



Georgia Department of Early Care and Learning

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**MEMORANDUM**

To: All Summer Food Service Program (SFSP) Sponsors

*JNR 3*

From: Louis Brienza, Division Director, Nutrition Services

Date: March 03, 2011

Re: Child Nutrition Reauthorization 2010: Regulatory Changes for SFSP

The purpose of this memorandum is to notify all Institutions of some revisions that have been made to SFSP regulations as a result of the recent law, The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296).

The Healthy, Hunger-Free Kids Act (The Act) modified the following requirements:

- **Permanent Agreements in the Summer Food Service Program (SFSP)**

Section 321 of the Act amends section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) to require permanent operating agreements between the State and SFSP sponsors. Previously, under 7 CFR 225.6(e), permanent agreements were required only for school food authority (SFA) sponsors.

It is important to understand that describing the agreement as “permanent” is intended solely to convey that the agreement has no predetermined expiration date and does not need to be renewed. Such agreements may be amended as necessary to ensure compliance with all federal requirements. Such agreements may be terminated for convenience, in accordance with program regulations, by the institution [sponsor] or State Agency that is a party the permanent agreement. Permanent agreements shall be terminated for cause by Bright from the Start in accordance with SFSP policy # 04-15, if the institution [sponsor] fails to adhere to program requirements.

In addition, section 321 of the Act makes clear that SFSP sponsors now operating under a permanent agreement must submit an annual budget for administrative costs that must be approved by the State Agency.

- **Categorical Eligibility of Foster Children**

Section 102 of the Act amends Section 9(b)(12(A) of the Richard B. Russell National School Lunch Act (NSLA) to provide categorical eligibility for free meals, without further application, to any foster child whose care and placement is the responsibility of the state or who is placed by a court with a caretaker household. In addition, the Act amends Section 9(b)(5) of the NSLA to allow certification of a foster child for free meals, without application, if the local education agency or other child nutrition program institution obtains documentation from an appropriate State or local agency indicating the status of the child as a foster child whose care and placement is the responsibility of the state or who is placed by a court with a caretaker household. **This provision is effective October 1, 2010.**

This change to allow categorical eligibility for free meals for foster children will require a change in the way free and reduced price applications (income eligibility statements) are handled. Previously, a separate application for free and reduced price meals was submitted for foster children who were considered a household of one. Now, the foster child is categorically eligible and may be certified without an application. Households with foster and non-foster children may choose to include the foster child as a household member, as well as personal income earned by the foster children, on the same household application that includes their non-foster children. This will streamline the application process and may help the foster family's non-foster children qualify for free or reduced price meals based on household size and income.

When processing the income application, the local education agency or the SFSP sponsor would certify the foster child for free meals, and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or other categorical eligibility information reported on the income application. As before, foster payments received by the family from the placing agency are not considered income and do not need to be reported. **Note: the presence of a foster child in the household does not convey eligibility for free meals to all children in the household in the same manner as the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families (TANF), and Food Distribution Program on Indian Reservation (FDPIR) participation does.**

SFSP sponsors should implement this change as soon as possible for any new foster children identified by foster agencies or who submit applications for the remainder of this school [fiscal] year. **A copy of the updated income application is available in the FY 2011 Summer Food Service Program Administrative Guidance Manual. The FY 2011**

**Administrative Guidance Manual is available via Bright from the Start's website at <http://www.decal.ga.gov/Nutrition/SFSPHandbooksInstructions.aspx>.**

- **Eligibility Requirements and Site Limits for Private Nonprofit Organizations**

Section 111 of the Act amends section 13(a)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) to expand the limits on the number of sites and children that private non-profit organizations participating in the SFSP can serve. Under 7 CFR 225.6(b)(6)(ii) and 225.14(d)(6)(i)(A), private non-profit organizations were permitted to operate no more than 25 sites, with no more than 300 children served at any one site unless granted a waiver by the State agency to serve up to 500 children. **Effective October 1, 2010, private non-profit organizations are eligible to participate in the SFSP according to the same terms and conditions as other service institutions.** As a result, all sponsors may now be approved to operate a maximum of 200 sites and serve a maximum total average daily attendance of 50,000 children as permitted by 7 CFR 225.6(b)(6)(i). Exceptions to these limits may be approved if the sponsor can demonstrate that it has the financial viability and administrative capability to manage a larger program.

Bright from the Start requires all sponsoring organizations to demonstrate financial viability and administrative capability with each annual application. Site approval is based on the following:

- The organization's ability to demonstrate the need for sites in specific areas;
- The organization's ability to demonstrate its ability to provide creditable meals to all children at all sites;
- The organization's ability to demonstrate that sufficient number of staff are available to supervise and monitor approved sites, and
- The organization's ability to demonstrate financial viability through the submission of an annual budget with necessary and reasonable costs.

Sponsors must assume administrative and financial responsibility for total SFSP operations at all sites under their supervision. Therefore, sponsors must be certain that a site can offer a quality meal service before deciding to sponsor the site. Sponsors should refer to the FY 2011 Administrative Guidance Manual for more information on evaluating areas and selecting sites to participate in the SFSP. **The FY 2011 Administrative Guidance Manual is available via Bright from the Start's website at <http://www.decal.ga.gov/Nutrition/SFSPHandbooksInstructions.aspx>.**

- **Social Security Number Requirement Amendment**

Section 301 of the Act amends section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) by removing the requirement that the adult household member who signs a household application for free and reduced-price meals also must provide his or her complete Social Security Number (SSN), as a condition to eligibility. As amended by the Act, Section 9(d)(1) now requires that **only the last four digits of SSN** must be provided on that application. The Act also removes the requirements that the SSN of each household member be collected to verify application. **This provision is effective October 1, 2010. Therefore, all household applications and supporting materials must be updated to reflect these requirements as soon as possible, but no later than July 1, 2011. A copy of the updated income application is available in the FY 2011 Summer Food Service Program Administrative Guidance Manual. The FY 2011 Administrative Guidance Manual is available via Bright from the Start's website at <http://www.dec.state.ga.us/Nutrition/SFSPHandbooksInstructions.aspx>.**

For questions concerning information contained in this memorandum, please contact the Policy Administrator at 404.651.7181.