



Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, GA 30334
(404) 656-5957

Nathan Deal
Governor

Amy M. Jacobs
Commissioner

MEMORANDUM

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

From: Sonja R. Adams, Director of Provider Services - Nutrition
(Original Signed)

Date: July 13, 2018

Subject: Summer Food Service Program Memoranda Rescission: SFSP 01-2007 and SFSP 06-2015

Legal Authority: USDA Policy Memorandum SFSP 06-2018

The purpose of this memorandum is to provide guidance for State agencies and Program operators on the status of nationwide waivers of statutory and regulatory requirements in the Summer Food Service Program (SFSP).

In 2017, the USDA Office of the Inspector General (OIG) conducted a review of USDA Food and Nutrition Service's (FNS) controls over SFSP. In response to the OIG Audit Report "FNS Controls Over Summer Food Service Program" (27601-0004-41) published on March 27, 2018, FNS agreed to work with the Office of the General Counsel (OGC) to assess whether current nationwide waivers issued through policy memoranda are in compliance with the statutory waiver authority requirements set forth in Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l).

As part of this ongoing review, FNS concluded that the following policy memoranda waived SFSP requirements in a manner not fully consistent with all requirements as outlined in section 12(l) of the NSLA and are not in the best interest of the SFSP. Therefore, to strengthen integrity in SFSP, FNS is rescinding the specified waivers of SFSP statutory and regulatory requirements contained in the following memoranda, effective immediately:

1. SFSP 01-2007, Summer Food Service Program (SFSP) – Exceptions to Approving Sponsors Prior to Program Operations (Update), January 19, 2007
 - Waived regulatory requirement at 7 CFR 225.9(d) that reimbursements shall not be paid for meals served prior to approval of a sponsor's application.
2. SFSP 06-2015, Categorical Eligibility in the Summer Food Service Program, December 8, 2014

- Extended categorical eligibility to Job Training Partnership Act (JTPA)/Workforce Investment Act (WIA) participants age 18 or younger.

FNS will continue to carefully review and monitor other policy memoranda to ensure that they are consistent with statutory and regulatory requirements and also support SFSP integrity. As part of this review process, and to provide better customer service to State agencies and sponsors, FNS will identify those that should be incorporated into SFSP regulations through notice and comment rulemaking. The goal of any rulemaking would be to provide administrative flexibilities to State agencies and sponsors that operate SFSP.

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