



Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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Brian P. Kemp
Governor

Amy M. Jacobs
Commissioner

MEMORANDUM

To: Approved Sponsors Participating in the Summer Food Service Program (SFSP)

From: Tamika Boone, Nutrition Services Director (*Original Signed*)

Date: July 12, 2021 (v.2)

Re: Restricting the Number of Meal/Snack Services or Number of Meals/Snacks Sponsors Can Serve in the Summer Food Service Program (SFSP)

In accordance with federal regulations (7 C.F.R 225) and policy memorandum issued by the United States Department of Agriculture (USDA), GA DECAL is required, under certain circumstances, to restrict the number of meal/snack services or restrict the number of meals/snacks sponsors can serve per day at its feeding sites.

Restricting the Number of Meal/Snack Services at a Site (Meal Service Restriction):

Federal regulation 7 C.F.R. 225.11(d) requires GA DECAL to restrict sponsors to one meal/snack service per day at one or more sites under the following circumstances:

1. Any site is in violation of approved SFSP meal service time frames per 7 C.F.R. 225.16(c), and the required corrective action is not taken by the deadline provided by GA DECAL and agreed to by the sponsoring organization.
2. When more than 20% of a sponsor's sites are determined to be in violation of approved SFSP meal service time frames.

However, currently, GA DECAL has an approved statewide waiver in effect until April 30, 2022 for the meal service time requirements under 7 CFR 225.16(c) which waives the requirement that a specific amount of time elapses between each meal service and/or there is a specific duration of time for the meal services. Although, sponsors must continue to establish meal times for each site in accordance with 7 CFR 225.6(c)(2)(B) and (3)(A). Sponsors are required to provide GA DECAL with information regarding the times meals and/or snacks are served at each site by indicating the times in the site application. Upon submission of the site application, GA DECAL will review and approve the meal and/or snack time. Sponsors are then required to serve meals/snacks in accordance with the approved site application. Meals must be served within the State approved meal service times in order to be claimed for reimbursement and for the cost associated with such meals to be covered by Program funds.

Therefore, GA DECAL will impose meal/snack restrictions when:

1. It is determined that during an initial or follow up visit, the sponsor has violated the approved meal service time frames and accepted corrective action was not successfully implemented and previously cited Program violations continue to exist.
2. It is determined more than 20% of the sponsor's sites are in violation of the approved meal service time.

Sponsors will receive findings in ATLAS when meal restrictions are imposed and will be required to adjust the meal service accordingly. Meal service restrictions are issued with a future effective date and do not result in meal disallowances.

Restricting the Number of Meals/Snacks Served at a Site (Site Caps):

USDA's policy memorandum entitled "*Site Caps in the Summer Food Service Program*," dated January 19, 2021, provides clarification to state agencies on imposing and enforcing site caps in the SFSP.

GA DECAL is required to set limits on the number of meals a site may serve to children for meal reimbursement. The limit is referred to as a "site cap."

Per the aforementioned policy memorandum and federal regulations 7 C.F.R 225.6(d)(1)(iii), 225.6(d)(2) and 225.9(f), site caps are required for self-prep and vended sites. Sponsors that vend meals for the SFSP meal service operation are prohibited from claiming meals for reimbursement in excess of the number of meals that can be distributed. Sponsors that operate self-prep sites must ensure that the site is not approved for more than the number of meals it is capable of preparing and distributing to other sites.

GA DECAL refers to the site cap as the "maximum meal count number" which is part of the site application. Sponsors are required to indicate the maximum meal count number for each meal type in the site application and, upon approval of the site application, are prohibited from serving meals in excess of the maximum meal count number for each meal type without seeking additional approval.

As a management tool, GA DECAL may impose meal/snack restrictions due to inconsistencies found during sponsor reviews or site visits.

Nutrition Compliance Examiners may impose meal/snack "caps" when they observe the following:

- Sponsor is claiming meals in excess of the site's attendance;
- Sponsor is claiming meals in excess of the site's capacity to distribute; and/or
- Sponsor is claiming meals in excess of the amount that can be prepared/delivered to meet required meal service time frames or temperature requirements.

Sponsors will receive findings in ATLAS when site caps are imposed and will be required to adjust the meal service accordingly. Site caps are issued with a future effective date and do not result in meal disallowances.

Meal Disallowance and Corrective Action:

In accordance with GA DECAL's SFSP policy memo, "*Meal Disallowances for the Summer Food Service Program (SFSP)*," meal/snacks served outside of the approved meal service times or in excess of the approved maximum number of meals submitted and approved in the sponsor's application are Program violations and will subsequently be disallowed. Disallowed meals are ineligible for reimbursement.

Sponsors that are cited for serving meals outside of the approved time frame or meals in excess of the approved maximum number of meals will be required to submit corrective action and implement corrective

action immediately. Upon submission of acceptable corrective action, GA DECAL will complete a follow up visit to ensure successful implementation of corrective action.

Appeals:

A meal disallowance is considered an adverse action and is an appealable action. Therefore, appeal rights and procedures will be provided upon notification of the meal disallowance. However, the following actions are not appealable actions:

- Imposing a meal service restriction that restricts sponsors to one meal/snack service per day at one or more sites as a result of a review.
- Imposing a meal/snack restriction (site cap) at one or more sites as a result of a review.

Note: *The administrative review (appeal) is an impartial examination conducted by an independent administrative law judge at the Georgia Office of State Administrative Hearings (OSAH) who is responsible for determining if GA DECAL's proposed actions are valid and appropriate. The appeal may take either of two forms: 1- a hearing or 2- a review of the record. Sponsors seeking an administrative review must follow GA DECAL's SFSP Appeal Procedures. All appeal requests (hearings and record reviews) will be sent to OSAH.*

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