



**Georgia Dept  
of Early Care  
and Learning**

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Effective 12/21/2022  
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Area **Memo: Eligibility**  
Programs **SFSP**

## Site Caps in the Summer Food Service Program (SFSP)

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### Purpose

Summer Food Service Program (SFSP) regulations require State agencies to set limits on the number of meals each approved site may serve to children. This is known as the 'site cap.' The purpose of this memorandum is to clarify for SFSP sponsors the meal disallowance requirements as they relate to site caps. Additionally, this memorandum provides flexibility enabling SFSP sponsors of sites serving meals prepared by food service management companies known as "vended sites," to request adjustments when meals are served in excess of site caps at such vended sites. This memorandum also provides guidance on the use of site caps as a management tool to promote Program integrity for all sites. This memorandum is effective for SFSP activities beginning in the Summer 2015 and supersedes all previous memo versions as well as language concerning this matter and appeal language contained within DECAL's Policy Memorandum, Restricting the Number of Meal/Snacks Services or Number of Meals/ Snacks Sponsors Can Serve in the SFSP, April 25, 2013. Additionally, this memorandum was revised to ensure adherence to the September 19, 2022 Final Rule - Streamlining Program Requirements and Improving Integrity in the Summer Food Service Program (SFSP).

### Legal Authority

7 CFR 225.6(h); 7 CFR 225.13; and USDA Policy Memorandum, SFSP 16-2015

### Cross Reference/see also

DECAL SFSP Policy Memorandum, Restricting the Number of Meal/Snack Services or Number of Meals/

## Definitions

"Food Service Management Company" means any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the Program, or for managing a sponsor's food service operations in accordance with the limitations set forth in [§ 225.15](#). Food service management companies may be: Public agencies or entities; private, nonprofit organizations; or private, for-profit companies.

"Self-preparation site" means a site that prepares the majority of meals that will be served at its site or receives meals that are prepared at its sponsor's central kitchen. The site does not contract with a food service management company for unitized meals, with or without milk, or for management services.

"Self-preparation sponsor" means a sponsor which prepares the meals that will be served at its site(s) and does not contract with a food service management company for unitized meals, with or without milk, or for management services.

"Vended site" means a site that serves unitized meals, with or without milk, that are procured through a formal agreement or contract with: Public agencies or entities, such as a school food authority; Private, nonprofit organizations; or Private, for-profit companies, such as a commercial food distributor or food service management company.

"Vended sponsor" means a sponsor which purchases from a food service management company the unitized meals, with or without milk, which it will serve at its site(s), or a sponsor which purchases management services, subject to the limitations set forth in [§ 225.15](#), from a food service management company.

## Program Requirements

The SFSP regulations differ in treatment of meals served to children in excess of site caps, depending on the source of the meals. Program regulations require sponsors of **vended sites** to have an approved site cap [7 CFR 225.6(h)(2)]. Additionally, Program regulations require DECAL to reclaim meals served to children at any vended site in excess of the approved site caps [7 CFR 225.9(f) and 225.11(e)(3)].

Similarly, when evaluating a proposed **self-preparation site**, the State agency must ensure that the site is approved to serve no more than the number of children for which its facilities are adequate. This means that a site cap also must be established for a self-preparation site prior to approval [7 CFR 225.6(h)(1)(iii)]. Although Program regulations do not require State agencies to reclaim meals served to children at self-preparation sites in excess of site caps, DECAL has a system in place whereby a maximum number of meals per meal service is noted in each sponsor's site application. Sponsors are prohibited from claiming meals in excess of a site's maximum number of meals noted in the application.

Furthermore, the State agency is not required to issue appeal rights within the meaning of 7 CFR 225.13, to sponsoring organizations when it issues a site cap either during the initial application review or as a result of a site review. (Please see DECAL's SFSP Policy Memorandum, [Restricting the Number of Meal/Snack Services or Number of Meals/Snacks Sponsors can serve in the Summer Food Service Program](#))

(SFSP), April 25, 2013)

### **Establishing Site Caps**

All SFSP sites are required to have an approved site cap. The purpose of a site cap is to ensure that a site does not purchase and/or produce meals outside the capability of the site and the need of the community, thereby reducing waste and protecting the integrity of the Program. DECAL and sponsors, through required training, must ensure sponsors and site supervisors are trained and fully understand site caps requirements under 7 CFR 225.7(a) [7 CFR 225.7(a), 7 CFR 225.6(h) and 225.15(d)(1)]. This would include clarifying that special events, such as summer kick-off and late-summer back-to-school events, that may result in larger than average participation would require approval of a temporary site cap increase.

DECAL's applications with sponsors will be updated annually to indicate the approved site cap for every vended site and expectations for making adjustments to the limits [7 CFR 225.6(h)(2)]. The site cap will be established for vended sites based upon the historical record of attendance at the site if such a record has been established in prior years and the State agency determines that it is accurate. When no accurate record from prior years is available, State agencies must develop a procedure for establishing site caps. State agencies may consider participation at other similar sites located in the area, documentation of programming taking place at the site, statistics on the number of children residing in the area, and other relevant information.

For sponsors of self-prep sites, Program regulations require site caps to be based on the capacity of the site to prepare and/or distribute meals and on the number of children for which their facilities are adequate [7 CFR 225.6(h)(1)(iii)].

The terms of the agreement will make clear that meals served in excess of these established caps highlight mismanagement of the Program and at DECAL's discretion can indicate the need for further investigation of meal claims to determine whether these meals should be reclaimed. USDA's Food and Nutrition Service (FNS) encourages DECAL to include site caps in the State-sponsor agreement for sponsors of self-preparation sites as well.

DECAL has the authority to work with sponsors and establish reasonable site caps which reflect the true capacity and capability of sites while allowing for growth of the Program. DECAL may also restrict the number of meals that may be claimed for sites that have been declared seriously deficient in past operations or that fail to adequately support requested site caps. Overall, it is DECAL's goal to ensure realistic expectations are set for each new site.

### **Adjustments to Established Site Cap**

The site cap requirement provides protection for both sites and sponsors. However, it is sometimes difficult for a State agency working with a sponsor to accurately assess capability and need of a site. For example, like DECAL, some State agencies and sponsors have found that open sites, which provide meals for any children that come to the sites, have attracted more children than originally anticipated. In such circumstances, sponsors and sites have worked with State agencies to demonstrate that the site cap should be increased. Once satisfied of the need for a site cap increase, the State agencies have approved those sites to provide meal service to those additional children.

In recent years, there have been efforts to expand access to SFSP at the national, state, and local levels. Such expansion efforts focused on increasing participation at the site level, which increased the risk that sites would exceed established site caps. For vended sites, this could result in a reclaim of meals.

Pursuant to DECAL policy and 7 CFR 225.6(h), sponsors may request an increase to an established site cap. Such increase is contingent upon DECAL approval. Sponsors who wish to increase a site cap (per meal service) must update their electronic site application in GA ATLAS at any point prior to submitting the claim for the impacted reimbursement period. For example, if a sponsor files a claim for June 2023 on July 15, 2023, the sponsor could have requested an increase to the site cap for June 2023 anytime prior to July 15, 2023.

### **Adjustments in Excess of 25 Percent**

When increases are in excess of 25%, sponsors must submit supporting documentation that includes, but is not limited to, the previous week's (5 days) meal count records per meal type as justification for the increase in meals. Sponsors seeking to request an increase in a site cap must also complete page (3), **Section II** of the **SFSP Site Update Form Att Q** which can be accessed [here](#). The form is also attached to this memorandum.

Any increases in excess of 25% that have not been approved may result in a meal reclaim for the period the meals were claimed. Further, sponsors are reminded that site cap increases are solely contingent upon DECAL approval.

## **Comments**

For questions concerning this memorandum, please contact Nutrition's Policy Administrator at (404) 651-8193.

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## **Attachments**

[Happy Helpings Site Update Form Att. Q](#)

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