



## Charging for SFSP Meals at Camps and Conditional Non-Congregate Sites

### Purpose

Summer Food Service Program (SFSP) sponsors of camps and conditional non-congregate SFSP sites have the option to charge SFSP meals to non-Program eligible children. In accordance with Federal regulations, sponsors that charge for SFSP meals at these sites must have a written policy statement explaining eligibility for free meals. This memorandum provides guidance on the charging of SFSP meals and the development of the required written policy statement.

### Legal Authority

7 CFR 225.6(f); 7 CFR 225.6(i); 7 CFR 225.9(d)

### Definitions

**"Camps"** means residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children. Nonresidential camp sites shall offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.

**"Conditional non-congregate site"** means a site which qualifies for Program participation because it conducts a non-congregate meal service for eligible children in an area that does not meet the definition of "areas in which poor economic conditions exist" and is not a "Camp".

**"Income standards"** means the family-size and income standards prescribed annually by the Secretary of Agriculture for determining eligibility for reduced-price meals under the National School Lunch Program and the School Breakfast Program.

**"School food authority (SFA)"** means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools. In

addition, for the purpose of determining the applicability of food service management company registration and bid procedure requirements, "school food authority" also means any college or university which participates in the Program.

**"Sponsor"** means a public or private nonprofit school food authority, a public or private nonprofit residential summer camp, a unit of local, municipal, county or State government, a public or private nonprofit college or university currently participating in the NYSP, or a private nonprofit organization which develops a special summer or other school vacation program providing food service similar to that made available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. Sponsors are referred to in the Act as "service institutions".

## Program Requirements

### Individual Child Eligibility Requirements for Conditional Non-Congregate Sites

Camps and conditional non-congregate sites must establish eligibility of individual children. These SFSP sites may establish individual child eligibility by one of the two following methods:

- Individual Eligibility Information from School Data. A non-SFA sponsor that wishes to use NSLP/SBP individual student data to identify eligible children for participation at a conditional non-congregate site must secure a Memorandum of Understanding (MOU) or written statement with the State agency or SFA, per 7 CFR 225.14(d)(8). In addition, per 7 CFR 225.15(k)(1), an MOU or written agreement must be in place prior to disclosing children's free and reduced-price meal eligibility information and should include information similar to disclosure notification details found in 7 CFR 225.15(k)(2). Sponsors are responsible for the proper handling and storage of student data with applicable SFAs in accordance with confidentiality and disclosure provisions in 7 CFR 225.15(f) through (l); or
- Income Eligibility Statements (IES forms) completed by parents and/or guardians. Per 7 CFR 225.15(f), the IES form or Household Application is used to determine the free or reduced-price meal statuses of individual children. IES forms can be found on DECAL's website [here](#). Sponsors must adhere to confidentiality and disclosure provisions as set forth in 7 CFR 225.15(f) through (l) when requesting and collecting IES forms.

Camps and conditional non-congregate sites may only claim meals for those children that meet income standards, meaning those children who qualify for free or reduced-price meals per 7 CFR 225.9(d)(9) and 7 CFR 225.9(d)(11). Regulations at 7 CFR 225.6(i)(4) and 7 CFR 225.6(i)(7)(ii) allows sponsors of camps and conditional non-congregate SFSP sites to charge children for SFSP meals who do not qualify as free or reduced. Those children who do meet income standards, those who are eligible for free or reduced-price meals, must not be charged for the receipt of SFSP meals.

### Nondiscrimination Free Meal Policy Statement

Per 7 CFR 225.6(f)(1), each sponsor must submit a nondiscrimination statement of its policy for serving meals to children. This statement must include an assurance that all children are served the same meals and that there is no discrimination in the course of the food service. In addition, all sponsors must advise in this statement that the meals served are free at all sites. Camps and conditional non-

congregate sites that charge children who do not meet income standards do not have to advise that all meals are free at their sites within this policy statement; however, those particular camps and conditional non-congregate sites must include within its policy statements certain advisements regarding the charging of meals to non-Program eligible children.

7 CFR 225.6(f)(1) advises that the policy statement of all camps and conditional non-congregate sites that charge separately for meals must include the following:

- A statement that the eligibility standards conform to the Secretary's of Agriculture family size and income standards for reduced-price school meals;
- A description of the method to be used in accepting applications from families for Program meals that ensures that households are permitted to apply on behalf of children who are members of households receiving SNAP, FDPIR, or TANF benefits using the categorical eligibility procedures described in § 225.15(f);
- A description of the method to be used for collecting payments from children who pay the full price of the meal while preventing the overt identification of children receiving a free meal;
- An assurance that the sponsor will establish hearing procedures for families requesting to appeal a denial of an application for free meals.
- An assurance that, if a family requests a hearing, the child will continue to receive free meals until a decision is rendered; and
- An assurance that there will be no overt identification of free meal recipients and no discrimination against any child on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability.

Sponsors of camps and conditional non-congregate sites that charge non-Program eligible children for SFSP meals must submit this policy statement to DECAL. SFA sponsors are required to submit this policy statement only once, with the initial application to participate in the SFSP as a sponsor. If there is a substantive change in the school's free and reduced-price policy, a revised policy statement must be provided at the State agency's request. DECAL's required pricing policy statement template for camps can be found [here](#) and for conditional non-congregate sites [here](#).

As sponsors must establish hearing procedures for families requesting to appeal a denial of an application for free meals, each camp or sponsor of a conditional non-congregate site that charges non-Program eligible children for meals, must submit a copy of its hearing procedures with its application as per 7 CFR 225.6(f)(2). At a minimum, the procedures must include:

- A simple, publicly announced method will be used for a family to make an oral or written request for a hearing;
- The family will have the opportunity to be assisted or represented by an attorney or other person (designated representative);
- The family or designated representative will have an opportunity to examine the documents and records supporting the decision being appealed, both before and during the hearing;
- The hearing will be reasonably prompt and convenient for the family or designated representative;
- Adequate notice will be given to the family or designated representative of the time and place

of the hearing;

- The family or designated representative will have an opportunity to present oral or documented evidence and arguments supporting its position;
- The family or designated representative will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
- The hearing will be conducted and the decision made by a hearing official who did not participate in the action being appealed;
- The decision will be based on the oral and documentary evidence presented at the hearing and made a part of the record;
- The family or designated representative will be notified in writing of the decision;
- A written record will be prepared for each hearing, which includes the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision, and a copy of the notice sent to the family or designated representative; and
- The written record will be maintained for a period of three years following the conclusion of the hearing and will be available for examination by the family or designated representative at any reasonable time and place.

## Comments

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