



# Georgia Dept of Early Care and Learning

BRIGHT FROM THE START

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## MEMORANDUM

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

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

Date: January 19, 2021 (v.5)

Subject: Site Caps in the Summer Food Service Program (SFSP)

Legal Authority: 7 CFR 225.6(d); 7 CFR 225.13; and USDA Policy Memorandum, SFSP 16-2015

**Cross Reference/see also:** DECAL Policy Memorandum, *Restricting the Number of Meal/Snack Services or Number of Meals/Snacks Sponsors can serve in the Summer Food Service Program (SFSP)*, April 25, 2013

This memorandum was updated to clarify that appeal rights are not required to be provided to a sponsoring organization when a site cap is issued during the initial application review or as a result of a review.

Summer Food Service Program (SFSP) regulations require State agencies to set limits on the number of meals each approved site may serve to children. This is known as the ‘site cap.’ The purpose of this memorandum is to clarify for SFSP sponsors the meal disallowance requirements as they relate to site caps. Additionally, this memorandum provides flexibility enabling SFSP sponsors of sites serving meals prepared by food service management companies known as “vended sites,” to request adjustments when meals are served in excess of site caps at such vended sites. Finally, this memorandum also provides guidance on the use of site caps as a management tool to promote Program integrity for all sites. This memorandum is effective for SFSP activities beginning in the Summer 2015 and supersedes all previous memo versions as well as language concerning this matter and appeal language contained within DECAL’s Policy Memorandum, *Restricting the Number of Meal/Snacks Services or Number of Meals/Snacks Sponsors Can Serve in the SFSP*, April 25, 2013.

The SFSP regulations differ in treatment of meals served to children in excess of site caps, depending on the *source* of the meals. Program regulations require sponsors of **vended sites** to have an approved site cap [7 CFR 225.6(d)(2)]. Additionally, Program regulations require DECAL to reclaim meals served to children at any vended site in excess of the approved site caps [7 CFR 225.9(f) and 225.11(e)(3)].

Similarly, when evaluating a proposed **self-preparation site**, the State agency must ensure that the site is approved to serve no more than the number of children for which its facilities are adequate. This means that a site cap also must be established for a self-preparation site prior to approval [7 CFR 225.6(d)(1)(iii)]. Although Program regulations do not require State agencies to reclaim meals served to

children at self-preparation sites in excess of site caps, DECAL has a system in place whereby a maximum number of meals per meal service is noted in each sponsor's site application. Sponsors are prohibited from claiming meals in excess of a site's maximum number of meals noted in the application.

Furthermore, the State agency is not required to issue appeal rights within the meaning of 7 CFR 225.13, to sponsoring organizations when it issues a site cap either during the initial application review or as a result of a site review.

### **Establishing Site Caps**

All SFSP sites are required to have an approved site cap. The purpose of a site cap is to ensure that a site does not purchase and/or produce meals outside the capability of the site and the need of the community, thereby reducing waste and protecting the integrity of the Program. DECAL and sponsors, through required training, must ensure sponsors and site supervisors are trained and fully understand site caps requirements under 7 CFR 225.7(a) [7 CFR 225.7(a), 7 CFR 225.6(e)(1)(6) and 225.15(d)(1)]. This would include clarifying that special events, such as summer kick-off and late-summer back-to-school events, that may result in larger than average participation would require approval of a temporary site cap increase.

DECAL's applications with sponsors will be updated annually to indicate the approved site cap for every vended site and expectations for making adjustments to the limits [7 CFR 225.6(e)(7)]. The terms of the agreement will make clear that meals served in excess of these established caps highlight mismanagement of the Program and at DECAL's discretion can indicate the need for further investigation of meal claims to determine whether these meals should be reclaimed. USDA's Food and Nutrition Service (FNS) encourages DECAL to include site caps in the State-sponsor agreement for sponsors of self-preparation sites as well.

For sponsors of self-prep sites, Program regulations require site caps to be based on the capacity of the site to prepare and/or distribute meals and on the number of children for which their facilities are adequate [7 CFR 225.6(d)(1)(iii)]. For sponsors of vended sites, Program regulations require the site cap to be based on either historical records of attendance at the site or, if a record from prior years is not available, the State agency should have an established procedure to determine an appropriate cap [7 CFR 225.6(d)(2)].

DECAL has the authority to work with sponsors and establish reasonable site caps which reflect the true capacity and capability of sites while allowing for growth of the Program. DECAL may also restrict the number of meals that may be claimed for sites that have been declared seriously deficient in past operations or that fail to adequately support requested site caps. Overall, it is DECAL's goal to ensure realistic expectations are set for each new site.

### **Adjustments to Established Site Cap**

The site cap requirement provides protection for both sites and sponsors. However, it is sometimes difficult for a State agency working with a sponsor to accurately assess capability and need of a site. For example, like DECAL, some State agencies and sponsors have found that open sites, which provide meals for any children that come to the sites, have attracted more children than originally anticipated. In such circumstances, sponsors and sites have worked with State agencies to demonstrate that the site cap should be increased. Once satisfied of the need for a site cap increase, the State agencies have approved those sites to provide meal service to those additional children.

In recent years, there have been efforts to expand access to SFSP at the national, state, and local levels. Such expansion efforts focused on increasing participation at the site level, which increased the risk that sites would exceed established site caps. For vended sites, this could result in a reclaim of meals.

Pursuant to DECAL policy, sponsors may request an increase to an established site cap. Such increase is solely contingent upon DECAL approval. Sponsors who wish to increase a site cap (per meal service) must update their electronic site application in GA ATLAS **no later than the last calendar day of the operating month**. For example, a sponsor who wishes to increase its site cap for June meals, must update its electronic site application in GA ATLAS on or before June 30<sup>th</sup>. Any revision(s) made after the last calendar day of the operating month may result in a meal reclaim for the period the late revision(s) covered.

### **Adjustments in Excess of 25 Percent**

When increases are in excess of 25%, sponsors must submit supporting documentation that includes, but is not limited to, the previous week's (5 days) meal count records per meal type as justification for the increase in meals. Sponsors seeking to request an increase in a site cap must also complete page (3), **Section II** of the **SFSP Site Update Form Att Q** which can be accessed here: <http://www.dec.state.ga.us/BftS/FormList.aspx?cat=SFSP>.

Any increases in excess of 25% that have not been approved may result in a meal reclaim for the period the meals were claimed. Further, sponsors are reminded that site cap increases are solely contingent upon DECAL approval.

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