

**Summer Food Service Program**



# Program Bulletin

***Child Nutrition Programs***

***Finance & Support Services***

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**To:** SFSP Sponsors

Program Reviewers

**From:** Dan Hysell

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**Date:** August 2, 2019

**Bulletin:** 2019-9

**Subject:** USDA Policy Memos and Information

**USDA Policy Memos, Information, and Guidance:**

* SFSP 14-2019 – Farm Bill Implementation Memo: Donated Traditional Foods and Civil Liability

**Additional Topics:**

* Summer Food Service Program Administrative Update
* Poor Air Quality Waiver
* Alaska Farm to Summer Week Survey
* Upcoming Webinars
* The USDA Summer Food Site Finder Website
* Planning for Inclement Weather Conditions
* The Summer Food Service Program (SFSP) Characteristics Study

**Program changes as a result of USDA Policy Memos are to be implemented immediately. Please file this bulletin for reference, guidance, and compliance with the Summer Food Service Program. Feel free to call the Child Nutrition Programs office if you need further clarification.**

## USDA Policy Memos, Information, and Guidance:

All guidance referenced below may be found on the [USDA Policy Memorandum Webpage](https://www.fns.usda.gov/sfsp/policy).

### SP31-2019, SPFP 14-2019

**Farm Bill Implementation Memo: Donated Traditional Foods and Civil Liability**

On December 20, 2018, Congress passed the Agriculture Improvement Act of 2018 (Public Law 115-334, 2018 Farm Bill). The purpose of this memorandum is to notify Child Nutrition Program operators of the 2018 Farm Bill’s expansion of the provision stating that certain groups are not liable in civil cases regarding the donation and service of traditional foods. This provision only applies to food service programs at public and nonprofit facilities that primarily serve Indians, including those operated by Indian Tribes and Tribal organizations.

This guidance will be posted on the USDA Food and Nutrition Service (FNS) Web site in three business days. This advance distribution through PartnerWeb is intended to provide State agencies with time to review the guidance prior to public distribution. Please wait three business days before posting this guidance to your State agency Web site or distributing to Program operators.

## Additional Topics:

### Summer Food Service Program Administrative Update

The USDA Food and Nutrition Service (FNS) is working to deliver an updated Summer Food Service Program Administration Guide for program year 2020. We understand that program providers need current policy information in the short term to deliver the program with integrity while awaiting the updated guide.

FNS is offering this abbreviated list of policy changes in recent years to use as a reference when operating from the current guide. While this list is not exhaustive, it should help point sponsors to significant policy changes that affect their operations.

Site Eligibility:

* Closed enrolled sites may no longer use area eligibility to determinate their site’s eligibility. Closed enrolled sites must establish eligibility through the income eligibility of children attending the site.
* This change applies to Site Eligibility, page 13.

Offer Versus Serve:

* Only school food authorities that use the NSLP meal pattern following the guidelines in 7 CFR 225.16(f)(1)(ii) may use Offer Versus Serve.
* This change applies to Offer Versus Serve, pages 62 and 63.

Meal Times:

* Three hours must pass between the beginning of one meal service, including snacks, and the beginning of another meal service. Four hours must pass between the service of lunch and supper when no snack is served between lunch and supper.
* The service of supper must begin no later than 7 p.m. unless the State agency has granted a waiver of this requirement due to extenuating circumstances.
* The duration of the meal service is limited to two hours for lunch or supper and one hour for all other meals
* This change applies to Meal Time Requirements, beginning page 65.

Small Purchase Procedures:

* For current purchase thresholds amounts, please see:
  + [Micro-Purchase Thresholds](https://www.ecfr.gov/cgi-bin/text-idx?mc=true&node=se2.1.200_188&rgn=div8)
  + [Small Purchase Thresholds](https://www.ecfr.gov/cgi-bin/text-idx?mc=true&node=se2.1.200_188&rgn=div8)
  + [Simplified Acquisition Threshold](https://www.ecfr.gov/cgi-bin/text-idx?mc=true&node=se2.1.200_188&rgn=div8)
* This change applies to Procurement Methods, p 83 and 84.

First Week Site Visits:

* Sponsors must visit each site at least once during the first week of operation.
* This change applies to Sponsor Monitoring Requirements, page 118.

Simplified Cost Accounting and Reporting:

* Advances payments are no longer separated into payments for operating and administrative costs.

### Poor Air Quality Waiver

We requested a waiver from USDA for non-congregate feeding for park sites when the air quality is deemed unsafe.  We just received notice that this waiver was approved in a limited capacity (few sponsors and sites may be approved).  If you have an open feeding park site (or other outdoor only site) and wish to be able to serve children 1 meal per day and not require that the students eat at the park, you may request this waiver.  The air quality must be checked daily on the [EPA website](https://airnow.gov/index.cfm?action=airnow.local_state) and must be **Very Unhealthy** or **Hazardous** for any day in which non-congregate feeding occurs; please note that other sources will not be accepts (such as DEC or the Municipality of Anchorage).  The daily air quality must be documented by the sponsor.

Please note that the following conditions are required:

* Sponsor must be in good standing with no significant review findings from the current or prior year
* The site is outdoor only and does not have access to indoor facilities.
* The site supervisor must be able to document the number of meals served under this waiver and maintain the integrity of the meal service.

If you are interested in requesting this waiver, the information we need to approve you is the following:

* Sponsor Name
* Site Name(s)
* Confirmation that indoor facilities are not available for this site:
* Confirmation that the sponsor will provide meal count data including dates by site, served under this waiver

This is a new process for us, so as we work through it, questions may arise.  Please feel free to contact me if you need any additional information.

### Alaska Farm to Summer Week Survey

Thank you to those who participated in Alaska Farm to Summer Week from July 22-26! All sponsors were encouraged to serve local foods and incorporate agricultural enrichment activities into summer feeding programs to celebrate healthy, locally grown meals.

If you participated, please take a moment to complete the [Farm to Summer Week Survey](https://www.surveymonkey.com/r/T5D9SCY) to let us know how it went! We will have a few giveaways for those who respond.

### Upcoming Webinars

#### Summer Meals Matter Conference Call

Thursday, September 5, 2019 9:00 AM AKDT

*Debriefing Summer – What Worked, What Didn’t, What Next?* With summer break wrapping up, now is the perfect time to reflect on what worked, what didn’t, and, most importantly, what’s next? Join this call to evaluate summer program challenges and successes and identify opportunities to increase participation next year. Hosted by the Food Research & Action Center (FRAC). [Register here for webinar](https://frac.salsalabs.org/summermealsmattersep2019/index.html?eType=EmailBlastContent&eId=6cd33a6d-aef8-4bc4-96a9-79bacc5ab6d2).

### The USDA Summer Food Site Finder

This web-based mapping tool allows Alaskans to enter a street address and locate nearby Open SFSP meal sites. It list all meals times, days, contact information for each site and is kept up to date weekly by our office. This is an incredibly useful tool and its accuracy depends on the information you enter in the CNP Web, so please remember to keep it up to date! Thank you and please considering forwarding this tool to anyone you think may find it useful: [USDA Summer Food Site Finder](https://www.fns.usda.gov/summerfoodrocks).

### Planning for Inclement Weather Conditions

All sponsors of outdoor sites are required to have a contingency plan in place, in case of inclement weather. The sponsors’ plan could include:

* Partnering with a local community organization or civic center to use an indoor space as an alternative site
* Arranging tents for hot or rainy days as shelter in outdoor sites
* Notifying summer meal participants of any alternative site arrangements

### The Summer Food Service Program (SFSP) Characteristics Infographic

This study collected data on Summer Food Service Program (SFSP) operations and characteristics at the state, sponsor, and site levels. Survey data was collected in the summer of 2015 from a census of the 53 state agencies (all 50 states, the District of Columbia, the Virgin Islands, and Puerto Rico) and nationally representative samples of SFSP sponsors and sites. In lieu of a technical research report, study findings are included in a four-page infographic. [Summer Infographic](https://www.fns.usda.gov/sfsp/summer-food-service-program-characteristics-study).

**Contact Information**

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Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [USDA Complaint Email](mailto:program.intake@usda.gov) (program.intake@usda.gov).

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