q: Does the debarment/suspension provision have to be in all contracts?

A: It must be in all audit contracts and in all other contracts with a value of \$25,000 or more. (100)

PRO 2 Q: Is there a problem with approving a sponsor to go out for bid before they are approved for the Program when the SA is confident that the sponsor will be approved?

A: This should not be a problem; however, we would suggest that the language state that the awarding of the bid is conditional to the approval of the sponsor's SFSP application. In addition, the SA may want to check with the State legal department to ensure that State law does not prohibit such a procedure. (131)

PRO 3 Q: A sponsor is going to serve a SFSP lunch through the university cafeteria that contracts with a FSMC. The FSMC's unit charge is much more than the operating reimbursement rate. The sponsor wants to serve a snack (self preparation) and have most of the food items for the snack donated by local businesses. Can they claim the snacks for reimbursement since lunch costs alone would exceed total reimbursement for snacks and lunch?

A: Yes, total food cost is compared to total operating reimbursement. However, they cannot count the value of donated food in costs. In addition, there may be incidental costs for the snacks for nonfood items such as labor, napkins, paper plates, that are eligible to be covered by reimbursement. (100)

PRO 4 Q: Does a State University that already has audits as part of the State system have to go back to the auditing firm to sign a Debarment and Suspension Statement for SFSP?

A: No, the University should have already been aware of this requirement since it is a government-wide requirement, not just Food and Nutrition Service.

The cognizant agency should monitor this area since it is an existing contract and should have been signed at the time the contract was awarded. (131)

PRO 5 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. (159)

PRO 6 Q: Can a 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. (159)

PRO 7 Q: A county health department, acting as an SFSP sponsor, is considering contracting with a 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. (159)

PRO 8 Q: Can a college sponsor which vends from a food service management company year-round offer vended meals to its National Youth Sports Program rather than get a separate contract?

A: Yes. (389)

PRO 9 Q: In the above situation can the contract be renewed rather than re-bid each year?

A: Yes. If the contract allows for renewals it can be renewed up to four times. (389)

PRO 10 Q: An applicant SFSP sponsor operates a catering company and would like to contract with itself to vend SFSP meals to the site it operates. It does not want to be a self-preparation site keeping track of costs. Board members for

the catering company include the SFSP sponsor and family members. Is this allowable?

A: No, it is not allowable for an SFSP sponsor to contract with itself to vend meals from its catering company. Contracting must be open and free and a code of conduct must be followed when Federal Funds are involved as explained in 7 CFR 3016.36 and 7 CFR 3019.42 & 43. If the SFSP sponsor director and family members also comprise the board of directors, a real or apparent conflict of interest exists. It is unlikely that a board of directors composed of family members will function as a board is intended, i.e., to provide oversight. It is also unlikely that free and open competition will exist when the same person owns the catering company and sponsors the SFSP. This arrangement would restrict or eliminate competition, restrain trade and prevent an objective evaluation of contractor performance. (504)

PRO 11 Q: Where can I find information on the procurement standards for the SFSP?

A: 1) Parts 225.6(h), 225.15(g), and 225.17 of the SFSP Regulations
[Note: Part 225.17 refers to 7 CFR Part 3015, Subpart S which has been superseded by 7 CFR 3016 and 7 CFR 3019]
2) OMB Circular A-102, Attachment 0 (1981) (404)
3) OMB Circular A-110, Attachment 0 (1976) (404)
4) SFSP, 2000 Administrative Guidance for Sponsors (404)

PRO 12 Q: When is it required that formal bidding take place?

A: It is always required that maximum open and free competition exist no matter the dollar amount of the contract. When the dollar amount of the contract is less than \$10,000, the sponsor can use simplified procedures such as seeking written quotations from several companies that can provide the services needed and compare their prices. When the dollar amount of the contract exceeds \$10,000, formal bidding procedures must be followed. (404)

PRO 13 Q: What is the small purchase threshold in the SFSP? The tri-numbered Policy Memo, SFSP-420/CACFP-635/SP-01-01 seems to indicate that all three Programs are to use the threshold cited in 7 CFR Part 3016 and 7 CFR Part 3019; however, the threshold cited in Section 225.6(g)(2) indicates a small purchase threshold of \$10,000.

A: Since the small purchase threshold has been specifically provided at \$10,000 through Regulation, that threshold, or the threshold established by the State or local government if lower, must be followed. (504)

PRO 14 Q: What verbiage must be included in FSMC contracts?

- A: Part 225.6(h) of the SFSP Regulations provides information and verbiage for contracts with FSMCs. OMB Circular A-102 and A-110, Attachment O, provides information on the required verbiage of contracts of any kind. (404)
- PRO 15 Q: May a FSMC contract contain provisions that permit four 1-year extensions as is allowed in the Child and Adult Care Food Program and NSLP?
- A: No. There is no provision to allow extensions to FSMC contracts in the SFSP. The contracts are to be for a specific period of time only-the dates the SFSP is in operation. (404)
- PRO 16 Q: May a contract with a FSMC allow for the sponsor to pay for anything other than meals (i.e., administrative functions)?
- A: No. Administrative costs are unallowable. Sponsors may not pay administrative fees to FSMCs and claim them as SFSP administrative costs. (404)
- PRO 17 Q: May a school district who has a contract with a FSMC during the academic year amend its contract to add the SFSP?
- A: The proper procedure would be for the school district to include the SFSP with the NSLP in its Request for Proposal to ensure open and free competition exists to all bidding on the entire meal service which would include SFSP and NSLP. (404)
- PRO 18 Q: If a sponsor wants to purchase food items, but not a complete meal, from a restaurant, must the same guidelines be followed as those for FSMCs?
- A: No. If the sponsor is purchasing only food items from the restaurant, it is not a FSMC. However, remember that open and free competition must exist. (404)
- PRO 19 Q: May a sponsor purchase components of meals from a restaurant or another type of vendor and unitize the meal themselves? (The sponsor is only purchasing two food items from the restaurant vendor.)
- A: Yes. If the sponsor purchases meal components from various sources, the sponsor would then unitize the meal. (404)
- PRO 20 Q: A sponsor wants to purchase meal components from a restaurant/vendor - hamburgers (meat & bread only) and french fries. What kind of records does the sponsor need to maintain to document the meal contribution of each food item provided and what kind of information needs to be provided to the restaurant/vendor?

A: The sponsor needs to provide the restaurant/vendor with a copy of the meal pattern requirements so that the restaurant/vendor understands the amounts of food needed for each child. The sponsor needs to obtain from the restaurant/vendor a statement which shows the content of the food being prepared. This statement must provide information as to the contribution to the meal pattern. For example, a statement for a hamburger might state that it provides 2 oz. meat/meat alternate and 2 oz. bread/bread alternate, and ½ cup vegetable. The milk and fruit is not difficult to document. The fruit contribution, depending on its size, can be found in the Food Buying Guide and milk is easily measured at the time it is being served. (404)

PRO 21 Q: Must a SFA provide a bid bond for contracts with a food service management company that exceeds \$100,000 even though it is an SFA?

A: Yes, SFAs must comply with procurement requirements just as any other type of sponsor must. (461)

PRO 22 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 particular 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. (159)

PRO 23 Q: May a sponsor purchase components of meals from a restaurant or another type of vendor and unitize the meal themselves? (The sponsor is only purchasing two food items from the restaurant/vendor.)

A: Yes. If the sponsor purchases meal components from various sources, the sponsor would then unitize the meal. (159)

PROGRAM INCOME

PI 1 Q: Is there any prohibition against a sponsor selling extra menu items to adults?

A: Although not addressed in the Regulations, this can be done but the sponsor should charge enough to cover the costs. The cash collected must be reported as income on the Claim for Reimbursement. This same principle applies to full meals served to non-program participants. (100)

PI 2 Q: How is reported income subtracted in the claims payment process?

A: According to 225.9(d), it should be subtracted from combined administrative and operating cost, but in practice this is often difficult to do. Therefore, it is permissible for the sponsor to deduct the income out of the operating costs only. (100)

PI 3 Q: If a sponsor receives income to the program, is that subtracted from the meal x rates and a combination of operating and administrating costs? The sponsor would then receive the lesser of either one of those calculations?

A: Income is subtracted from a combination of operating and administrative costs. Any money donated specifically for food is to be considered income to the program, not just payments collected for meals not eligible for reimbursement. If a lump sum of money is earmarked for room and board, but the percentage or amount to be contributed to food is not identified, the whole amount would be considered income to the Program. (432)

PI 4 Q: A SFSP sponsor is providing meals to a non-SFSP site such as a child care center which in turn claims the meals on the Child and Adult Care Food Program. Does the SFSP sponsor have to report the income from these meals?

A: Yes. Unless the SA has a system of factoring out the cost of the non-Program meals. (338)

RECORDS

REC 1 Q: How long do records need to be maintained in the SFSP?

A: Records must be maintained for 3 years after the submission of the year's final SF-269, unless audit findings have not yet been resolved as explained in Section 225.8(a). (464)

REIMBURSEMENT

RMB 1 Q: A sponsor vends lunches through the school, but snacks are self preparation. Can the SA pay the higher rate for snacks although the lunches are vended?

A: Yes. The reimbursement should be split to reimburse the lunches at the lower vended rate and the snacks at the higher self preparation rate. (137)

RMB 2 Q: If a sponsor has a vended site, can they get the higher administrative rate if they are located in a rural county?

A: Yes, as long as the site is either self-preparation or rural, they are entitled to the higher rate. (65)

- RMB 3 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 FSMC?
- 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. (159)
- RMB 4 Q: Does income received from adult meals have to be reported on the Claim for Reimbursement as income if the sponsor has reported only the operating costs for the Program meals?
- A: No, not if the sponsor has subtracted the non-program meal costs from the operating costs reported on the Claim for Reimbursement. (100)
- RMB 5 Q: For an Upward Bound that receives funds for meals, how do you determine the amount that's Program income?
- A: Determine the total amount of funds allocated for this purpose from the grant document. Next, determine the number of ineligible children, number of meals they have eaten, by type, times rate university is charged per meal. Subtract that total from the amount of funds in the food service grant. The balance, if any, should be shown as income to the Program. (100)
- RMB 6 Q: How should an Upward Bound be classified that contracts with: a) the FSMC that manages the university food service or, b) the university food service run by college personnel?
- A: When the Upward Bound SFSP contracts with an FSMC as described in situation "a", it should be classified vended: and the second situation, "b", as self preparation. Normally this type of self preparation sponsor would not receive commodities since the food service is producing many more meals than for SFSP; however, the sponsor would be eligible to receive a higher administrative reimbursement rate. (100)
- RMB 7 Q: An Upward Bound sponsor in one State is sending some children enrolled in its Program to an institute in another State during part of the session to take part in the institute's training. Can the Upward Bound claim these meals in their SFSP?
- A: No, only meals served on site, or on approved group field trips, etc., can be reimbursed through the SFSP. If these children are attending

an SFSP site in another State, that sponsor would be able to claim the meals served to these children, with that SA's approval. (107)

RMB 8 Q: If an Upward Bound University Program goes on a field trip to another Upward Bound University Program, which one would claim the meals for SFSP?

A: The sponsors can go either way. If the host school claims the meals they would need to make a notation on their claim form; otherwise, they would be over their approved average daily attendance levels. The one thing to ensure is that both sponsors do not claim the meals. (131)

RMB 9 Q: Can a sponsor count for reimbursement meals they prepare at a camp site where they will take kids to have them experience camping? The meals would comply with meal patterns, etc., using food purchased for SFSP.

A: Yes, as long as the meals prepared and served meet requirements. (131)

RMB 10 Q: Does the 2 percent second meal limit apply to a month or the entire SFSP?

A: The two percent limit applies to the claiming period in accordance with Part 225.15 (b)(4), not against the entire length of the SFSP. (175)

RMB 11 Q: Can a family style meal service site claim second meals?

A: No. It would be too difficult for the sponsor to document that a full and complete meal with all components was served in the second meal(s) in a family style setting. (175)

RMB 12 Q: When computing the number of allowable second meals for the month, is the resulting number rounded up or down?

A: Use the rules of rounding. If it is 0.5 or more, round up; if it is 0.4 or less, round down. (288)

RMB 13 Q: Are tray counts acceptable for the number of meals served?

A: No. Meal counts must be used for an accurate count of first and second meals served to children, and meals, if any, served to adults. Therefore, meal counts must be made when the meal is actually served, that is, at the point of service. The Site Supervisor Handbook indicates that meals should be counted at the point of service. (226)

RMB 14 Q: Do camps have to do point-of-service meal counts?

- A: Yes. The Sponsor's Handbook, and the Monitor's Handbook indicate a point-of-service count is required. (268)
- RMB 15 Q: What is the difference between ADA and Average Daily Participation (ADP)?
- A: ADP is the average number of meals served to children, which would include second meals. ADA is the number of actual children involved. ADA and ADP could be the same if no second meals are served. (268)
- RMB 16 Q: How is average daily attendance (ADA) calculated?
- A: ADA is the number of FIRST meals served to attending children divided by the number of days of operation. (268)
- RMB 17 Q: Does a sponsor have to report income collected for non-program adult meals, or could the sponsor use the cost adjustment form and deduct the cost of the meals?
- A: Unless the SA specifies differently to the sponsors, the sponsors could use either method; either reporting the income and having it deducted from the costs reported, or using the cost adjustment form to remove non-program costs. However, the SA must ensure that non-program costs are not included in program costs. (268)
- RMB 18 Q: In paying sponsors, may the SA round to the nearest dollar?
- A: No. The SFSP is an entitlement program; the sponsors are entitled to full payment. Therefore, sponsor reimbursement may not be rounded down to the nearest dollar. (309)
- RMB 19 Q: Upward Bound officials have allowed children to participate in their program when children are older than age 18. Can Upward Bound sponsors claim reimbursement for SFSP meals served to children who are older than 18?
- A: No, SFSP Regulations allow a child to participate through age 18 unless the participant is physically or mentally disabled. (432)
- RMB 20 Q: Is it allowable for SA staff to correct a claim if the sponsor gives approval over the telephone? Or, may SA staff correct a claim if edits indicate what changes must be made to correct the error without contacting the sponsor?
- A: The sponsor should correct the claim if it affects the level of reimbursement, not SA staff. Or, SA staff may make the correction and notify the sponsor it has the right to appeal the change(s) made to the claim by the SA. (432)

- RMB 21 Q: Is it possible to reimburse a sponsor's second request for a late claim submitted within the 36-month exception period granted by the SA?
- A: Yes. The SA may forward a request for payment, along with the sponsor's corrective action plan, to the Regional Office for approval as explained in the 60/90-Day Guidance. Appeal rights must be provided to the sponsor if the request is not forwarded to the RO as explained in Section 225.13. (464)

SEAMLESS SUMMER OPTION

- SS 1 Q: One SFA operating under the Seamless Summer Feeding Waiver is only allowing 15 minutes in which to serve breakfast. Must any meals served outside the approved 15 minute breakfast be disallowed?
- A: No. Under the NSLP, there is no requirement to disallow meals served outside the approved meal service time frames. The NSLP rules apply in the course of the meal service, not SFSP rules. (461)
- SS 2 Q: Does a site sheet need to be completed every year under the waiver?
- A: In keeping with the NSLP, a site sheet is not required annually under the waiver as it is under the SFSP. This is an SFSP requirement that is waived as explained in Revision 1 of the Prototype: Seamless Summer Feeding Waiver Request, Part B, transmitted under SFSP-478/SP 03-15. (486)
- SS 3 Q: Does the SFA need to reestablish eligibility annually for a closed enrolled site in a non-eligible area?
- A: Closed enrolled site eligibility does not need to be reestablished before the waiver expires in 2004. This is one of the SFSP requirements that are waived in the Prototype Waiver and listed in Part B, transmitted under SFSP-478/SP 03-15. (486)
- SS 4 Q: May a SFA operating on a traditional calendar claim meals served during the winter break, spring break or inclement weather under the Seamless Summer Feeding Waiver?
- A: No, because the intent has always been that schools participating in the Seamless Summer Feeding Waiver would only operate during SFSP eligible times. Since the portions of the SFSP Regulation specifying the times that the sites may operate were waived, new prototype materials will be issued that clarify allowable days of operation. Also, Section 225.6(e)(1)(i-ii) will be listed in Part B, item 2, in the prototype as a non-exempted provision. (493)

- SS 5 Q: Must a school food authority (SFA) require that sites offer summer school classes to be approved as a Seamless Summer Option site?
- A: No, there is no requirement that a school/site must offer summer school classes in the Seamless Summer Option. (504)
- SS 6 Q: If a field trip is planned at an open Seamless Summer Option site, does the site need to feed any children who are not on the field trip? These would be children living in the neighborhood and walking to the site? All the children attending summer school will be on the field trip.
- A: Yes, because this site is classified as an open site and the SFA has agreed to provide meals to neighborhood children as well as summer school children. (504)
- SS 7 Q: A school is area eligible and is providing classes for children from other schools during the summer as well as children who attend this school in the academic year. This sponsor would like to operate an open site using the Seamless Summer Option but not all children are from area eligible schools. Is it appropriate for this site to be determined open?
- A: Since the school is area eligible, it is appropriate to determine this site open. (504)
- 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 1 Q: Can a sponsor participate in the SFSP if the majority of the children are non-residents? Example: residential camp, with kids attending from out of state.

A: Yes. There is no residency requirement in the SFSP. (65)

SSE 2 Q: Can a sponsor have a SFSP site at a location that is having summer school?

A: If the sponsor can document eligibility for the site and opens the SFSP to all children in the area that eligibility is based on, they can participate in the SFSP. If they only want to feed summer school students, they cannot. (65)

SSE 3 Q: If a nursing home is owned by a town, can the nursing home participate as a sponsor in the SFSP to serve meals to children?

A: The town could be approved as the sponsor since it is a "unit of government" and therefore, eligible. (118)

SSE 4 Q: Can an approved sponsor add a site after the deadline?

A: Yes. The deadline applies to the sponsor's approval, not to its sites' approvals. (131)

SSE 5 Q: A sponsor uses a continuous-calendar-school's F/RP data to document eligibility. The school offers only lunch through the NSLP. In addition to providing meals in the SFSP, the sponsor also provides an ongoing breakfast program for area children. Can the sponsor receive SFSP reimbursement for breakfasts served to children attending school?

A: No. An SFSP sponsor can only claim meals served to children who are "off-track"/on school vacation. (131)

SSE 6 Q: Can a sponsor enter into two separate agreements with the SA when it operates an open site and a residential camp?

A: Yes. Although the sponsor can also enter into one agreement with two separate site information data forms, the above procedure is an acceptable alternative. (137)

- SSE 7 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. (159)
- SSE 8 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?
- A: 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. (159)
- SSE 9 Q: A school district receives a School Age Child Care (SACC) grant from the Department of Education for after school care and the grant is not supposed to include any funding for meals. They do not participate in the CACFP. Since they will continue receiving the SACC funds during the summer, can they also receive SFSP reimbursement?
- A: If the school district is not participating in the CACFP during the school year and there are no restrictions from the SACC grant, there should be no problem in the school district participating in the SFSP. If any of the SACC funds are allotted for food, that portion of the funds would, as with all funding sources, be reported as income to the SFSP. (171)
- SSE 10 Q: The Boys and Girls Club wants to sponsor the SFSP as an open site that qualifies based on school data and will be open to everyone. It charges an enrollment fee of \$5.00 but will not deny an SFSP meal to anyone even if they have not paid the fee. However, if the fee is paid the children will be allowed to use the facilities year-round. Can the site participate in the FSP?
- A: Yes, however, the site must be open to all children in the area regardless if they pay the fee or participate in other Boys and Girls Club activities. (171)
- SSE 11 Q: How much time does a sponsor have to document 50 percent eligibility of its enrolled site?

- A: The sponsor can continue to accept F/RP applications from children enrolled at the site throughout the month. If by the time the sponsor submits a Claim for Reimbursement, 50 percent of the F/RP applications on file are eligible, then the site can claim all meals served during the report month, as long as the SA has given the sponsor prior approval to operate, contingent upon achieving 50 percent eligibility. The sponsor should be made aware that it is taking a chance of not being able to claim all meals served during this period if they do not receive eligible applications from at least 50 percent of its enrollees. (175)
- SSE 12 Q: Can the Boy Scouts of America be a sponsor in the SFSP?
- A: Yes. They would be considered a PNP sponsor if they are not a residential camp. (195)
- SSE 13 Q: If a school district is the sponsor of the above site, could the sponsor use NSLP F/RP data to establish eligibility?
- A: Yes. (195)
- SSE 14 Q: A church has an elementary school which participates in the NSLP and a child care center which participates in the CACFP. The center receives meals under contract from the school. The sponsor wants to have a SFSP site at the school, and have the center switch to the SFSP for breakfast and lunch, and remain on the CACFP for snacks. Can this be done?
- A: No, unless the attendance or program changes substantially for the child care center. Also, if the school serves only summer school students, it would have to remain on the NSLP. (202)
- SSE 15 Q: Can a homeless site claim meals served on the week-end?
- A: Yes. (100)
- SSE 16 Q: If a public school district wants to sponsor the SFSP, but another sponsor already serves lunches in the same area, can the public school district serve breakfast only (it will open up to all children in addition to its summer school students)? The summer school students are dismissed from school early enough to participate in the other sponsor's lunch meal service.
- A: Yes, there is no problem with this arrangement as long as the site is opened to all children. (118)
- SSE 17 Q: An SFSP park site is across the street from a school (that school's data was used to determine eligibility). There are children attending a summer

school session for handicapped children at the school. Because it is difficult to feed these children in the park setting, can the sponsor take meals over to the school for those children?

A: No; this would be considered taking the meals off site. (131)

SSE 18 Q: Can they open the school as a site and have the park site also?

A: This is an allowable alternative. Since the sites are so close they must ensure that each child is served only one meal. The sponsor must complete a site sheet for the school site and it must be opened up to allow any child to participate in the SFSP who has not already had lunch that day. (131)

SSE 19 Q: If an enrollment site uses volunteer kids under 18 and they have F/RP applications on file, can these applications be used to help meet 50 percent eligibility?

A: Yes. They can as long as the site allows others that age to enroll. (131)

SSE 20 Q: To determine eligibility of an open site in a large city, would we require they obtain F/RP data for the school district as a whole or the individual F/RP data for school(s) covering the geographic area covered by the site?

A: We would request the individual school's data unless the city has no schools under 50 percent. We would allow data from more than one school if the area being served had two or three schools close together and the geographic area covered was realistic. (131)

SSE 21 Q: A site is in a housing project which is fairly isolated and the sponsor does not expect children outside of the complex to attend. The sponsor planned to use school data: one elementary, one middle school, and two high schools, which if all four are added and averaged out may bring the percentage down below 50 percent. The sponsor believes the high schools and middle school draw children from other less poverty stricken areas, as well as the housing project. The high majority of children attending will be from grades 1-5. He took a list of children he thought would most likely attend to the elementary school and the school gave him the total number (not names) on that list that was on F/RP lunches. It exceeded 50 percent. Is this adequate to establish site eligibility?

A: No. If area eligibility is to be based on school data, it must be based on the school's total enrollment eligibility; not just the children attending his SFSP site. Otherwise, he must have an enrollment site and have F/RP applications on file that show 50 percent eligibility. Other options available are to:

1. Look at census tract data for an area small enough to cover the housing project area and qualify the site based on census information; (131) or,
2. Use only the elementary school's data to qualify the area if the elementary school fully covers the area from where children would be drawn. (131)

- SSE 22 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. (159)
- SSE 23 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. (159)
- SSE 24 Q: Can "homeless shelter" be defined as daytime shelter where no one receives overnight shelter?
- A: No. The Regulations imply overnight shelter. (159)
- SSE 25 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. (159)
- SSE 26 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. (159)

- SSE 27 Q: Can a migrant site where parents attend, serve supper and claim the children's meals?
- A: Yes, if the SA approves the supper as a meal and other guidelines are followed. (171)
- SSE 28 Q: There are two elementary schools, North and South. North Elementary has over 50 percent F/RP eligibility, while South Elementary has between 45 percent – 50 percent eligibility F/RP. The North site is under construction and unsafe for children so they want to combine the F/RP percentages for both schools and serve at the South site. However, in this case, the one site (South) is serving the whole town. Can the F/RP percentages be combined to document site eligibility?
- A: The F/RP percentages used should cover the entire area that would be served. Therefore, F/RP data would need to be averaged from all schools in the town. (171)
- SSE 29 Q: A site has requested serving 800 lunches per day; it served about 600 last year. Are there any restrictions on ADP for sites other than ones sponsored by PNPs?
- A: Section 225.6(d)(1)(iii) indicates not to approve the site participation level for more than a facility is capable of serving. Also, Section 225.7(d)(1)(iii), only requires that proposed nonschool sites, except for PNP, with an ADP of 300 or more, that did not participate in the prior year, have a preapproval visit by the SA. However, we suggest that someone from the SA and /or sponsor visit the site to evaluate if the site can handle an additional 200 children in a maximum 2-hour period, and if the site will have adequate supervision, etc. (171)
- SSE 30 Q: A sponsor wants to drive a truck around to homeless congregating spots and provide meals from the truck. Can this be considered a site?
- A: No. 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. (171)
- SSE 31 Q: A sponsor has two sites in elementary school buildings and only preschool and elementary school aged children will eat at these locations. Because of safety, security, and control reasons, they do not want middle and high school aged children in the elementary school buildings. Therefore, these older children will be bussed to a middle or high school location for their

meals. Across the street from one of the open enrolled middle/high school sites is a regular open site operated by the same sponsor. Is this allowable?

A: Yes, as long as adequate controls are in place to ensure that youth from the open enrolled site do not go across the street and are also served a meal at the open site. (171)

SSE 32 Q: Because some of the SFSP participants leave the site before breakfast is served to attend a university program, the sponsor wants to serve breakfast on the school bus. The children are given a sack breakfast as they board the bus. Is this allowable?

A: This is allowable if the service of milk at an acceptable temperature is not a problem and there is adequate monitoring to ensure that meal counts are taken. (175)

SSE 33 Q: A sponsor of a school site, which has less than 50 percent of the neighborhood children meeting the F/RP guidelines, wants to combine the migrant children with the year-round school children to bring the percentage above 50 percent. Would there be a problem with the school using this procedure to determine eligibility of the site?

A: Mixing school applications with migrant data, census tract data, etc., would not be an acceptable procedure. The sponsor should instead operate two sites. The neighborhood/year round children would attend an enrolled site while the second site would be a migrant site, with each using its own applicable data to document eligibility. (175)

SSE 34 Q: A sponsor is experiencing very low participation; therefore, it is considering moving the site outside to a lawn area next to the swimming pool. Is there a problem with the sponsor moving the site?

A: No, as long as prior approval is granted by the SA and the sponsor has a satisfactory method of meeting local health department standards for transporting the meals out to the site. It must ensure that meals will be served to the kids at the correct temperature. (175)

SSE 35 Q: A school district that has a year-round school program wants to feed off-track children in the SFSP, using the same facility they use for NSLP children. Can this be done? What about meal counting and accountability?

A: If the school wants to feed the SFSP children in the same facility as the NSLP children the sponsoring organization must ensure that the SFSP children are counted accurately and receive a creditable meal. SFSP costs must be tracked separately from the NSLP and acceptable accounting procedures. (182)

- SSE 36 Q: Is a college that owns and operates its own food service considered a self preparation site?
- A: Yes. (195)
- SSE 37 Q: A summer school site at a high school is not located in an eligible low income area. Can this site be a closed enrolled site?
- A: Yes. However, the sponsor must announce the program for surrounding community children as well as summer school participants and at least 50 percent of the children would have to be income eligible. (195)
- SSE 38 Q: A low income housing project with approximately 100 children, 80 of whom are income eligible, is located in an area that is not income eligible. Can this site be an enrolled site limited to these children?
- A: Yes. (195)
- SSE 39 Q: What type of documentation is required for migrant sites to participate in the SFSP?
- A: A sponsor of a migrant site needs only to have written certification from a migrant organization which attests that the site serves children of migrant farm worker families. If the site also serves children of non-migrant farm worker children, the sponsor must certify that the site predominately serves migrant children. (195)
- SSE 40 Q: Housing authority data was used to establish site eligibility as school data showed less than 50 percent area eligible. Who can participate at the site?
- A: Only the children living in the housing project. (202)
- SSE 41 Q: If a site does not have a place to serve meals in inclement weather, what can be done other than close the site on these occasions?
- A: Arrangements could be made for a large tent or cover, or the children could be bussed to a sheltered area with SA approval. However, as indicated in the Sponsor Handbook, adequate arrangements for service in inclement weather should be made prior to approval of the site. (226)

- SSE 42 Q: A private nonprofit agency which provides training services to disabled individuals wishes to participate in the SFSP. May those individuals over 18 years of age participate?
- A: Yes, if they meet the definition in Part 225.2 of (b) under children. (234)
- SSE 43 Q: A school wishes to be a sponsor for a NYSP site rather than a nearby university. The children attend that school as well as three other public schools. Can the school sponsor the NYSP?
- A: Yes. There is no problem with the school sponsoring the NYSP providing it accepts all responsibility for the site including establishing eligibility of the enrolled site. (234)
- SSE 44 Q: Could a non-migrant child eat at a migrant site and the meal be claimed?
- A: Yes, as long as the site is predominately migrant children. The sponsor would need to turn away a child but it should publicize that the site is for migrant children. (239)
- SSE 45 Q: May a migrant program operate either the SFSP or the CACFP?
- A: Yes. It may operate under either Program, once eligibility requirements have been met. (239)
- SSE 46 Q: A housing authority wishes to operate an open site for its children and children in the surrounding area. However, it could not establish 50 percent eligibility for the surrounding area using school or census data. It could establish eligibility using data on its residents. Could it still operate as an open site?
- A: No. Service would have to be limited to the children in the low income housing since that is how the site's eligibility is established. (239)
- SSE 47 Q: A school district is proposing a site at a school that does not have 50% eligibility. However, they bus children in during the school year. For the SFSP, the school wants to serve the area children which would be predominantly children living in trailer courts. Can the school district pull the applications for the children in the area around the school to establish eligibility?
- A: Yes. If they can identify and pull applications for the area children. (268)

- SSE 48 Q: An SFSP site wants to operate only 1 week; is there a minimum number of days a site must be in operation?
- A: No. (271)
- SSE 49 Q: An Upward Bound Program (which has been classified as a residential camp) wants to serve breakfast/lunch/dinner on weekdays, and lunch/snack/dinner on weekends. Is this allowable?
- A: Yes. Residential camps may serve 3 meals per day. Which meals are the choice of the sponsor with the approval of the SA. (344)
- SSE 50 Q: A sponsor that normally participates in the CACFP switches to the SFSP each year (following the principles of FNS Instruction 782-4, Revision 2). Of about 200 children, this year 41 are participating in the Early Head Start Program during the summer months and eat in a separate classroom. The sponsor does not want to run simultaneous programs so it would like to have all its children on the SFSP. Is this permissible?
- A: No. Any child currently participating in a Head Start Program must remain on the CACFP. If the child is not actually in a Head Start Program during the months of SFSP operations, then it would be allowable to claim these children as SFSP participants. (348)
- SSE 51 Q: If a residential camp has more than 50 percent of children free and reduced price (FIRP) eligible, can it become an enrolled site (i.e.; claim all children two meals per day)?
- A: No. Residential camps can ONLY claim F/RP eligible children, and then up to three meals per day. Section 13 (a)(1)(B) of the National School Lunch Act defines service institutions, one of which is RESIDENTIAL public or private non-profit summer camps. Section 13(a)(5) then states ..."camps that satisfy all other eligibility requirements of this section shall receive reimbursement only for meals served to children who meet the eligibility requirements for free or reduced price meals as determined under this Act and the Child Nutrition Act of 1966..." (348)
- SSE 52 Q: Can an NYSP be eligible for the SFSP by virtue of its being a Title 1 school?
- A: The Dept. of Health and Human Services (HHS) requires that at least 90% of participants attending each NYSP site come from households with incomes at or below the Federal income poverty level. The NYSP eligibility exceeds the SFSP participation requirement that children in the area come from households with income at or below 185% of the poverty

level. Therefore, NYSP designation by HHS is sufficient to establish SFSP site eligibility. (see SFSP-346) (348)

SSE 53 Q: A new sponsor will operate in an area that was 50 percent eligible based on school data last year; however, the area is less than 50 percent this year. Since school data is good for two years, can the sponsor use last year's data?

A: No. This is a new sponsor, and cannot use last year's school data. (382)

SSE 54 Q: In the above situation census data is at 49 percent. Can individual BNA percentages be added then divided by the number of BNAs being used to establish eligibility?

A: No. Adding and dividing percentages is not accurate. Gross numbers must be used. (382)

SSE 55 Q: A school district has year-round school and operates a year-round SFSP. Normally, half of the students are in school and half are off. However, during Christmas-New Years break all students are off at the same time. Can meals be served and claimed to all students during this period?

A: No. Memorandum SFSP-361 states: "The primary purpose in permitting year-round SFSP...{is} to provide meal service to children...when a portion of the student body is on a nontraditional vacation break." We do not believe that an entire student body on a "traditional" break such as winter or spring break should be able to participate in a year-round SFSP during those days. Short periods such as teacher workdays or one/two day holidays would be allowable, but not winter or spring breaks. This situation is consistent with Section 13(c) of the National School Lunch Act which limits SFSP to the months of May through September, except in the case of service in institutions that operate food service programs for children on school vacation at any time under a continuous school calendar. SFSP-361 reflected this statutory intent in clarifying that it is permissible for an eligible open site serving off-track students to continue serving meals on days when on-track students were on school break. It also stated that such a site would not have to attempt to keep the normally on-track students from coming to the site. On the other hand, a closed enrolled site serving off-track students would NOT be eligible to serve on-track students who happened to be on school vacation. (382)

SSE 56 Q: A child care center is in the process of applying to participate in the CACFP, but it has chosen to wait until the fall to start. It has begun sending out CACFP IEFs and getting those returned from parents. A SFSP sponsor wants to operate it as a SFSP site. Could the sponsor use the CACFP IEFs to establish eligibility?

- A: No. Since the center is not yet approved for the CACFP the IEFs could not be shared. If the sponsor could not get parent waivers, then separate SFSP IEFs, school or census data would be needed to establish eligibility. (389)
- SSE 57 Q: Can a public university sponsor an Upward Bound Program?
- A: Yes. Upward Bound Programs are residential camps, and public residential camps are eligible. (416)
- SSE 58 Q: What type of event must occur for a school to have an unanticipated closure?
- A: An unanticipated school closure is defined as a natural disaster, major building repair, court orders, labor-management dispute (strike) or similar causes approved by the SA. This description is located in the preamble of the December 29, 1999 Federal Register, page 72890. (439)
- SSE 59 Q: Is it allowable for the sponsor to provide meals in any area of a school during unanticipated school closures?
- A: No, Part 225.6(d)(1)(iv) only permits meal service at non-school sites during unanticipated school closures. (439)
- SSE 60 Q: Are school sponsors eligible to participate during unanticipated school closures?
- A: Yes, as long as the sponsor is eligible to participate in the SFSP, the SA may approve school sponsors and all other sponsor types during unanticipated school closures. The only Regulatory restriction is for the location of the site when an unanticipated school closes as explained above. (439)
- SSE 61 Q: Do unanticipated school closures only apply to the period between October and May?
- A: No, in areas where schools operate on a year round basis, an unanticipated closure could occur any month(s) including the summer months. (439)
- SSE 62 Q: If a sponsor wants to use school data to document open site eligibility, must the sponsor provide transportation to the SFSP site for all children that the school data was based upon?
- A: No, it is not the responsibility of the sponsor to ensure that all children have transportation to the site even if those children were bussed in during the academic year. (439)

- SSE 63 Q: An Upward Bound sponsor is providing meals at two different sites at the university. Breakfast at one site and lunch at another. The same children are receiving a meal at both sites. Will one site sheet suffice, or should a site sheet be prepared for both sites?
- A: A site sheet should be prepared for both sites since the site sheet provides information unique to each site. Information must be collected, at least once, as explained in Section 225.6(c)(2) for all sites. The SA may allow abbreviated information collection for experienced sites, as explained in Section 225.6(c)(3), but all information must have been provided at least once. (461)
- SSE 64 Q: How can an emergency shelter participate in the SFSP?
- A: Public Law 105-336 removed the ability of an emergency shelter to sponsor under the SFSP. Emergency shelters may now only sponsor through the Child and Adult Care Food Program. However, emergency shelters are allowed to participate in the SFSP as an open, closed enrolled or camp site when sponsored by another institution as explained in Policy Memo SFSP-380/CACFP-572 and Section 225.6(c)(2). (464)
- SSE 65 Q: Is a National Parks Service (NPS) educational program operating as a closed enrolled or as a camp site, eligible to participate in the SFSP?
- A: SFSP Regulations were never meant to exclude Federal sponsors from participating. Therefore, should a Federal Agency apply to participate in the SFSP, they are to be treated the same way as any other Program applicant. (493)
- SSE 66 Q: Can census data on military bases be used to make eligibility determinations?
- A: Census questionnaires were created to be used on military bases in the 2000 census. The information gathered using these questionnaires are suitable for use in all Child Nutrition Programs (CNP) including the SFSP. (493)
- SSE 67 Q: If a large group of non-migrant children; e.g., 20 to 30, were brought to a migrant site for an activity, could their meals be claimed?
- A: No. (239)
- SSE 68 Q: A magnet school has over 50 percent free or reduced price (F/RP) eligibility during the academic year. Can a sponsor use that

eligibility to operate an open site for neighborhood children in the SFSP?

A: No. A magnet school typically attracts children from a large area, perhaps the whole town. An open site located in a magnet school would need to submit eligibility documentation from a source other than the academic year F/RP data. (432)

SSE 69 Q: When documenting open site eligibility using school data, must a certain month's data be used? Is it allowable for one school to use October data while another school uses August or some other month's data?

A: There is no requirement in the SFSP that any one month's data must be used. The only requirement is that the data, within the school year, establishes open site eligibility. (1-2005)

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.

SPONSOR RESPONSIBILITIES

SR 1 Q: Are sponsors with outdoor sites supposed to make provisions for inclement weather?

A: Yes. An alternate facility must be available and indicated on the approved site sheet for use when weather prevents meal service in

the usual manner. There is not a provision for a sponsor to serve meals and permit children to take them from the premises for consumption later, even in the event of inclement weather. (100)

- SR 2 Q: What is a sponsor or site personnel's responsibility once the meals are served to the children? When a parent attends with the child do they have to determine that the child ate the meal rather than the parent?
- A: The Regulations are specific on the age of participants. Sponsors are to the best of their ability and safety ensure that meals are consumed by children. Some sites have handled this problem by posting in prominent locations signs indicating ages of children eligible to participate and that all meals must be eaten on site by children only. (100)
- SR 3 Q: What is the responsibility for sponsors that may receive photocopies of IEFs from a school as allowed in SFSP-368?
- A: The sponsor would need to be held responsible for IEF determinations for the SFSP if the sponsor receives a photocopy of the IEF. It would be in the best interests of the sponsor to re-evaluate the IEF for F/RP eligibility. If the sponsor notes that an IEF was incorrectly determined by the school and the child was not F/RP eligible, that IEF could not be used to count toward the F/RP part of the percentage. That IEF would have to count toward the paid part of the percentage. (382)
- SR 4 Q: What is the sponsor's responsibility if the school provides a list of children and their classifications?
- A: The sponsor would take that information at face value. If reviewers go to the school to look at the original IEFs and any are found to be incorrectly determined by the school, the sponsor is not be held liable if school errors dropped the sponsor below 50 percent eligibility at the site. (382)
- SR 5 Q: A SFSP site is located in a school which is offering several summer education programs. However, school staff responsible for these programs do not want their students to take time out of the educational day for meals. Do these school officials have the authority to determine that segments of the site's student population will not participate in the SFSP?
- A: No. Section 225.14(d)(3) states, "If the sponsor, administers the Program at sites at which summer school is in session, it shall ensure that such sites are open both to children enrolled in summer school and to all children residing in the area served by the site." (389)

- SR 6 Q: How often must the free and reduced price policy statement be collected in the SFSP? Policy Memorandum SFSP-306 prohibits SAs from requiring that sponsors submit a policy statement annually. However, Section 225.6(c)(4) requires non-school sponsors to provide a policy statement annually.
- A: The Regulation citation was issued after Policy Memorandum SFSP-306. Section 225.6(c)(4) is the guidance that must be followed. A policy statement must be collected annually from nonschool sponsors in the SFSP. (432)
- SR 7 Q: Must a sponsor provide a new site information sheet every year for experienced sites?
- A: Yes, Section 225.6(c)(3) describes the information that must be gathered every year for an experienced site. (461)
- SR 8 Q: Is the sponsor required to attend SFSP training provided by the SA?
- A: No. The SA is required to offer training to sponsors as explained in Section 225.7(a). Remember, the sponsor is required to ensure that administrative and site personnel receive at least one SFSP training session before a site may operate as noted in Section 225.15(d)(1). (486)
- SR 9 Q: Must the site supervisor accompany children on their field trip before those SFSP meals are eligible for reimbursement?
- A: No. There is no Regulatory requirement that the site supervisor must go on the field trip. The SA must ensure that correct meal counting and sanitary practices are being followed before field trip meals are allowable. (486)
- SR 10 Q: What is the sponsor or site personnel's responsibility once the meals are served to children? When a parent attends with the child, do they have to determine that the child ate the meal rather than the parent?
- A: The Regulations are specific on the age of participants. Sponsors are to the best of their ability and safety; ensure that meals are consumed by children. Some sites have handled this problem by posting in prominent locations signs indicating ages of children eligible to participate and that all meals must be eaten on site by children only. (100)

STATE AGENCY REQUIREMENTS

- SAR 1 Q: How is the sponsorship of a private nonprofit Upward Bound institution of higher education classified?

A: Part 225.2 explains that a "school food authority" also means any college or university which participates in the Program. (461)

SAR 2 Q: Section 225.16(a) requires that sponsors notify the appropriate health department that a food service will be provided to children at specific sites for a specific period. Is it allowable for the SA to notify the appropriate health department instead of the sponsor?

A: Yes, as long as the SA has the ability to ensure that the correct local health department is notified and provided with the pertinent site information. (486)

UNITIZED MEALS

UM 1 Q: Is it acceptable for unitized, vended meals to be delivered as a unit of hot components and a unit of cold components?

A: Yes; however, the meal should be put together and served as one unit to the children. (131)

UM 2 Q: Must meals prepared by a FSMC be unitized when OVS is going to be implemented by the SFA?

A: No. It is not reasonable to expect that meals can be unitized in conjunction with OVS. (424)