



Food and Nutrition Service

Braddock Metro Center

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DATE: May 31, 2023

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SUBJECT: Approved Levels of Meals for Vended Sites in the Summer Food Service Program

TO: Regional Directors
Child Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Approved Levels of Meals for Vended Sites in the Summer Food Service Program
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Summary:	(1) This memo addresses guidance for approved levels of meals for vended sites in the Summer Food Service Program. (2) This memorandum applies to State agencies administering, and local organizations operating, the Summer Food Service Program. (3) This document relates to 7 CFR Part 225.

On September 19, 2022, the Food and Nutrition Service (FNS) published the Final Rule: *Streamlining Program Requirements and Improving Integrity in the SFSP*. The rule amended Summer Food Service Program (SFSP) regulations to strengthen Program integrity by clarifying, simplifying, and streamlining Program administration to facilitate compliance with Program requirements. Through the rule, USDA codified changes to the regulations that will simplify the application process, enhance monitoring requirements, clarify existing requirements, and provide more discretion at the State agency level to manage Program operations. Compliance with the provisions of this rule must begin by May 1, 2023 (except for those State agencies which have an approved waiver for implementation by January 1, 2024).

The purpose of this memorandum is to provide guidance on establishing and revising the approved level of meals, also known as “site caps,” for SFSP sites serving meals prepared by food service management companies, known as “vended sites.” The approved level of meals is the maximum amount of children’s meals that can be claimed for reimbursement by a vended site. The objective of establishing an approved level of meals is to ensure that only one meal per child is served and claimed per approved meal service, as required under 7 CFR 225.15(b)(3).

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 set in accordance with provisions listed at 7 CFR 225.6(h)(2). These provisions include:

- Establishing the initial maximum approved level of meals to be served at vended sites.
- Determining the maximum approved level of meals to be served at vended sites.
- 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 to assist in determining the maximum level of meals that would be appropriate.

The maximum approved level of meals must be adjusted based upon the information collected at site reviews by the sponsor and/or State agency. Sponsors may seek an upward adjustment of the approved level by requesting a site review or providing the State agency with evidence that attendance exceeds the site's approved levels. The State agency must disallow children's meals claimed above the site's approved level of meals per 7 CFR 225.11(e)(3). However, operating costs for meals above the site's approved level served to adults performing necessary food service labor may be claimed per 7 CFR 225.9(f).

Downward adjustments are required by the State agency if a site is not meeting their established maximum approved level of meals; these may also be requested by the sponsor. State agencies should consider downward adjustments to ensure that meals are not ordered in excess of the quantity needed daily for one meal per child to be served and claimed. These adjustments may be requested at any point prior to submitting the claim for the impacted reimbursement period. Claims submitted for reimbursement must also accurately reflect the number of children who received meals during the meal service period. For example, a site with a maximum approved level of 30 children may have received 30 vended meals, but only served 20 children during their lunch meal service; this claim must reflect 20 meals, not 30.

Any adjustments made to the approved level of meals must be documented by the State agency in its files, and sponsors must be provided with written confirmation of the new approved level of meals. In turn, sponsors must notify food service management companies of these adjustments for each vended site impacted within the time frames set forth in the contract for adjusting meal orders. Sponsors must inform the food service management company that the approved level for meal service is the maximum number of meals that may be served at a site, and it is not a

standing order. Adjustments can be made to the meal order by the sponsor to accurately reflect the number of children participating if it does not exceed the approved level of meals. If additional meals over the approved level are needed, sponsors must request an upward adjustment with the State agency prior to the submission of a claim for the reimbursement period.

FNS recognizes that it may be difficult to precisely estimate the number of meals needed due to fluctuation in participation levels. In accordance with 7 CFR 225.15(b)(4), second meals may be served after all participating children at the site's meal service have been served a first meal. When there are fluctuations in attendance resulting in more meals than program participants, sponsors may claim reimbursement of second meals to not exceed two percent of the number of first meals served to children for that meal service. For example, if 60 meals were ordered for breakfast meal service and there were a total of 50 program participants, a total of one meal may be claimed as second meals. If two percent of the number of first meals served to children yields a fraction, the number of second meals claimed may not be rounded up; for example, if the calculated two percent is one and a half (1.5), only one meal may be claimed as a second meal. The State agency may also disallow claims for second meals if it determines that the sponsor failed to plan and prepare or order meals with the objective of providing only one meal per child at meal service.

Sponsors serving vended non-congregate rural sites must also make appropriate upward or downward adjustments to the approved level of meals for each site and distribution model. For example, a vended non-congregate rural site operating one day per week is distributing bulk meals and planning on serving 20 children but only 10 children received meals. The sponsor should adjust their approved level of meals by seeking a downward adjustment for the following weeks' meal service.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their respective State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

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