



Unit 2: Applying to the Summer Food Service Program

2024

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Introduction

Unit 2 describes the application requirements for new and experienced sponsors, State agency requirements when reviewing a sponsor’s application, and requirements for documenting site and participant eligibility. For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Program Administration Guide* and *Appendix 1*, respectively.

Application Requirements for New and Experienced Sponsors and Sites

7 CFR 225.6(b)(1), 225.6(c), 225.6(e), 225.6(f) and 225.14

Sponsors must submit an application to the State agency in order to participate in SFSP. The Federal deadline for sponsors to submit a written application to operate SFSP in the summer months is June 15. However, State agencies may establish earlier deadlines. Applicants should be certain that they have filled out the application completely and that they have forwarded all the necessary supporting documentation to the State agency prior to the agency's deadline. Incomplete applications will cause a delay and could prevent approval. As a best practice, sponsors should contact their State agency to begin the application process as early as possible. Sponsors that apply to operate the program due to an unanticipated school closure are exempt from application submission deadlines.

For information on application deadlines, see *Summer Food Service Program Deadlines for Sponsors*, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>.

New sponsors and sponsors that experienced significant operational problems in the previous year are required to submit a detailed Program application. These sponsors must include the following information in their applications:

- The sponsor's full legal name and any previously used names.
- The sponsor's mailing address.
- Date of birth of the sponsor's responsible principals, which includes the executive director and board chair.
- The sponsor's Federal Employee Identification Number or Unique Entity Identifier.
- Documentation of tax-exempt status under the Federal Internal Revenue Code, if the sponsor is a private non-profit entity. For more information, see *Sponsor Eligibility* in Unit 1: Participating in the SFSP.
- A full management plan that:
 - Includes staffing needs and an administrative budget.

- Demonstrates that the sponsor has financial viability, administrative capability, and Program accountability to manage an effective food service. For more information, see *Viability, Capability, and Accountability* in this unit.
- Includes a staffing and monitoring plan.
- Certifies that training will be conducted for monitors and site personnel.
- Describes information explaining when the training will be held and the topics that will be discussed.
- Certification that the sponsor will have administrative oversight of the site.
- A written policy statement on the availability of free meals. For more information, see the *State-Sponsor Agreement* in this unit.
- A site information sheet for each proposed site as described in 7 CFR 225.6(g). The table *Application Requirements for New and Experienced Sponsors and Sites* in this unit displays the required information that new sponsors and sponsors with that experienced operational problems must include on site information sheets.
- Information in sufficient detail to enable the State agency to determine that the sponsor meets the criteria for participation in the Program, as described in 7 CFR 225.14.
- Information on the extent of Program payments needed, including a request for advance payments and start-up payments, if applicable. For more information, see *Program Finances* in this Unit 3: Administering the SFSP.
- A summary of how meals will be obtained at each site:
 - An indication of whether meals will be self-prepared at each site, self-prepared and distributed from a central kitchen, purchased from an SFA, competitively procured from an FSMC.
 - A copy of the invitation for bid if the sponsor plans to purchase meals from an FSMC.
 - A copy of the proposed agreement if the sponsor plans to purchase meals from an SFA must provide the proposed agreement. For more information, see *Procurement Procedures* in Unit 4: Operating the Meal Service for the SFSP.
- Procedures that document meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child, if the applicant sponsor is electing to use the non-congregate meal service options described in 7 CFR 225.16(i)(1) and (2).

- A copy of a proposed media release with the application to announce the availability of free meals. Once the media release statement is approved by the State agency, it must be provided to media outlets, such as newspapers, television and radio stations, city government web sites serving the area where the sites are located.
 - The media release must include the nondiscrimination policy and complaint procedures for individuals to file a complaint for violation of non-discrimination policy.
 - Closed-enrolled sites, camps, and conditional non-congregate meal sites must include the reduced price income eligibility guidelines in the media release. The media release also must state that a foster child and children who are part of households that receive SNAP, FDPIR, or TANF benefits are automatically eligible for free meals. Sample media releases can be found on Appendix 2.
 - Note that State agencies can meet this requirement for their sponsors by issuing a Statewide media release, which would serve as a sponsor’s proposed media release. For more information see SFSP 05-2017, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

Unless the information has changed from the initial application, experienced sponsors do not have to submit the following:

- A written policy statement on the availability of free meals.
- Information in sufficient detail to enable the State agency to determine that the sponsor meets the criteria for participation in the Program, as described in 7 CFR 225.14.
- Certification that the sponsor will have administrative oversight of the site.

States may have additional application requirements. Sponsors should contact their State agency to determine what must be included in their application.

Before the State agency approves the Program application and site information sheets, the State agency must consider several factors related to the sponsor’s capacity to operate the Program. For more information, see *Viability, Capability, and Accountability and Review of Applications by the State Agency* in this unit. Once a sponsor’s initial Program application has been approved by the State agency, the sponsor

enters into a permanent agreement with the State agency and is required to submit more limited annual updates to the application.

The *Application Requirements for New and Experienced Sponsors and Sites* table below indicates which elements of the application are required for new sponsors and sites and sponsors and sites that experienced significant operational problems in the previous year and application requirements for experienced sponsors. State agencies may require more information annually from sponsors that have demonstrated past operational problems. Experienced sites which propose to operate non-congregate meal service for the first time, including those sites switching from a congregate meal service model to a non-congregate model or to operating a hybrid of both congregate and non-congregate models, are considered new sites and must fulfill the application requirements of a new site.

For more information on requirements and flexibilities for experienced sponsors electing to operate SFSP sites, see SFSP 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.

Table 1. Site Information Sheet Requirements for Sponsors and Sites according to 7 CFR 225.6(c)(2)(iii) and (3)(ii) and 225.6(g)

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Organized and supervised system for serving meals to children.	Required	Not Required
Estimated number of meals to be served, types of meals to be served, and times of service.	Required	Required
Arrangements for delivery and holding of meals and storing leftovers for next day meal service.	Required	Not Required
Arrangements for food service during periods of inclement weather.	Required	Not Required
Access to means of communication for making necessary adjustments for number of meals to be served at each site.	Required	Not Required
Whether the site is rural or non-rural.	Required	Required

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Whether the site's food service will be self-prepared or vended.	Required	Not Required
Whether the meal service is congregate or non-congregate.	Required	Required
Camps: number of children enrolled in each session who meet Program income eligibility guidelines.	Required	Required
<p>Closed enrolled sites: documentation supporting area eligibility determination or 50 percent of children meet Program income eligibility guidelines.</p> <p><i>Documentation of the projected number of children enrolled and projected number of children eligible for free and reduced price meals for each site.</i></p> <p><i>Documentation must be submitted every five years when school or census data is used, or earlier if requested by the State agency.</i></p>	Required	Required
Conditional non-congregate sites: number of children enrolled who meet Program income eligibility guidelines.	Required	Required
Migrant sites: certification from migrant organization that site serves children of migrant worker families. If site also serves children of non-migrant families, sponsor must certify that the site primarily serves children of migrant families.	Required	Not Required
NYSP sites: certify that all children who will receive Program meals are enrolled participants in the NYSP.	Required	Required

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
<p>Open sites and restricted open sites: documentation supporting area eligibility determination.</p> <p><i>Documentation must be submitted every five years when school or census data is used, or earlier if requested by the State agency.</i></p>	Required	Required

Table 2. Other Application Requirements for Sponsors and Sites according to 7 CFR 225.6(c)(2) and (3)

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
Information that demonstrates that applicant meets requirements in 7 CFR 225.14.	Required	Not Required
Information on the extent of Program payments needed, including advance and start-up payments, if applicable.	Required	Required
Staff and monitoring plan.	Required	Required
Complete administrative and operating budget which includes projected administrative expenses and information of how sponsor will operate the Program within estimated reimbursement.	Required	Required
Summary of how meals will be obtained; if invitation for bid is required, sponsors must submit a schedule for bid dates and a copy of their IFB.	Required	<p>Required</p> <p><i>If IFB is required, sponsors must submit schedule for bid dates and copy of IFB if a change has occurred from previous year. If method for procuring meals has changed from previous year, sponsors must submit a summary of how meals will be obtained.</i></p>

Requirement	New Sponsors and Site and Sponsors and Sites with Past Operational Problems	Experienced Sponsors and Sites
For sponsors seeking approval as unit of local, municipal, county or State government, certification that it will directly operate the Program in accordance with 7 CFR 25.14(d)(3).	Required	Not Required
Procedures that document meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child, if the applicant sponsor is electing to use the non-congregate meal service as described in 7 CFR 225.16(i)(1) and (2).	Required	Required

Viability, Capability, and Accountability

7 CFR 225.6(d)

Performance standards for evaluating financial viability, administrative capability, and Program accountability are found in the regulations at 7 CFR 225.6(d) to provide guidance to State agencies in reviewing and approving sponsor applications. These regulations can help organizations prepare their initial application to participate in the SFSP and better understand how viability, capability, and accountability are important for operational success. The regulations also provide a streamlined option for experienced sponsors. SFSP 03-2023, *Guidance on Performance Standards, Budgets, and Management Plans in the Summer Food Service Program*, March 7, 2023, <https://www.fns.usda.gov/sfsp/guidance-performance-standards-budgets-management-plans>, provides additional clarification. State agencies must deny applications that do not meet all of the standards.

The three performance standards are (1) financial viability and financial management, referred to as viability, (2) administrative capability and personnel management, referred to as capability, and (3) Program accountability and management controls, referred to as accountability. The same set of standards apply to all types of sponsors.

Performance standard 1: Viability

As a sponsor, an organization must expend and account for Program funds, consistent with Federal regulations and policies. The sponsor must document that participation will help ensure the delivery of benefits to otherwise unserved facilities or participants. The sponsor must demonstrate that it has the financial resources to operate the Program on a daily basis and adequate funds to withstand temporary interruptions in program payments. Costs in the sponsor's budget must be necessary, reasonable, allowable, and appropriately documented. Procurement processes must maximize open and free competition.

How does a sponsor demonstrate financial viability and financial management? The sponsor's management plan must address the following questions:

- What is the community's need for summer meals?
- How will the sponsor's participation help ensure the delivery of Program benefits to otherwise unserved sites or children?
- How will the sponsor recruit sites, consistent with State agency policies and procedures?
- What are the sponsor's financial resources and financial history?
- What sources of funds are available and are they adequate to operate the Program, pay employees and suppliers during periods of temporary interruptions in Program payments, and pay debts if fiscal claims are assessed against the sponsor?
- Does the management plan include audit documents, financial statements, and other documentation that demonstrate financial viability?
- Are all costs in the sponsor's budget necessary, reasonable, allowable, and appropriately documented?

Performance standard 2: Capability

As a sponsor, an organization must have appropriate and effective management practices. The sponsor must employ enough qualified staff to effectively administer and monitor the Program. The sponsor must

have written policies and procedures that assign responsibilities and duties and ensure compliance with civil rights requirements.

How does the sponsor demonstrate administrative capability? The sponsor's management plan must answer the following questions regarding the effectiveness of the sponsor's management practices:

- Does the sponsor have an adequate number and combination of qualified staff to ensure the successful operation and monitoring of the Program?
- Does the sponsor have written policies and procedures that assign Program responsibilities and duties and ensure compliance with civil rights requirements?

Performance standard 3: Accountability

As a sponsor, an organization must have a financial system with management controls in writing and in effect. The sponsor must have written policies to ensure fiscal accountability and Program operations that comply with Federal regulations and guidance.

To demonstrate Program accountability, what internal controls and other management systems must the sponsor have in place to ensure fiscal accountability and operation of the Program? The sponsor must have a financial system in place with management controls and written operational policies that respond in a positive way to the following questions:

- Are all funds and property received handled with fiscal integrity and accountability?
- Are all expenses incurred with integrity and accountability?
- Are claims for reimbursement processed accurately and on time?
- Are funds and property properly safeguarded and properly used?
- Are expenses incurred for authorized Program purposes?
- Is there a system of safeguards and controls in place to prevent and detect improper financial activities by employees?
- Are budgets, approved budget amendments, accounting records, management plans, site operation records, and other appropriate records maintained to document compliance with Program requirements?

Evaluating Viability, Capability, and Accountability in an Experienced Sponsor's Application

New sponsors and sponsors that have experienced significant operational problems in the prior year must submit a full management plan that addresses all three performance standards. FNS encourages State agencies to simplify the management plan for experienced sponsors. The simplified management plan for experienced sponsors must include an annual certification that addresses all elements of the performance standards to demonstrate that the sponsor continues to be financially viable, administratively capable of operating the Program, and has internal controls in place to ensure accountability. A full management plan must be submitted at least once every 3 years to ensure that the State agency conducts a full review and assessment of a sponsor's viability, capability, and accountability.

A management plan or further demonstration of financial and administrative capability are not Federal requirements for SFAs operating the School Meal Programs in good standing or for CACFP institutions in good standing. However, to ensure that an SFA or an institution has the ability and resources to sponsor a summer meal program, the State agency may determine that a management plan or additional documentation of viability, capability, and accountability is needed.

Some States have more than one agency that is responsible for the administration of the Child Nutrition Programs. State agencies in those States must have a process for sharing information documenting a sponsor's financial and administrative capability.

Documenting Site Eligibility

As part of the application, the sponsor must certify the eligibility of each site it proposes to operate. For open, restricted open, and closed enrolled sites, the sponsor must document area eligibility to demonstrate that the site is in an area in which poor economic conditions exist, as determined by each site type. For other types of sites, the sponsor may have to certify a child's eligibility for free meals.

Using School Data for Sites in School Districts with Busing or School Choice

In school districts where busing or school choice policies are in place, sponsors may use NSLP free and reduced price meal data if the site is located in the school from which the data are pulled. In school districts where attendance areas for individual schools are defined, school and non-school site eligibility may be determined based on the enrollment or attendance data obtained for either the school the children attend or the neighborhood school the children would have attended were it not for the school's busing or school choice policy.

Sponsors may determine a site to be area eligible only if the SFA is able to document the percentage of children who are eligible for free or reduced price school meals at each school, both before and after students are reassigned. To avoid duplicate counting, the same method of determining site eligibility must be used for all of the sponsor's sites. For more information, see SFSP 03-2013, *Determining Area Eligibility Based on School Data*, November 23, 2012, <https://www.fns.usda.gov/cn/determining-area-eligibility-based-on-school-data>.

If the school district does not have defined school attendance areas, school data are used only for determining the eligibility of school sites. Census data must be used to determine area eligibility of non-school sites. Census data may be used as a first choice for determining area eligibility, even if school attendance areas are defined. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>.

Determining Area Eligibility Using Census Data

Sponsors also may document the area eligibility of their proposed open, restricted open, or closed enrolled sites using the most recent CBG or census tract data available. Sites located in a CBG or Census Tract in which 50 percent or more of the children are eligible for free or reduced price school meals are considered area eligible. Eligibility must be reassessed every five years for SFSP sites relying on census data to establish

eligibility. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016,

<https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>.

Additionally, if a potential site is in an ineligible CBG that is located immediately adjacent to a CBG that is area eligible, the sponsor may request the State agency's approval to determine area eligibility based on a weighted average. The State agency may calculate a weighted average of up to three adjacent CBGs. In each CBG, at least 40 percent of the children of the same age group (such as 0-12 or 0-18 year olds) must be eligible for free or reduced price meals. The calculation of the weighted average must be 50 percent or more for the site to be eligible.

Weighted averages may never be performed using census tract data. Instructions for weighting averages of CBGs are described in SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016,

<https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>.

The Census Bureau estimates household income annually using the American Community Survey. USDA releases new census data every fiscal year. State agencies consider the information submitted regarding area eligibility in their review of each applicable SFSP Site Application.

The *FNS Area Eligibility Mapper*, <https://www.fns.usda.gov/area-eligibility>, provides census data and CBG data, and the means to conduct weighted averaging. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>. To determine area eligibility using the *FNS Area Eligibility Mapper*:

- Go to <https://www.fns.usda.gov/area-eligibility>. To find by address, enter the address in the "Find address or place" box in the top right.
- Zoom in and out of the map using the (+) and (-) signs.
- Red indicates the area is eligible, as shown in the map legend.
- Additional information, including details for each CBG, can be obtained by clicking on the map at the address location. These additional data include the CBG numerators and denominators that may be used in the weighted averages calculation.
- To enlarge the map, click "View Larger Map" at the bottom of the screen.

Utilizing the Community Eligibility Provision

As an alternative to collecting individual applications for free or reduced price meals, CEP allows qualifying schools and LEAs with a high percentage of low-income children to offer meals via NSLP and SBP at no cost to all students. Rather than collecting school meal applications to make individual student eligibility determinations, schools that adopt CEP are reimbursed using a formula based on the percentage of students who automatically qualify for free meals based on their household's participation in specific means-tested programs; or their status as a foster, homeless, migrant, or runaway child; or Head Start enrollee. The percentage of students who automatically qualify for free school meals is referred to as the identified student percentage, or ISP.

Individual school data must be used to determine area eligibility for SFSP, even if schools are participating in CEP as part of a group of schools or a school district and claiming meals with a shared ISP. These individual school data are obtained by contacting the State agency. To determine eligibility using CEP data, multiply the approved school level ISP by the 1.6 factor. This means if a school has an individual ISP of at least 31.25, then the result will be at least 50 percent ($31.25 \times 1.6 = 50$) and meal sites located in the attendance area of the school are area eligible for 5 years. ISP data should only be used in schools participating in CEP, proxy ISP data cannot be used. Household income information collected via alternate income forms (e.g., forms collected to allocate education funding) may not be used to determine area eligibility (SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>).

Area eligibility established using CEP data is effective for a period of five years. For more information on CEP, see *Community Eligibility Provision (CEP) Planning & Implementation Guidance*, February 2024, <https://www.fns.usda.gov/cn/cep-planning-implementation-guidance>.

Determining Eligibility of Sites Serving Children of Migrant Workers

7 CFR 225.6(g)(1)(xiii)

Sponsors of migrant sites must submit information obtained from a migrant organization that certifies that the site serves the children of migrant workers. If the site also serves other children, the sponsor must certify that the site predominantly serves children of migrants. Unlike other data sources, sites determined to be eligible based on information from migrant organizations, must be annually re-determined. State agencies are encouraged to work closely with sponsors of migrant sites to obtain documentation from migrant organizations. SFSP 04-2007, *Migrant Site Eligibility Determinations*, February 23, 2007, <https://www.fns.usda.gov/sfsp/migrant-site-eligibility-determinations>, provides additional guidance.

Use of Approved Alternative Site Eligibility Data

Sponsors that are unable to document the need of their area or site by using sources such as current-year school data, recent census tract or CBG data, enrollment data, or migrant children status should consult with their State agency about the possibility of using other types of data to determine area eligibility. Eligibility determinations using any of these approved alternative data remain in effect for 5 years.

Approved alternative data sources may include:

- Departments of Welfare;
- Zoning Commissions;
- USDA's Rural Development Housing Authorities;
- HUD Housing Authorities; and
- Local Housing Authorities.

For example, if the proposed site does not qualify as area eligible with school or census data, the State agency could assess the income eligibility requirements of the local public housing development. If the income eligibility requirements are less than or equal to SFSP income guidelines, then the proposed site could be determined area eligible. In another example, a sponsor may submit documentation from a Tribal authority certifying that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska

Native village. The proposed site would be eligible if 50 percent or more of the children in the defined area are eligible for free or reduced price school meals. SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/cn/area-eligibility-child-nutrition-programs>, provides additional guidance.

Determining Rural Areas

7 CFR 225.6(g)(1)(iii), (g)(2)(ii), and (h)(3)(iv)

Rural designation is used to determine the eligibility of sites that operate non-congregate meal service. It is also used to determine the eligibility of congregate meals sites for the Program's higher administrative payment rates.

State agencies have to determine whether a site is rural and documentation supporting the rural designation is required. Once a site establishes that it is rural, the designation is effective for a period of 5 years. However, the State agency may require redetermination of rural status prior to the 5-year period in an area where there is significant change.

The FNS *Rural Designation* map, <https://www.fns.usda.gov/sfsp/rural-designation> is a comprehensive mapping tool to assist State agencies and sponsors in determining rural designations. For more information on the definition of rural and classifications to designate areas as rural, refer to *Meal Service Options for Sites* in Unit 1, and SFSP 04-2024, *Rural Designations in the Summer Meals Programs – Revised*, January 19, 2024, <https://www.fns.usda.gov/sfsp/rural-designations-memo>.

Sponsors of sites operating rural non-congregate meal service in area eligible locations may claim reimbursement for meals served to all children. At conditional non-congregate sites, only the non-congregate meals served to children who meet the individual eligibility standards for this Program can be reimbursed.

Determining Eligibility of Conditional Non-Congregate Sites

7 CFR 225.6(g)(1)(iii), (g)(1)(xiv), (g)(2)(ii), and (g)(2)(viii)

A conditional non-congregate site is a site which qualifies for Program participation because it conducts a non-congregate meal service for children eligible for free or reduced price meals in an area that does not meet the definition of “areas in which poor economic conditions exists” and is not a “camp” as defined in 7 CFR 225.2.

If the site qualifies as a conditional non-congregate site, documentation of the number of children enrolled in the Program who individually meet the Program’s income standards is required. To claim reimbursement, Program sponsors who are operating conditional non-congregate sites will need to specify the number of children enrolled who meet the Program’s income standards.

Determining Eligibility of Closed Enrolled Sites

7 CFR 225.6(a)(2)(iv), (g)(1)(x) and (g)(2)(v)

To qualify as a closed enrolled site, the site must be located in an area in which poor economic conditions exist, or at least 50 percent of the enrolled children attending the site must be from households that meet the income eligibility guidelines. To document a closed enrolled site’s eligibility, the sponsor may:

- Obtain lists by name and eligibility status of enrolled children for free or reduced price meals from schools operating NSLP or SBP. Parental consent forms are not required in order for the local SFA to provide this information to an SFSP sponsor.
- Use area eligibility data for the location of the site to document that at least 50 percent of the enrolled children at each site are eligible for free or reduced price school meals.
- Ask the parent or guardian of each enrolled child to complete a household application.

As part of the application, sponsors of closed enrolled sites must submit:

- A statement of how the sponsor intends to document SFSP eligibility using one of the methods listed above;
- An estimate of the total number of children enrolled at the site; and
- An estimate of the number of children enrolled at the site that are documented as eligible for free or reduced price school meals, if school lists or household applications are used.

Sponsors of closed enrolled sites that are not area eligible must keep records of the total number of children enrolled at the site, lists of income eligible children provided by the SFA, by the school system, or the household application for income eligible children.

Determining Eligibility of a Camp Site

7 CFR 225.6(g)(1) (xii) and (g)(2)(vii)

Sponsors that operate residential summer camps and nonresidential day camps offering both organized programming and a regularly scheduled food service may participate in SFSP. Nonresidential day camps may participate only as sites under eligible sponsoring organizations. For-profit camps are not eligible to participate in the Program. See SFSP 13-2011, *For-Profit Locations as Meal Sites in the Summer Food Service Program*, April 8, 2011, <https://www.fns.usda.gov/sfsp/profit-locations-meal-sites-summer-food-service-program>.

Camps are only reimbursed for meals served to children who meet the income eligibility criteria for free or reduced price school meals. To determine a child's eligibility, camp sponsors may obtain a list of income eligible children from the SFA or ask the parent or guardian of each enrolled child to complete a household application. However, some State agencies may require camp sponsors to use the household application or a State agency equivalent form.

As part of the application, sponsors of camps must report the number of eligible children enrolled in each camp session. Sponsors are not required to submit school lists or household applications of eligible children to the State agency. However, the sponsor must maintain the lists or original approved forms for all

eligible children in separate files for each camp session, and the documents must be available for review by the State agency.

Using Documentation from Other Income Eligible Programs

Sponsors may use household applications from other programs that base their eligibility on the same criteria as SFSP. The sponsor should contact the State agency to verify that the same thresholds and definitions are used for both programs.

For example, sponsors may use documentation of income eligible children in Upward Bound, certified by an Upward Bound grantee, to document the eligibility of a closed enrolled site, camp, or conditional non-congregate meal site. Upward Bound income applications may be used instead of the SFSP household application because both programs have an income eligibility threshold of 185 percent of the national poverty guidelines. SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>, provides additional guidance.

Frequency of Site Eligibility Determinations

7 CFR 225.6(g)(1)(iii), (g)(1)(ix)(B), (g)(1)(ix)(C), (g)(2)(ii), (g)(2)(iv)(B), (g)(2)(iv)(C) and (g)(2)(v)(B)

In an effort to provide consistent administration across child nutrition programs, sponsors of sites determined to be area eligible based upon school, census, CEP, and other approved alternative data sources, such as public housing data, are only required to submit documentation every 5 years. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until May 31, 2028.

Sponsors using additional types of data sources, including migrant certification and household applications, must document site eligibility annually. See SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, December 1, 2016, <https://www.fns.usda.gov/area-eligibility-child-nutrition-programs>. Sponsors of sites that use household applications to document eligibility must determine eligibility annually.

Household applications are considered current and valid for 12 months, through the last day of the month in which the form was signed or certified. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until June 30, 2024. If the date of parent or guardian signature is not within the month of certification or the preceding month, the effective date must be the date of certification. See SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/duration-income-eligibility-determinations-guidance-and-qas>.

Documenting a Child's Eligibility for Free Meals

Children 18 years of age and under may participate in SFSP. A person over age 18 who has a mental or physical disability, as determined by a State or local educational agency, and who participates in a public or private non-profit school program established for persons who are mentally or physically disabled is also eligible to receive SFSP meals. Sponsors may determine an individual child's eligibility based on household size and income or participation in a categorically eligible program.

Household Applications

7 CFR 225.15(f)

A free and reduced price meal household application may be used to determine income eligibility for enrolled children at closed-enrolled sites, residential summer camps, non-residential day camps, and conditional non-congregate sites. The information collected on the household application includes household size and income or the case number for benefits received under SNAP, TANF, or FDPIR.

The sponsor must determine the child's eligibility by comparing household income to the SFSP Income Eligibility Guidelines. For the most current *Income Eligibility Guidelines*, see <https://www.fns.usda.gov/school-meals/income-eligibility-guidelines>.

Sponsors may collect eligibility data using the household application procedures outlined in 7 CFR 225.15(f) and the FNS application template to identify eligible children. If a State agency or sponsor develops its own application form, the form must request the same information that is found on the FNS household

application template. The State agency must approve a sponsor's application form before it may be used. For information on the *Prototype Application for Free and Reduced Price School Meals*, refer to Appendix 1.

If a sponsor needs a form in other languages, FNS has translated prototype NSLP household applications that may be used to determine a child's income eligibility in the SFSP. Translated forms are available at *Translated Applications*, <https://www.fns.usda.gov/cn/translated-applications>. Additional information on household applications may be found in SFSP 11-2017, *2017 Edition of the Eligibility Manual for School Meals*, June 29, 2017, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>.

A non-SFA sponsor may obtain individual children's eligibility information through free and reduced price school meal eligibility data. If a non-SFA sponsor plans to obtain school meal eligibility data, the sponsor must enter into a written agreement or MOU with the State agency or SFA to use the data for this purpose. However, non-SFA sponsors may also collect their own eligibility data using the household application procedures under 7 CFR 225.15(f) to identify eligible children as an alternative to entering into a written agreement or MOU with the local SFA.

Sources of Income

Income includes the household's gross earnings, wages, welfare, pension, and support payments, unemployment compensation, social security, and additional cash received or withdrawn from any other sources, including savings, investments, trust accounts, and other resources.

Examples of Income Exclusion

An additional consideration for sponsors determining eligibility for children is whether they are living in military households. Some forms of military payments are not considered income:

- Family Supplemental Subsistence Allowance payments that a military household may receive are excluded. See SFSP 07-2006, *U.S. Armed Forces Family Supplemental Subsistence Allowance – Permanently Excluded from Income Consideration for the Child Nutrition Programs*, August 25, 2006, <https://www.fns.usda.gov/cn/us-armed-forces-family-supplemental-subsistence>.
- The housing allowance for military personnel residing in housing under the Military Housing Privatization Initiative. See Reauthorization 2004: Implementation Memo CN 1, *Exclusion of the Housing Allowance for Military Households in Privatized Housing*, July 1,

2004, <https://www.fns.usda.gov/exclusion-housing-allowance-military-households-privatized-housing-reauthorization-2004>.

- Combat pay received by a household member who is deployed to or serves in a designated combat zone if it is received in addition to the service member's basic pay, after or as the result of the service member's deployment. See SFSP 04-2010Revised, *Exclusion of Military Combat Pay*, September 15, 2010, <https://www.fns.usda.gov/cn/exclusion-military-combat-pay>.
- Deployment Extension Incentive Pay to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. See SFSP 04-2010 Revised, *Exclusion of Military Combat Pay*, September 15, 2010, <https://www.fns.usda.gov/cn/exclusion-military-combat-pay>.

Some tribal payments may also be excluded as income. Per capita payments to tribal members in amounts less than \$2,000 are not considered income. See Q&A #14, SFSP 14-2012, *Tribal Participation in the Child and Adult Care Food Program and the Summer Food Service Program*, July 24, 2012, <https://www.fns.usda.gov/cn/tribal-participation-cacfp-and-sfsp>.

The following sources of income should also be excluded in determining a child's eligibility for free meals:

- Value of in-kind compensation;
- Payments directly received by a residential child care institution or an institution on the child's behalf;
- Any cash income or value of benefits excluded by statute, such as the value of benefits under SNAP or FDPIR and some Federal educational benefits;
- Payments received from a foster care agency or court for the care of foster children;
- Student financial assistance provided for the costs of attendance at an educational institution, such as grants and scholarships awarded to meet educational expenses and not available to pay for meals;
- Loans, such as bank loans, since these funds are only temporarily available and must be repaid; and
- Infrequent earnings received on an irregular basis, such as payment for occasional baby-sitting or mowing lawns.

A detailed list of income exclusions may be found in the *Eligibility Manual for School Meals*, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>.

Categorical Eligibility

Categorical eligibility eliminates the need for children who already meet income eligibility requirements in a specified Federal program to submit additional income information for the SFSP. Children may be classified as categorically eligible for a period of 12 months through any of the following:

- **Participation in the Supplemental Nutrition Assistance Program, Food Distribution Program on Indian Reservations, or Temporary Assistance to Needy Families programs.**

If one child in a household is receiving SNAP, FDPIR, or TANF benefits, all other children in the household are categorically eligible to participate in SFSP. For additional information, see SFSP 10-2010, *Questions and Answers on Extending Categorical Eligibility to Additional Children in a Household*, May 3, 2010, <https://www.fns.usda.gov/cn/qas-extending-categorical-eligibility-additional-children-household>.

- **Documentation that the child is homeless, runaway, migrant, or a foster child.**

Foster children can be certified eligible without an application if the sponsor obtains documentation from an appropriate State or local agency indicating the status of the child as a child in foster care. For additional information, see SFSP 05-2011-Revised, *Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children*, April 16, 2013, <https://www.fns.usda.gov/cn/sp-17-2011>, and SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

A child who does not have a fixed, regular and adequate nighttime residence is considered homeless. In instances where a child or family may temporarily reside with another household, that child is still considered homeless. The sponsor may determine a child's eligibility through documentation provided by the homeless liaison or another source. See SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

- **Enrollment in a Federal, State, or Indian Tribal Organization-Funded Head Start or Early Head Start or pre-kindergarten program.**

Forms of acceptable documentation include: an approved Head Start application, a statement of Head Start enrollment, or a list of participants from a Head Start official. Applicant families also may indicate a child's participation in Head Start on the household application. For additional information, please see SFSP 13-2013, *Questions and Answers Regarding the Participation of Head Start Programs in Child Nutrition Programs*, May 17, 2013. <https://www.fns.usda.gov/cn/qas-regarding-participation-head-start>.

Disclosure Requirements for Protecting Children's Eligibility Information

7 CFR 225.15(g) and 245.6(f)

To simplify the certificate process, a sponsor may obtain a child's eligibility information from another child nutrition program. If a school or another child nutrition sponsor discloses aggregate information to the public, parental notification is not required so long as an individual or group of children's eligibility cannot be identified through the release of the aggregate data or by means of deduction. SFSP 17- 2014, *Sharing Aggregate Data to Expand Program Access and Services in Child Nutrition Programs*, April 24, 2014, <https://www.fns.usda.gov/cn/sharing-aggregate-data-expand-program-access-and-services-child-nutrition-programs> provides guidance.

There are, however, restrictions on the disclosure and use of information obtained from a household application and criminal penalties for improper release of information. Section 5 of the *Eligibility Manual for School Meals*, <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>, provides specific guidance on applying the statutory and regulatory requirements. It includes a "Disclosure" table that outlines various types of requestors and describes any restrictions on releasing information.

If a request for information is not authorized under the statute or when authorized release is limited to name and eligibility status, the release can always be made with informed consent by the parent or guardian. See SFSP 10-2016, *Disclosure Requirements for the Child Nutrition Programs*, December 7, 2015, <https://www.fns.usda.gov/cn/disclosure-requirements-child-nutrition-programs>.

State Agency Training Requirements

7 CFR 225.7(a)

Each year, State agencies are required to offer training to sponsors before their application is approved. Key staff members from each sponsor who play an important role in Program operation are required to attend State agency training in order for the organization to be eligible to participate in the Program. As part of this training, sponsors receive guidance on Program and regulatory aspects of the SFSP administration, in including, at a minimum:

- An overview of the Program's purpose
- A review of the sponsor's responsibilities.
- An overview of Civil Rights requirements.
- A review of the site supervisor's responsibilities.
- Tips on how to identify a reimbursable meal.
- An overview of the site and sponsor agreement.

State agencies are required to make training available at convenient locations. State agencies are encouraged to provide multiple options for training, including online or by video conference or webinars, in order to accommodate varying sponsor needs, while at the same time minimizing the time and expense incurred by the State agency.

State agencies may offer online training in any format that best suits sponsors' needs as long as the training is made available through accessible electronic means, is provided in the languages of those for whom the training is intended and in alternative formats for persons with disabilities.

As sponsors are required to annually participate in State agency training, they must also train all administrative staff and site staff before they undertake their responsibilities. Training is one of the major administrative responsibilities of a sponsor. A smoothly operated Program demands that sponsors provide training throughout the duration of the Program.

For additional information see the *Sponsor Training Requirements* in Unit 3.

Review of Applications by the State Agency

7 CFR 225.6(b), 225.7(d), and 225.11(c)

The State agency must determine the eligibility of sponsors applying for participation in the Program using the applicant sponsor eligibility criteria outlined at 7 CFR 225.14. When it reviews applications, the State agency must consider the resources and capabilities of each applicant to sufficiently operate all proposed sites.

Within 30 days of receiving a complete and correct application, the State agency must notify the applicant of its approval or disapproval. If the application is incomplete, the State agency must notify the applicant within 15 days and provide technical assistance to help the applicant complete the application process.

The application must be denied if the applicant is found seriously deficient in the operation of any Federal Child Nutrition Program. However, State agencies may approve an applicant sponsor application that has been disapproved or terminated in prior years if the applicant demonstrates it has taken appropriate corrective actions to prevent recurrence of the deficiencies.

Before approving a site, the State agency must evaluate the sponsor's application and conduct a pre-approval visit of any site that the State agency has determined needs a pre-approval visit or any site that is proposed by a sponsor that did not participate or had operational problems in the prior year. Pre-approval visits are discussed in more detail in this unit under *Pre-Approval Visits by State Agencies*.

State Agency Selection Priorities for Sponsors

7 CFR 225.6 and (6)(h)(1)(ii)

Generally, the State agency must determine the eligibility of sponsors applying for participation in the Program as outlined in the applicant sponsor eligibility criteria in 7 CFR 225.14. However, when competing sponsors propose to serve the same area or the same group of enrolled children, the State agency must use the priority system established in 7 CFR 225.6(b)(5) to approve applicants to operate sites.

When determining which of the competing sponsors will serve an area, the State agency must give priority to:

1. Public or non-profit private SFAs;
2. Public agencies and private non-profit organizations that have demonstrated successful Program performance in a prior year;
3. New public agencies; and
4. New private non-profit organizations.

If two or more sponsors that qualify under “Public agencies and private non-profit organizations that have demonstrated successful Program performance in a prior year” apply to serve the same area, the State agency must determine on a case-by-case basis which sponsor or sponsors it will select to serve children in low-income areas. The State agency should consider the resources and capabilities of each applicant when making this determination.

Site Proximity

To support the greatest Program participation and access, it may be appropriate for State agencies to allow sponsors to operate sites in relatively close physical proximity to operate in the community, each serving its own participants. Sponsors should be able to explain why differences in the population of children they intend to serve require multiple sites in close proximity to each other. Sites may also be close in proximity but separated by a physical barrier that limits access, such as a busy highway.

State agencies should consider site proximity factors in order to ensure that sites do not serve duplicate meals to children. Consideration of proximity applies to both congregate and non-congregate meal sites. For example, rural non-congregate meal service sites must be operated in areas where there is no congregate meal service. While there are no set parameters in Program regulations, State agencies have the discretion to determine where there is “no congregate meal service” in an area. State agencies should consider factors, such as barriers that may prevent children from reaching a congregate meal site, the limited capacity of a congregate meal site in an area, sites that serve the same children but on different days or weeks or for different meals, and sites that serve specific age groups of children or children with unique dietary requirements.

To assist State agencies evaluating applications for sites that are in close proximity, here are several best practices for preventing approval of multiple sites serving the same meals at the same time to the same children. The State agency may: Develop policies regarding site proximity, such as establishing minimum distances between sites based on population density and transportation factors.

- Request site proximity information when a sponsor is requesting a new SFSP site approval.
- Include site proximity criteria in the annual sponsor training.
- During the State agency application approval process, evaluate the proximity of proposed sites prior to approval.

For more information on best practices, see:

- SFSP 05-2027, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.
- SFSP 15-2023, *Best Practices for Determining Proximity of Sites in the Summer Food Service Program*, September 28, 2023, <https://www.fns.usda.gov/sfsp/best-practices-determining-site-proximity>.

Approval of Sites

7 CFR 225.2, 225.6(b)(12), (h)(1), and (h)(3)

When evaluating a proposed site, State agencies must ensure that:

- The proposed site serves an area in which poor economic conditions exist, except in the case of camps and conditional non-congregate sites.
- The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal.
- Sites must only be approved to serve the number of children that its facility can handle without exception.
- If the site is proposed to operate during an unanticipated school closure, it is a non-school site.

State agencies must also consider the type of site and the type of meal service that the sponsor proposes.

Restricted Open Sites

An open site becomes a restricted open site when a sponsor chooses to restrict or limit the site's attendance for reasons of space, security, safety, or control. A site that would normally be approved as a traditional open site may not be approved as a restricted open site as a matter of preference or convenience; the sponsor must demonstrate to the satisfaction of the State agency that a legitimate reason exists to limit access to the site. State agencies must ensure that the site eligibility for a restricted open site is documented, and the site is located in an area in geographical areas where 50 percent or more of the children are eligible for free or reduced price school meals. State agencies may not allow schools that provide summer school programs to enroll in the SFSP as a restricted open site instead of an open site, so that meals may be served only to summer school participants. This is not the intent of the restricted open site option and is an unauthorized use of this site designation. SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities> and SFSP 05-2017, *Summer Food Service Program Questions and Answers – Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

Closed Enrolled Sites

State agencies must have established criteria for approving closed enrolled sites to ensure that operation of a site as closed enrolled does not limit Program access in the area that the site is located. State agencies should closely examine each closed enrolled site application and consider the effect that approving the application could have on Program access in the area where the site would be located. Operating as an open site should be encouraged wherever possible. The State agency should discuss with the sponsor whether a closed enrolled designation for a potential site is necessary.

Camp Sites

State agencies may only approve camps for reimbursement of meals served free to enrolled children who meet the Program's income standards. If, at the time of application, the number of children enrolled in each session whose eligibility for Program meals is not known, the number of eligible children must be submitted as soon as possible, but no later than the filing of the camp's claim for reimbursement for each session.

Non-Congregate Meal Service

When approving the application of a site that will provide a non-congregate meal service, the State agency must ensure that the proposed site:

- Meets all other site application requirements.
- Is rural.
- Will not serve an area where children would receive the same meal at a congregate site, unless the sponsor can demonstrate, to the satisfaction of the State agency, that the site will serve a different group of children who may not be otherwise served.
- Serves an area where poor economic conditions exist or is approved for reimbursement only of meals served free to enrolled children who meet the Program's eligibility standards.
- Distributes no more than the allowable number of reimbursable meals that would be provided over a 10-calendar day period. The State agency may establish a shorter calendar day period on a case-by-case basis and without regard to sponsor type.

State agencies cannot deny a site based solely on the sponsor's intent to provide a non-congregate meal service. State agencies cannot impose statewide restrictions around non-congregate meal service flexibilities, such as parent or guardian meal pick-up, home delivery, multi-day meal issuance, and bulk food items. However, the State agency may prohibit these options on a case-by-case basis. The State agency must evaluate the capabilities of each sponsor that requests to use these flexibilities and make determinations individually. State agencies can include documented processes in their MAP around these flexibilities, but outright bans of these flexibilities are prohibited.

No Congregate Meal Service

When determining if an area is served by a congregate site, the State agency should consider information including, but not limited to:

- Physical conditions or barriers;
- Limited capacity that prevents the congregate site from serving community at large;
- Sites that serve the same children on different days, weeks, or meals on the same day; or
- Sites appealing to specific groups of children.

Documented policies and processes around no congregate meal service can help State agencies ensure Program integrity by minimizing the likelihood of meal service duplication.

Hybrid Meal Service

If a sponsor proposes to offer both congregate and non-congregate meal services at the same site, the State agency must establish that the sponsor has a system that prevents meal service overlap. For example, a hybrid site that does not plan to have activities that would keep children at the site proposes to offer a congregate breakfast and a non-congregate lunch. The site could serve the congregate breakfast and then provide the non-congregate lunch as the children are leaving the site. However, it would not be acceptable to provide the non-congregate lunch at the same time that the congregate breakfast is served, as outlined in 7 CFR 225.6(h)(4)(ii).

The State agency must also ensure that the proposed site:

- Meets all other site application requirements.
- Is rural.
- Will only conduct non-congregate meal service when the site is not providing congregate meal service.
- Will have measures to prevent meal service overlap, to ensure children do not receive more than the maximum daily meal allowance as required in 7CFR 225.16(b)(3).

Conditional Non-Congregate Sites

State agencies may only approve conditional non-congregate sites for reimbursement for meals served free to enrolled children who meet the Program's income standards. If, at the time of application, the number of children enrolled whose eligibility for Program meals is not known, the number of eligible children must be submitted as soon as possible, but no later than the filing of the sponsor's claim for reimbursement.

Operating Limitations

7 CFR 225.6(b)(6)

A State agency must not approve any sponsor to operate more than 200 sites or to serve more than an average of 50,000 children per day. However, a State agency may approve exceptions if the applicant sponsor can demonstrate it has the capability to manage a Program larger than these limits and the State agency has the capacity to conduct reviews of at least 10 percent of the sponsor's sites.

Review of Sponsors' Budgets

7 CFR 225.6(b)(7)

The State agency must review each applicant's administrative budget as a part of the application approval process to assess the applicant's ability to operate in compliance with the regulations within its projected reimbursement. In approving the administrative budget, the State agency must consider the number of sites and children to be served, as well as any other relevant factors. For example, the State agency must consider whether all administrative costs are allowable and whether the level of administrative spending would affect the sponsor's ability to operate a non-profit food service and provide a quality meal service.

Approving Meal Service Times

All meal service times must be approved by the State agency and approval must consider the State agency or sponsor's capacity to monitor the full meal service during a review. When approving meal service times, State agencies must ensure that sponsors comply with the meal service time requirements. For more information, see section *Comply with Meal Times Requirements* in Unit 4.

Approved Level of Meals (Site Caps)

7 CFR 225.6(h)(1)(iii) and 225.6(h)(2)

State agencies must set limits on the number of meals each approved site may serve to children. This is known as the ‘site cap.’ All sites are required to have an approved site cap to ensure that only one meal per child is served and claimed per approved meal service and that a site only purchases or produces meals that are within the site’s capability and the community’s need, thereby reducing waste and protecting the integrity of the program. State agencies should work closely with sponsors to ensure realistic expectations are set for each new site.

Site caps should reflect the true capacity and capability of sites while allowing for growth of the Program. State agencies may 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. Special events, such as summer kick-off and late-summer back-to-school events that may result in larger than average participation, would require State agency approval of a temporary site cap increase.

State agencies, through the required training provided to sponsors under 7 CFR 225.7(a), and sponsors, through the required training provided to site supervisors under 7 CFR 225.6(i)(6) and 225.15(d)(1), must ensure sponsors and site supervisors are trained and understand site cap requirements.

Additional guidance on sites caps can be found in SFSP 16-2015, *Site Caps in the Summer Food Service Program: Revised*, April 21, 2015, <https://www.fns.usda.gov/sfsp/site-caps-summer-food-service-program-revised>.

Adjustments to site caps are discussed in *Adjustments to Established Approved Level of Meals (Site Caps)* in Unit 4.

Site Caps for Self-Prep Sites

For sponsors of self-prep sites, site caps must be based on the capacity of the site to prepare and distribute meals and on the number of children for which their facilities are adequate to serve.

Site Caps for Vended Sites

The site cap approved for sites serving meals prepared by FSMCs, is the maximum number of children's meals that may be claimed for reimbursement by a vended site.

During the approval process of an application for a site that will serve vended meals, State agencies are responsible for establishing an approved maximum number of children's meals that may be served under the Program. The approved level of meals to be served at vended sites, including vended non-congregate rural sites, must be based on:

- Establishing the initial maximum approved level of meals to be served at the vended site.
- Determining the maximum approved level of meals to be served at the vended site.
- Ensuring appropriate adjustments are made to approved levels when necessary.

The initial maximum approved level of meals must be based on the historical records of attendance at the vended site. The State agency will determine if these records are accurate. Should the vended site not have prior records of attendance, the State agency must develop a procedure for establishing the initial maximum approved level. The State agency may then consider relevant information such as statistics on the number of children residing in the area, participation at other similar sites, documentation of programming at the site, and more.

To aid in the determination of the maximum approved level of a new vended site, the State agency should consider the site's average daily participation of current Programs. If this information is unavailable, the most recent Census data could also be used to determine the number of children residing in the zip code.

Pre-Approval Visits by State Agencies

7 CFR 225.7(d)

The purpose of pre-approval visits is to determine that sponsors and sites have the potential for Program success and to verify the information provided in the sponsor application. State agencies must conduct pre-approval visits of:

- All applicant sponsors that did not participate in the prior year;

- All applicant sponsors that had operational problems noted in the previous year; and
- All sites that the State agency determines need a pre-approval visit.

State agencies do not have to conduct pre-approval visits of sponsors that are SFAs or participate in CACFP if the State agency has conducted an administrative review of the SFA or a CACFP review of the institution must during the preceding 12 months with no significant deficiencies noted. The State agency also has discretion to conduct pre-approval visits for sponsors proposing to operate during unanticipated school closures.

State agencies must establish a process to determine which sites to visit. Considerations for site selection must reflect the following characteristics:

- Sites that did not participate in the program year;
- Existing sites that are new to non-congregate meal service; and
- Existing sites that exhibited operational problems in the prior year.

For additional information on pre-approval visits, see SFSP 06-2024, *Interim Final Rule: State agency Monitoring in the Summer Food Service Program*, February 14, 2024, <https://www.fns.usda.gov/sfsp/ifr-state-agency-monitoring>.

Reasons for Denial of Sponsors' Applications

7 CFR 225.6(b)(9), (b)(11) and (b)(12), and 225.11(c)

The State agency must not approve the application of any applicant sponsor identifiable through its organization or principals as a sponsor which has been determined to be seriously deficient, as described in 225.11(c). However, the State agency may approve the application of a sponsor which has been disapproved or terminated in prior years if the applicant demonstrates to the satisfaction of the State agency that it has taken appropriate corrective actions to prevent recurrence of the deficiencies. The State agency cannot approve the application of any applicant sponsor which submits fraudulent information or documentation, or which knowingly withholds information that may lead to the disapproval of its application. The State agency has the authority to deny sponsors' applications for several reasons. However, disapproval of a

sponsor's application based solely on the sponsor's intent to provide a non-congregate meal service is not allowable.

Following State Agency Approval

After the initial application is approved by the State agency, the sponsor will be required to sign a permanent agreement with the State agency. Once this agreement is in place, only annual updates to the application, including a budget, are required.

Once sponsors are approved, they must operate the SFSP according to Federal regulations, SFSP instructions and guidance materials, and applicable State and local laws.

Sponsors will receive reimbursement only for meals that are served after they have a signed permanent agreement and have been approved for Program operations. Sponsors must be certain that they have been approved before they begin meal services.

State agencies have the discretion to require additional evidence of financial and administrative capability if a sponsor has not proven this through the documentation submitted. The State agency may deny an application if it does not have sufficient evidence of a sponsor's financial or administrative capability. See *Sponsor Priorities for Selecting Sites and Additional Eligibility Requirements and Flexibilities* in this unit.

Annual Application Updates

Once an initial application has been approved by the State agency, limited annual updates to the application will be required. Information required in the annual update to the application will vary from State to State. However, Federal law requires that sponsors submit an annual budget for approval by the State agency. The *Application Requirements for New and Experienced Sponsors and Sites* table featured earlier in this unit displays information that new and experienced sponsors are required to provide.

State agencies may exempt standard application procedures for those sponsors that want to provide Program benefits in times of emergencies (i.e., unanticipated school closures from October through April or at any time during the year for an area with a continuous school calendar). A sponsor may be exempted

from filing an application if they have participated in the SFSP in the current year or in either of the two previous calendar years.

State agencies also may vary application requirements based on their assessment of sponsors' experience or expertise in operating the Program. A State agency may require more detailed information on the site information sheets for sponsors that have had operational problems. Less information may be required for a sponsor experienced in operating the Program. Since this regulatory provision, 7 CFR 225.6(e)(3), is optional, not all State agencies adopt this variation in application processing. The *Application Requirements for New and Experienced Sponsors and Sites* chart featured earlier in this unit shows how the regulatory requirements for site information sheets differ between new and experienced sponsors and sites.

As described at 7 CFR 225.6(c)(4), SFAs participating in the NSLP or SBP and CACFP institutions in good standing that want to operate the SFSP at the same sites where they provide meal service through the NSLP or CACFP may follow the application requirements for experienced SFSP sponsors and sites instead of the application requirements for new sponsors and sites.

Additional guidance is provided at:

- SFSP 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreement in the Summer Food Service Program and the Child and Adult Care Food Program*, January 14, 2011, <https://www.fns.usda.gov/cn/permanent-agreements-summer-food-service-program>.
- SFSP 10-2023, *Best Practices for Streamlining Applications for Year-Round Program Operations*, June 12, 2023, <https://www.fns.usda.gov/cn/cacfp-sfsp-best-practices-streamlining-applications>.
- SFSP 05-2012, *Simplifying Application Procedures in the SFSP*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.
- SFSP 04-2013-REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.

State-Sponsor Agreement

7 CFR 225.6(i)

Sponsors that are approved for participation in the Program must enter into a permanent written agreement with the State agency. The agreement is a legally binding document that specifies the rights and responsibilities of both the sponsor and State agency and should be read carefully before being signed.

Once the State agency and sponsor enter into an agreement, it does not need to be renewed. However, sponsors operating under a permanent agreement must submit an annual budget for administrative costs that must be approved by the State agency.

It is important to understand that describing the agreement as “permanent” means only that the agreement has no predetermined expiration date. However, the sponsor is required to submit an application annually. Under certain circumstances, the agreement may be amended or cancelled. This feature of the agreement does not create contractual obligations beyond those described in SFSP regulations. This requirement reduces paperwork for sponsors and State agencies and simplifies Program management. See SFSP 03-2011, *Child Nutrition Reauthorization 2010: Permanent Agreements in the Summer Food Service Program and the Child and Adult Care Food Program*, January 14, 2011, <https://www.fns.usda.gov/cn/permanent-agreements-summer-food-service-program>.

A State agency must enter into a single permanent agreement with an SFA that operates more than one Child Nutrition Program administered by the State agency. Additionally, an addendum to the existing permanent agreement may be made for institutions participating in CACFP and SFSP when the same State agency operates both Programs. SFSP 05-2012, *Simplifying Application Procedures in the Summer Food Service Program*, October 31, 2011, <https://www.fns.usda.gov/cn/simplifying-application-procedures-sfsp>.

Required Elements of an Agreement

Each sponsor must have a valid agreement to be eligible to receive Program funds. Under the agreement, the sponsor agrees to:

- Operate a non-profit food service during the agreed upon period, usually from May through September for children on school vacation, at all times of the year when operating under a continuous school calendar system, or during the period of October through April, if a site serves an area affected by an unanticipated school closure.
- For SFAs, offer meals that meet Program requirements at the approved sites during times designated as meal service periods by the sponsor and offer the same meal to all children.
- For all other sponsors, serve meals that meet Program requirements at the approved sites during times designated as meal service periods by the sponsor and serve the same meal to all children.
- Serve meals without cost to all children, at all sites except camps and conditional non-congregate sites, which may charge for meals served to children who are not served meals under the Program.
- Issue a free meal policy statement. As part of the free meal policy statement, sponsors must submit a nondiscrimination statement of their policy for serving meals to children. Sponsors operating camps and conditional non-congregate sites are exempt from including a statement that meals served are free at all sites; however, if sponsors operating camps or conditional non-congregate sites charge separately for meals the sponsor must also include specific eligibility information in the policy statement, and must submit a copy of its hearing procedures with its application.
- Train administrative and site personnel as required.
- Claim reimbursement only for the types of meals specified in the agreement that are served during the approved meal service period without charge to:
 - Children at approved sites, except camps and conditional non-congregate sites; or
 - Children who meet the Program's income standards at camps or conditional non-congregate sites.
- Submit claims for reimbursement that align with the procedures established by the State agency.
- Maintain proper sanitation and health standards as required by State and local law.
- Use food donated by USDA and accepted by the sponsor in the Program.
- Have access to facilities necessary for storing, preparing, and serving food.
- Maintain a financial management system as prescribed by the State agency.
- Maintain on file documentation of required site visits and reviews.
- Make all accounts and records relating to the Program available to authorized officials on request. Records must be kept for a period of 3 years after the end of the fiscal year to which they pertain,

unless audit or investigative findings have not been resolved, in which case the records must be retained until all issues raised by the audit or investigation have been resolved.

- For congregate meal service, ensure children remain on site while meals are consumed. Sponsors may allow a child to take one fruit, vegetable, or grain item off-site for later consumption.
- Retain financial and administrative responsibility for the Program.
- Operate the Program or facility in compliance with Civil Rights laws and nondiscrimination regulations.

For additional information on meal requirements see *Meal Service Requirements* in Unit 4.

Termination of a Permanent Agreement

The existence of a permanent agreement does not limit a State agency's ability to terminate the agreement. The State agency must terminate the sponsor's agreement whenever a sponsor's participation in the Program ends. The State agency or sponsor may terminate the agreement at its convenience for considerations unrelated to the sponsor's performance. However, a State agency must consult with the FNSRO prior to taking any action to terminate an agreement for convenience.

Sponsors Operating in Multiple States

Organizations may be approved to sponsor sites located in any State, regardless of whether the sponsor is physically located within the boundaries of the State where the proposed site is located.

Sponsors not located within the State where a site is proposed must take additional measures to ensure that the State agency is able to complete its monitoring duties. To better facilitate State agency monitoring of multi-State sponsors, these sponsors must make requested materials available in the State where the sites are located in the form requested by the State agency, such as postal service, electronic submission, or email.

State agencies may approve only sites that are located within their State. Sponsors must enter into an agreement with the State agency for each State where its sites are located, regardless of where the sponsor itself is located.

When a sponsor is located in one State and operates sites in other States, an agreement must be entered into with the administering agencies in all States where the sponsor has a site. SFSP 01-2014, *Sponsors Operating in Multiple States in the Summer Food Service Program REISSUED*, November 8, 2013, <https://www.fns.usda.gov/sfsp/sponsors-operating-multiple-states-summer-food-service-program-reissue> provides guidance.

Appeal Rights

7 CFR 225.6(b)(3), 225.13, and 7 CFR 225.18(k)

When the State agency takes an action that affects an organization's participation or claim for reimbursement, the organization has the right to a fair hearing. The State agency must establish appeal procedures. The State agency must notify in writing each potential sponsor applying to participate, each FSMC applying to register, and each sponsor that has the right to appeal any of the following actions:

- Denial of an application for participation;
- Denial of sponsor's request for an advance payment;
- Denial of a sponsor's partial or full claim for reimbursement (except on decisions made by FNS with respect to late claims or upward adjustments);
- Refusal by the State agency to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim;
- Claim against a sponsor for remittance of a payment;
- Termination of a sponsor's (or a site's) participation in the Program;
- Denial of a sponsor's site application;
- Denial of an FSMC's application for registration or the revocation of an FSMC's registration; or
- Assessment of a fine when a State agency determines that a sponsor or site has failed to correct severe mismanagement of the Program, disregarded a Program requirement of which the sponsor or its site has been informed, or failed to correct repeated violations of Program requirements.

Review officials must be independent of the original decision-making process. They must make their determination based on information provided by the State agency and the appellant, and on Program regulations. The review official's decision is the final administrative determination to be afforded to the

appellant. The State agency must keep a record of each appeal. The record must document the State agency's compliance with Program regulations and include the basis for the review official's decision.

Questions and Answers

When should a sponsor begin planning for the summer?

Providing summer meals is a year-round effort, and there are activities sponsors can do at any point during the year to proactively plan for the summer. State application deadlines are available on the *FNS Summer Food Service Program Deadlines for Sponsors* website, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>.

When should sponsors begin planning site outreach if they want to add sites?

Sponsors should begin setting participation goals in the fall if they hope to add sites in the summer. Winter is a good time for sponsors to begin meeting with community partners and exploring new site options. Sponsors looking to add sites may refer to the *Site Recruitment Strategies Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit> for more tips on conducting successful site outreach. Sponsors may also refer to the *Capacity Builder*, <https://www.fns.usda.gov/sfsp/capacitybuilder> to identify locations for new sites and potential community partners, such as multi-family housing units, libraries, faith-based institutions, military bases, and schools. Sponsors should check with their State agency for more specific guidance.

Does FNS provide any planning tools for sponsors?

Sponsors can refer to the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>, resources page for tips Sponsors should also refer to the *Summer Food Service Program Deadlines for Sponsors*, <https://www.fns.usda.gov/summer-food-service-program-sfsp-state-deadlines-sponsors>, when organizing their plans. For a sample planning checklist, see Appendix 2.

What happens after a sponsor is approved to participate in the SFSP?

When a sponsor is approved to participate in the SFSP, the State agency will complete and sign a permanent Program agreement with that sponsor. The agreement is a legally binding document that specifies the rights and responsibilities of both the sponsor and State agency. Sponsors should read the permanent agreement carefully before signing.

What do sponsors need to do to apply to participate in the SFSP?

Sponsors should contact their State agency in order to obtain access to a sponsor application. Applicants should be certain that they have submitted all the required information, including supporting documentation, prior to the State agency's deadline. Incomplete applications will cause a delay in approval of the sponsor.

Are there any pre-operational requirements sponsors must fulfill once they have chosen their prospective sites?

Yes, once prospective sites have been chosen, the health department must be notified in writing of all prospective site locations. Additionally, sponsors must conduct pre-operational site visits to determine that they have the facilities to provide meals for the anticipated number of children in attendance and the capability to serve meals.

How should State agencies identify whether an area has “no congregate meal service” for the purpose of determining if non-congregate meal service is allowable?

When evaluating the application of a proposed site offering non-congregate meal service and determining if non-congregate meal service is allowable, the State agency must ensure that the area is rural, as defined in 7 CFR 225.2, and that the area the site proposes to serve is not or will not be served by a congregate meal service consistent with the requirement at 7 CFR 225.6(h)(3)(iii). State agencies have the discretion to determine whether an area has no congregate meal service. When determining if an area is served by a congregate site, the State agency should consider information including, but not limited to:

- Any physical conditions or other barriers;
- Limited capacity of a congregate site that prevents it from serving the community at large;
- Sites serving the same children on different days, different weeks, or for different meals on the same day; and
- Sites appealing to specific age groups or to children with unique dietary requirements.

Program regulations provide flexibility around the “no congregate meal service” requirement to allow State agencies to approve meal sites to operate both congregate and non-congregate meal services provided that the State agency ensures:

- The proposed site will only conduct a non-congregate meal service when the site is not providing a congregate meal service, as required in 7 CFR 225.6(h)(4)(ii); and
- The sponsor proposes an organized and supervised system to prevent overlap between meal services and reasonably ensures children are not receiving more than the daily maximum allowance of meals as required in 7 CFR 225.6(h)(4)(iii) and 225.16(b)(3).

Can existing rural sites switch from congregate to non-congregate meal service?

Yes. State agencies may approve sites to switch between congregate and non-congregate site operations during the middle of summer operations. However, the non-congregate option is not intended to replace congregate meal service. USDA understands the benefits of congregate meal service and the accompanying activities that are often provided and encourages sponsors to continue to provide these opportunities when feasible. When planning for non-congregate meal service, State agencies and sponsors should work to identify and prioritize those rural areas that the congregate SFSP cannot reliably reach.

What are some free ways to raise community awareness about the availability of free summer meals?

Schools are required to inform families of the availability and location of free meals when school is not in session, as described in 7 CFR 210.12(d). If a part of their summer strategy, Sponsors can encourage schools to go beyond this requirement by issuing a PSA to all families or by including details about summer meals on their school website or social media accounts.

Sponsors can also coordinate with other organizations such as statewide advocacy groups or public and private agencies, to conduct promotion efforts, consistent with their State agency's CSP. Many of these organizations have experience with, and systems for, communicating with the public. Sponsors can also share promotional materials with staff members at these organizations.

Sponsors can also work with traditional and social media outlets to spread the word about the Program. Sample media releases are provided in Appendix 2 that sponsors can use as templates to craft their message. For more tips and resources about promoting summer meals, see the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>.

Are there promotion efforts to do in mid-summer?

In order to best ensure strong participation all summer long, sponsors should continue to promote summer meals for the entire duration of the Program. Sponsors can promote the *Summer Meals for Kids Site Finder*, <https://www.fns.usda.gov/meals4kids> and the *National Hunger Clearinghouse*, <https://www.fns.usda.gov/national-hunger-clearinghouse>, which families can use to find sites close to them. The hotline can be accessed by phone at 1-866-3-HUNGRY or 1-88-8-HAMBRE, or by text to the automated service at 914-342-7744 using keywords such as “food,” “summer,” or “meals.”

Sponsors often face a “mid-summer lull” – or participation drop – in late July. In order to keep the momentum going strong, sponsors may consider hosting a “Spike” event. Spike events take place typically in the middle of the summer, and can include a parade, health fair, music concert, or other family-friendly event. For more ideas and resources, please see the *Summer Meals Toolkit*, <https://www.fns.usda.gov/sfsp/summer-meals-toolkit>.

What is categorical eligibility?

Categorical eligibility eliminates the need for children who already meet income eligibility requirements in a specified Federal program to submit additional income information for the SFSP. There are two ways children can be classified as categorically eligible:

- Through participation in another comparable Federal assistance program, such as SNAP, FDPIR, or TANF; or
- Through documentation that the child is homeless, runaway, or migrant; a foster child; or enrolled in a Federally funded Head Start or similar, State-funded pre-kindergarten program.

For more information about establishing categorical eligibility, see SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 08, 2014, <https://www.fns.usda.gov/sfsp/categorical-eligibility-summer-food-service-program>.

What sources of data are used to determine eligibility for receiving non-congregate meals at conditional non-congregate sites?

Conditional non-congregate sites that establish individual eligibility for meals use the same categorical eligibility procedures found in 7 CFR 225.15(f) to determine the eligibility of children who are members of

households receiving SNAP, FDPIR, or TANF benefits, as described in 7 CFR 225.6(f)(1). Individual eligibility for free or reduced price school meals may therefore be determined by using individual eligibility determinations through school data or by the application process described in 7 CFR 225.15(f). Only meals served to children eligible for free or reduced price school meals may be claimed for reimbursement at sites of this type.

Additionally, under new Program regulations at 7 CFR 225.6(g), site information sheets submitted by sponsors for conditional non-congregate sites must include (1) the number of children enrolled who meet the Program's income standards if it is a new site; or (2) the number of children enrolled who meet the Program's eligibility standards if it is an experienced site. If this information is not available at the time of application, this information must be submitted as soon as possible thereafter, and in no case later than the filing of the sponsor's claim for reimbursement.

What is the effective date of eligibility for children certified for free or reduced price meals in the NSLP?

Generally, children are certified eligible for free or reduced price meal benefits on the date the household application is approved. However, LEAs, including schools participating in SFSP, have flexibility concerning the effective date of certification for Program benefits. LEAs may choose to establish the date of submission of an application as the effective date of eligibility, rather than the date the official approves it. LEAs can use this flexibility when processing household income applications, as well as when waiting for documentation of other source categorical eligibility, such as documentation from a homeless liaison to certify a child who is experiencing homelessness, indicated on a household application. See SFSP 11- 2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013,

<https://www.fns.usda.gov/cn/effective-date-free-or-reduced-price-meal-eligibility-determinations>.

What methods may schools participating in the SFSP use to establish the effective date of eligibility?

Schools participating in SFSP may use either the date of submission of the household application or the date of certification to establish the effective date of eligibility as described in previously issued guidance for NSLP. See SFSP 11- 2014, *Effective Date of Free or Reduced Price Meal Eligibility Determinations*, December 3, 2013, <https://www.fns.usda.gov/effective-date-free-or-reduced-price-meal-eligibility-determinations>. Schools may not use the date of parent or guardian's signature.

What methods may SFSP sponsors use to establish the effective date of eligibility?

For non-school institutions, the effective date of eligibility can be established using either the date when the parent or guardian signed the income eligibility form or the date when the sponsor signed the form to certify the participant's eligibility (CACFP 01 SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/cn/duration-income-eligibility-determinations-guidance-and-qas>).

For how long is eligibility of children valid when an application is submitted?

Eligibility for children is generally effective for 12 months, through the last day of the month in which the form was signed or certified. For example, a form signed and dated by a sponsor on June 1, 2023, is considered valid until June 30, 2024 (CACFP 01 SFSP 01-2015, *Duration of Income Eligibility Determinations: Guidance and Q&As*, October 31, 2014, <https://www.fns.usda.gov/cn/duration-income-eligibility-determinations-guidance-and-qas>).

How is area eligibility determined for SFSP for a CEP school that has no change to their ISP since the State agency initially approved?

To determine area eligibility, an individual school's ISP multiplied by 1.6 is used as a proxy for the school's free and reduced price percentage; an individual CEP school site that has an individual ISP of at least 31.25 is area eligible ($31.25 \times 1.6 = 50$). A redetermination of area eligibility is required every 5 years, unless the State agency is aware of significant economic changes in the area.

How is area eligibility determined for SFSP for Summer 2024 for a CEP school that updated or changed its ISP since the last or most recent area eligibility determination?

Provided the CEP school remains SFSP area eligible (ISP multiplied by 1.6 remains equal to or greater than 50 percent), there is no change to the SFSP site approval process. The State agency may opt to change the date of SFSP area eligibility determination based on the most recent approved ISP, which in turn extends the required 5-year area eligibility redetermination by one year. Alternatively, the State agency may make no change from the initial determination, based on the original approved ISP, and must re-determine SFSP area eligibility five years from the initial determination.

Is the following scenario correct?

- **In 2023, a school district adopted CEP district-wide. The ISPs of all individual schools in the district multiplied by 1.6 yield a result of at least 50 percent.** This school district's 4-year CEP cycle is SY 2023-24 to SY 2026-27. Schools apply for SFSP in 2024.
- Because of the district's CEP election, the State agency opts to reconfirm or redetermine that each individual school is area eligible based on the SY 2023-24 CEP data that was used to calculate the ISP.
- SFSP area eligibility for the school district is good for 5 years, or through 2028 based on the 2023 CEP determination.

Yes, the SFSP sites are certified for 5 years, based on the 2023 data that was used to calculate the ISP. *A redetermination will be due 5 years from 2024 for SFSP, even though the school district is required to recalculate the ISP sooner.* The 5-year eligibility is locked in for SFSP.