



Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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Governor

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Commissioner

MEMORANDUM

Subject: Restricting the Number of Sites Sponsors in the Summer Food Service Program are Approved to Operate

Date: January 15, 2022 (v.2)

Legal Authority: 7 C.F.R. § 225.13; 7 C.F.R. § 225.14(c); and 7 C.F.R. § 225.6(b)(6)

Cross Reference: DECAL SFSP Policy No. 04-15

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

Purpose: The purpose of this memorandum is to provide clarification on the total number of sites Summer Food Service Program (SFSP) sponsors are approved to operate.

This memorandum has been reissued to provide guidance on the total number of sites Summer Food Service Program (SFSP) sponsors are approved to operate and clarification on the requirements to provide appeal rights when the number of SFSP sites is restricted; and supersedes DECAL Policy Memorandum, *Restricting the Number of Sites Sponsors in the Summer Food Service Program are Approved to Operate*, April 2, 2012.

Restrictions on the Number of Approved SFSP Sites

All sponsors may be approved for a maximum of 200 sites and a maximum total average daily attendance at all sites of 50,000 children, per 7 CFR 225.6(b)(6). GA DECAL may approve exceptions if the sponsor can demonstrate that it has the capabilities of managing a program larger than these limits. Despite the maximum number of sites allowed for GA DECAL approval, all sponsors must plan to operate the Program to align with the size of their administrative staff, the extent of their expertise, and their overall abilities to administer the Program as advised in the [USDA's 2016 SFSP Administration Guide](#).

Pursuant to 7 CFR 225.14(c), SFSP sponsors are responsible for all financial and administrative aspects of the Program and accepts financial and administrative responsibility for all sponsored SFSP sites. Aspects of the Program for which sponsors are responsible include but are not limited to hiring, training, and supervising program staff, monitoring sites, meal planning, meal preparation and delivery to the sites, and submitting accurate claims for reimbursement. Sponsors must adhere to all SFSP regulations and GA

DECAL's policies which may impose a considerable financial and administrative burden on some sponsors. As a result, GA DECAL reserves the right to restrict the number of sponsored sites based on previous or prior years', and/or current year's performances in administering the program.

Restrictions may be imposed for sponsors that have been declared seriously deficient, had serious deficiency findings, significant sponsor and site level findings or operation deficiencies that indicate the sponsors may not be able to efficiently accommodate the number of sites that were requested and approved in the previous or prior year(s), and/or current year of operation.

The restriction on the number of sponsored SFSP sites will be based on the severity and frequency of serious deficiency findings and/or operational deficiencies. These findings and deficiencies include, but are not limited to, any of the following:

- Inadequate training and/or site monitoring;
- Lack of direct operational control over sponsored sites;
- The submission of false information to Bright from the Start;
- Noncompliance with the applicable bid procedures and contract requirements;
- Failure to implement corrective action as prescribed by Bright from the Start;
- Noncompliance with approved meal service times;
- Failure to maintain records;
- Multiple instances of off-site (non-congregate) meal consumption;
- Inadequate/unacceptable/unsanitary holding and storing conditions/facilities for food and/or meals;
- Non-compliance with Civil Rights requirements;
- Failure to adjust meals based on variation in participation or caps imposed.
- Claiming meals not served to eligible participants and/or simultaneously serving more than one meal to any participant;
- Repeat instances of block claiming that cannot be explained or justified; and
- If applicable, failure to serve unitized meals when prepared by a food service management company.

Since sponsors assume administrative and financial responsibility for the SFSP, it is necessary that they fully comply with the regulations and requirements before expanding their operations. GA DECAL may allow for future expansion when a successful SFSP administration has been established and demonstrated.

Requirements Regarding Appeal Rights for Site Application Denials

Appeal rights are required to be provided upon site application denials under the following conditions:

- If during initial SFSP site application submissions, GA DECAL denies a site application submitted by the sponsor.
- If a site application has been submitted and is pending approval when GA DECAL issues a restriction on the number of sponsored SFSP sites and the pending site application is then denied.

However, appeal rights are not required to be provided when the below circumstances occur:

- The number of approved sites is restricted once a sponsor has been declared seriously deficient.
- The number of existing approved sites is restricted when serious deficiency findings, significant sponsor and site level findings or operation deficiencies have been found to occur during a review.

- A sponsor's site application is denied when submitted after a restriction on the number of sites has been issued by GA DECAL.

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