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STATE SUPERINTENDENT
PUBLIC INSTRUCTION

STATE GUIDANCE

To: Child Nutrition Programs
From: Colleen Fillmore, Ph.D., R.D., L.D. Child Nutrition Programs Director
Date: January 26, 2009
Subject: 2009 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option (SSO) **Policy Memo SP-11-2009**

Attached is a revised set of questions and answers on operating the SSO. These questions and answers replace SP-07-2007, dated March 8, 2007. We have indicated which questions and answers were added or significantly revised. The policies and procedures established by these questions and answers are to be used for SSO operations beginning in the summer of 2009.

Agencies should contact the State Office if they have any questions at 208-332-6820

National School Lunch Program's Seamless Summer Option Questions and Answers 2009 Edition

Numbers in () indicate new or significantly revised Q and A

GENERAL

1. Q What is the Seamless Summer Option?

A The Seamless Summer Option (SSO) is designed to encourage more school food authorities (SFAs) to provide meals during summer and other school vacation periods. This option combines features of the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Summer Food Service Program (SFSP). The SSO reduces paperwork and administrative burden making it easier for SFAs to feed children in low-income areas during the traditional summer vacation periods and, for year-round schools, school vacation periods longer than 10 school days.

2. Q What organizations may participate in the SSO?

A Only SFAs administering the NSLP or SBP may participate in the SSO. However, with State agency approval, SFAs may sponsor non-school sites.

3. Q Are States required to allow SFAs to operate under the SSO?

A Yes.

(4.) Q What sites are eligible to participate as facilities sponsored by an SFA in the SSO?

A The following types of sites may participate and may be located in schools or at non-school facilities (buildings or outdoor locations).

Area Eligible **

Open

- Serves all children through age 18 at a site that is located within the geographical boundaries of a school attendance area that has at least 50% of its children approved for free or reduced price school meals or based on other data as discussed in Q and A #12.
- Meals reimbursed at free school meal rates for all attending children.

Restricted open

- On a first-come, first-serve basis, serves children through age 18 at a site that is located within the geographical boundaries of a school attendance area that has at least 50% of its children approved for free or reduced price school meals or based on other data as discussed in Q and A #12.
- Attendance is limited for reasons of security, safety; or control.
- Meals reimbursed at free school meal rates for all attending children.

**** Area eligibility is based on the percentage of enrolled children approved for free or reduced price meals as of the last day of operation of the most recent school year or other month designated by the State agency or other data as discussed in Q and A#12**

Enrolled

Closed enrolled

- Serves only children through age 18 in a specific program or activity serving only an identified group of children.
- Meals reimbursed for all children in attendance at the free school meals rates when the site has:
 - At least 50% of the children enrolled at the site approved for free or reduced price school meals.
- A closed enrolled site with less than 50% of their enrolled children approved for free or reduced price school meals is not eligible to participate unless qualified to participate as a day camp.
- Enrolled children's eligibility status may be determined by:
 - Information obtained from their schools;
 - Applications submitted and approved by the sponsoring school or local educational agency;
 - Direct certification conducted by the sponsoring or school or local educational agency.

Camps

- May be residential or non-residential (day camp).
- Must offer regularly scheduled food service as part of an organized program for enrolled children.
- Eligibility must be established for each enrolled child.
- Cannot establish eligibility based on the camp's location in a geographical area of a school attendance area with 50% of its eligible for free or reduced price meals or using other data as discussed in Q and A #12; or based on 50% or more of camp's enrolled children being approved for free or reduced price meals.
- Only meals served to children through age 18 who are eligible for free or reduced price school meals (based on individual eligibility) may be reimbursed.
- Enrolled children's eligibility status may be determined by:
 - Information obtained from their schools;
 - Applications submitted and approved by the sponsoring school or local educational agency;
 - Direct certification conducted by the sponsoring school or local educational agency.
- Meals reimbursed at the free school meals rates for eligible children in attendance.
- Meals served to ineligible children are not reimbursed; camps may charge ineligible children for meals.

Migrant

- Primarily serving children through age 18 of migrant families, as certified by a migrant coordinator.
- Meals reimbursed for all children in attendance at the free school meals rates.

State Agency Approval of SSO Participation

5. Q What are the criteria for SFA participation in the SSO?

- A** The SFA must be able to demonstrate administrative capability and financial viability to properly operate during school vacation periods. The State agency should not approve applications from SFAs that have significant problems operating either the NSLP or SBP. Further, schools and sites that have been determined to be seriously deficient in the administration of the SFSP or Child

and Adult Care Food Program (CACFP) cannot be approved for participation in the SSO. Previous participation in the SFSP is not a requirement for participating in the SSO.

(6.) Q What are the requirements for SSO site (including schools) applications?

A At a minimum, SFAs must submit the following information for each site to the State agency for application approval:

- Name, address, and phone number of each site;
- An Indication if whether the site would operate for schools that have a year-round school calendar and provide the duration of vacation periods;
- Type of site (Q and A #4);
- Name of the organization(s) that will operate the site for the SFA (if applicable);
- Types of meals, including day(s) of week and time(s) of day, served;
- Additional information listed below for the particular type of site.

For open sites and restricted open sites:

- Documentation indicating that the site is located within the geographical boundaries of a school attendance area with at least 50% of its children approved for free or reduced price school meals or other data as discussed in Q and A #12; or, if the site is a school, that at least 50% of children enrolled in the school are approved for free or reduced price meals;
- For restricted open sites, an explanation of why the SFA is restricting attendance on the basis of security, safety or control.

For closed enrolled sites:

- Documentation indicating that the site is located within the geographical boundaries of a school attendance area with at least 50% of its children approved for free or reduced price school meals or other data as discussed in Q and A #12; or that at least 50% of the children enrolled at the site are approved for free or reduced price school meals;
- If individual children's eligibility is the basis for eligibility, the source of the documentation (from their regular schools, applications submitted to site and approved by the sponsoring school or local educational agency or a combination of both sources);
- An explanation of why the SFA is sponsoring a closed enrolled site.

For camps:

- Indicate type of camp:
 - residential or
 - non-residential (day camp);
- For non-residential camps, a brief description of the organized program for participating children;
- An explanation of why the SFA is sponsoring camps instead of establishing other, more conventional SSO sites;
- The source of the documentation for individual children's eligibility (from their regular schools, applications submitted to site and approved by the sponsoring school or local educational agency or a combination of both sources);
- Certification that the camp will only claim reimbursement for children who are eligible for free or reduced price meals.

7. Q The regulations define a school year as July 1 through June 30 and the new income eligibility guidelines (IEGs) become effective on July 1. Since SSO sites may be operational across two school years, can eligibility information from the prior school year continue to be used and which IEGS should be used?

A The information from the school year that ended on June 30th may be used to determine area eligibility. Further, a child's individual eligibility (either based on an application or direct certification) from the school year that ended on June 30th may also be used. If an application is submitted to determine an individual child's eligibility, the SFA would use the IEGs in effect at the time an application was processed.

8. Q Are State agencies required to provide training to SFAs approved to operate the seamless option?

A There is no mandatory training, but FNS encourages State agencies to provide training and technical assistance to SFAs based on their assessment of the need for training.

Site Eligibility

9. Q Can an SFA sponsor a site that is located outside of its district?

A Yes, with State agency approval.

10. Q Can an SFA sponsor non-school sites operated by other non-profit organizations?

A Yes, with State agency approval.

11. Q Can an SFA sponsor sites (school or non-school) which are operated by profit-making entities?

A No, profit-making entities cannot be sites under the SSO.

12. Q Can sites qualify for participation in the SSO by using data other than a school's percentage of free or reduced price enrollment?

A Yes. The SFA may use census block group data as approved by the State agency. FNS must approve the use of data from other sources, such as departments of welfare or education and zoning commissions, prior to use. Generally, current data must be used.

(13.) Q Once approved to operate the SSO, must site eligibility be re-determined each year?

A Yes, for any sites, such as closed enrolled sites and camps, that participate on the basis of individual children's eligibility.
No, for any sites that participate on the basis of area eligibility. If the SSO site is located within the geographic boundaries of a school attendance area and that school has 50% or more free and reduced price participation, then the site is eligible to participate in the SSO for 5 years. SSO sites qualified on the basis of census block group data (as allowed in Q and A#12) are certified under that data until new data is available. State agencies are prohibited from more frequent area eligibility redeterminations unless the State agency is aware of significant economic changes in the area.

14. Q If the site is either a school using Provision 2 or 3 or is within the attendance area of a school using Provision 2 or 3, what eligibility data is used?

A Data from the school's base year may be used to determine area eligibility. As discussed in Q and A #12, the SFA may also use census block group data as approved by the State agency. FNS must approve the use of data from other sources, such as departments of welfare or education and zoning commissions prior to use.

15. Q Can a SFA limit its sponsorship just to school sites?

A Yes. A SFA should match its sponsorship of sites with its financial and administrative capabilities. Where feasible, an SFA could expand its SSO participation to serve children in the community by sponsoring non-school sites that are operated by non-profit organizations.

(16.) Q Under what circumstances can a school operate a academic summer school and also serve as SSO?

A Any meals served to children in the academic summer school during the time they are considered attending school must be claimed and reimbursed under the SBP and NSLP. If the school site provides meals only to enrolled summer school students, it is not eligible to participate in the SSO. If, however, it opens their feeding programs to the community, all meals can be served free under the SSO for sites in eligible areas.

17. Q Can a school or site participating under the SSO as an open site serve meals at staggered times for community children and school children attending summer school?

A Yes, but it must be the same meal service (i.e., food served, length of serving time, eating area, etc.).

18. Q Can a year-round school with off-track breaks participate in the SSO?

A Yes, as long as the school is on a year-round/continuous schedule and the off-track breaks are officially part of the school schedule. Typically, the off-track breaks are at least 10 school days; however, shorter periods may be approved by the State agency.

Periods of Operation

19. Q What are the months of operation for schools operating under a traditional school calendar?

A The months of SSO operation for these schools are:

- May through September when school is not in session
- October through April for non-school sites only that are responding to an unanticipated school closure (see Q and A #22).

20. Q When may the SSO be operated in year-around schools?

A The SFA may operate the SSO during any scheduled breaks of 10 or more school days, unless shorter periods are approved by the State agency. In addition, the SSO may operate any time during the year for non-school sites only that are responding to an unanticipated school closure (see Q and A #22).

21. Q Can schools operating on a traditional school calendar operate the SSO during winter or spring breaks or at other times when school is closed?

A No, unless there is an unanticipated school closure (see Q and A #22). Schools following a traditional school calendar cannot offer meals under the SSO during winter or spring breaks.

22. Q What is an unanticipated school closure?

A An unanticipated school closure is defined as a natural disaster, unscheduled major building repair, court order relating to school safety or other issues, labor-management dispute, or other similar cause as approved by the State agency. As mandated by the Richard B. Russell National School Lunch Act, meals provided during an unanticipated school closure must be served at non-school sites. Under these circumstances, schools cannot offer meals under the SSO.

Meal Service

23. Q What is the age requirement for children participating in the SSO?

A All persons in the community who are 18 years of age and under and those persons over age 18 who meet the State agency definition's of mentally or physically disabled may receive meals under the SSO.

(24.) Q If a closed enrolled site employs staff who are 18 or younger, can the meals served to those staff members be claimed under the SSO?

A No, the meals cannot be claimed because it is a closed enrolled site. In closed enrolled sites, only those meals served to the enrolled children may be claimed. Even though the teen-age staff members meet the age requirement, they are not enrolled at that site. As employees, they cannot be considered enrolled.

25. Q Can an SSO site charge for meals served to participating children?

A No. Meals at all approved SSO sites, except for camps, must be served free of charge to all children. SFAs that sponsor camps may charge for the meals served to children who are not eligible to receive free or reduced price meals.

26. Q What are the types of meals that may be served under the SSO?

A With the limitations described in Q and A #27, a site may serve breakfast, morning snack, lunch, afternoon snack and supper under the SSO. Menu planning must follow one of the regulatory menu planning approaches in 7 CFR 210.10 for the NSLP and 7 CFR 220.8 for the SBP.

(27.) Q How many meals are reimbursable under the SSO per day?

A The number and type of meals that may be reimbursed depends on the category of site.

At open, restricted open, closed enrolled sites: a maximum of two meals, such as lunch and breakfast, or lunch and one snack, or breakfast and one snack, may be claimed per day (except for SBP meals, see Q and A #35).

At camps (residential and non-residential): only the meals served to children eligible for free or reduced meals (based on approved applications or direct certification) may be reimbursed; a maximum of three meals, such as breakfast, lunch, and one snack, may be claimed per day (except for SBP meals, see Q

and A #35). Lunch and supper may be claimed when served to the same children on the same day.

At migrant sites: a maximum of three meals, such as breakfast, lunch, and one snack, may be claimed per day (except for SBP meals, see Q and A #35).

Only camps and migrant sites may claim both lunch and supper served to the same children on the same day.

28. Q What meal pattern/menu planning system is to be used for a supper meal under the SSO?

A SFAs use the NSLP options in 7 CFR 210.10.

29. Q Are there designated meal periods for seamless summer sites?

A Yes. Meal times for breakfast and lunch must follow the designated times in the SBP and NSLP regulations. According to 7 CFR 220.2(b), breakfast must be served to a child in the morning hours. Lunch must be offered between 10:00 am and 2:00 pm, as provided in 7 CFR 210.10(f). Supper meals must begin before 7:00 p.m. and end by 8:00 p.m. Snacks must be evenly and adequately spaced between other meal service times to minimize food waste and ensure good nutrition practices.

30. Q Will a la carte sales be allowed at the same time that the seamless option meals are being served?

A Yes, as long as a la carte items sold do not violate the requirements restricting foods of minimal nutritional value. However, a la carte sales are not encouraged during summer meal service. Children should be encouraged to participate in the meal service being offered before they pay for a la carte items.

31. Q Can meals be served on weekends under the SSO?

A Yes, with State agency approval. A SFA that plans to serve weekend meals in the SSO must include this information in its application.

32. Q Must a school differentiate between meal counts for on-track (NSLP/SBP) and off-track (SSO) children in year-round sites?

A Yes. Since off-track students at SSO sites may receive meals free of charge regardless of their eligibility status, the school or site must be able to distinguish between them and the on-track students who may be paying reduced or full prices for their meals. The school must also distinguish the different tracks because off-track meals are reimbursed at the free rate and the on-track meals are reimbursed at the free, reduced price or paid rates.

33. Q Are SSO sites required to get permission from the State agency prior to a field trip?

A Only if required by the State agency; there is no Federal requirement in the NSLP or SBP that SFAs must obtain permission prior to serving meals on a field trip.

34. Q Is offer versus serve allowed at seamless summer sites?

A Yes. The SFA may allow offer versus serve, but is not required, at seamless summer sites.

(35.) Q Are second meals reimbursable at SSO sites?

A Second lunches and snacks may be offered but cannot be claimed under the SSO (see 7 CFR 210. 10 (a)(2)). However, second breakfasts may be offered and claimed in accordance with the requirements in 7 CFR 220.9 (a).

(36.) Q Can an SSO site serve meals family style?

A The only sites that may offer meals family style are camps; other types of sites may not offer meals family style. Please refer to FNS Instruction 783-3, Rev. 1, Family Style Meal Service in the Summer Food Service Program for additional information.

Local Level Monitoring

37. Q When must seamless summer sites be reviewed by the SFA?

A Each year SFAs are required to review all of their SSO sites at least once during its operation. The SFA must review the site's compliance with meal counting, claiming, menu planning, and food safety requirements.

38. Q To assure that the menu planning requirements are met, should the school/site have records of food purchases?

A Yes. As set forth in 7 CFR 210.10(a)(3), schools must keep production records and menu records for the meals they produce. The production records must allow the SA to evaluate how the meals contribute to the required food components or menu items.

39 Q Do SFAs have to conduct edit checks, as required under section 210.8 of the NSLP regulations, for sites operating under the SSO?

A No. Edit checks are not required for SSO sites during the period of time that the SFA is operating the sites under the SSO policies. However, SFAs must ensure that meal counts match participation and claims reflect the number of meals served. However, if a school is operating the NSLP/SBP for academic summer schools, edit checks are required as outlined in 7 CFR 210.8.

State Level Monitoring

40. Q Are State agencies required to review SSO sites during the School Year (SY)?

A Yes. State agencies must review at least one seamless site in operation at all SFAs scheduled for Coordinated Review Effort (CRE) review. The review may be conducted in the summer prior to or following the scheduled CRE. For example:

<u>CRE Schedule</u>	<u>Seamless summer site review</u>
SY 2008/2009	summer of 2008 or 2009
SY 2009/2010	summer of 2009 or 2010

This may involve a second visit to the SFA to evaluate the seamless summer site in operation.

State agencies are not required to conduct annual reviews of SFAs that operate under the SSO option or to conduct any special reviews for these SFAs beyond the normal CRE review schedule. However, State agencies are encouraged to

review SSO sites even if a CRE is not scheduled for that SFA, especially if there are concerns about management of the SSO.

41. Q Can a CRE be scheduled during the summer to avoid making the second visit to the seamless summer site?

- A** Only if the school is operating the NSLP on a year-round basis and both NSLP schools and SSO schools will be operating at the time of the review.

(42).Q How should State agencies review SSO sites for CRE purposes?

- A.** Forms and instructions for the SSO were developed in conjunction with the 2008 CRE training. These forms are available on the FNS Partner Web for use beginning with SY 2008-2009.

The newly developed training materials provide State agencies with forms and instructions for reviewing SSO sites. However, the forms and instructions may be enhanced or expanded to include additional areas State agencies may wish to review. During the CRE, the State agency should observe community participation at the site and attempt to confirm whether the school site advertised meals as described in their application.

(43). Q Do findings from seamless summer sites, reviewed on a CRE, contribute to CRE thresholds?

- A** No. Findings from a review of a seamless summer site should not be incorporated into the CRE report or the annual FNS-640 report; a separate report on these findings should be issued to the SFA as an addendum to the CRE report.

While fiscal action for the SSO is computed separately from CRE findings, the amount of fiscal action for the National School Lunch Program and the SSO must be combined to determine if the \$600 disregard in 7 CFR 210.19(d) can be applied to any over-claim.

Program Access

44. Q How can SFAs operating an academic summer school attract children from the community who are not attending summer school?

- A** Both in the approval process and in the review of sites, State agencies should ensure that schools approved as SSO sites make a reasonable effort to advertise the availability of free meals to children in the community who will not be attending summer school.

SFAs applying to participate in the SSO must describe how each site will advertise the availability of meal services to children in the community. The SFA should provide enough detail in its application so the method of advertising meal services to the public can be documented and confirmed later during a review. For example, if the SFA stated that SSO site's meals would be advertised in a publication, a copy of the advertisement should be available. Also documentation of public service announcements by radio or television stations, and copies of flyers provided to students or mailed to students' parents.

Reimbursement Rates

45. Q Which reimbursement rates are used in the SSO?

- A** Meals served under the SSO are reimbursed at the “free” rates prescribed by USDA for the NSLP (including snacks) and for the SBP. Supper meals are reimbursed at the NSLP’s free lunch rate.

At camps operating the SSO, only those meals served to children who are eligible for free or reduced price school meals may be reimbursed at the free rate. Meals served to children who are ineligible for free or reduced price meals are not reimbursable.

46. Q Will qualifying schools continue to receive the severe need breakfast rates under the SSO?

- A** Yes.

47. Q Will eligible schools participating as seamless summer sites continue to earn the commodity entitlement under NSLP?

- A** Yes. Schools will receive the full commodity allotment for both lunches and suppers.

48. Q Will schools participating in the seamless option still receive the extra \$.02 differential for lunch and supper meals?

- A** Yes. In addition, lunches claimed under the seamless option may count toward the determination of the SFA’s eligibility for the extra \$.02 differential and the school’s eligibility for the severe need breakfast rate.

49. Q What rates will non-school sites receive?

- A** In most cases, the SFA will receive the same reimbursement rates for non-school sites as for the school sites. When different schools within the SFA’s jurisdiction qualify for different rates, such as the severe need breakfast rate, then the non-school site will earn the same reimbursement rates as the nearest school. If the SFA is sponsoring a school that is outside of its jurisdiction, the SFA will receive the same NSLP reimbursement rates that that school site earns during the regular school year.

Reporting

50. Q How will SFAs report the meals served in the SSO to the State agency?

- A** SFAs follow the requirements established by their State agency for reporting and claiming meals served under the SSO.

51. Q How will meals in the SSO be reported to FNS by State agencies?

- A** Meals will be counted as the number of reimbursable free meals served monthly under the SSO. State agencies must report the number of meals served by type on the FNS-10 electronic report as follows:
- Include lunches and suppers served under the SSO in the meals reported on lines 5a and on line 5b, if applicable, of the FNS-10.
 - Include snacks served under the SSO on line 5c only (do not include them in the subtotal for Area Eligible Snacks on line 5d).

- Include breakfasts served under the SSO on line 6 and on line 7, if applicable.

52. Q On which FNS-10 reports should State agencies include SSO activity?

A SSO activity must be reported on both the 30-day and 90-day reports for each month that meals are served under the SSO. For the 30-day, report the total of actual and estimated meals; for the 90-day, report actual meals only.

53. Q Since the new NSLP and SBP rates for the upcoming SY are effective in July, how would the claims for June and July be handled?

A SFAs and SAs should refer to the NSLP regulations, at 7 CFR 210.8(c)(1), for combining claims of months with SSO activity. Since the NSLP rates change on July 1, the June and July claims cannot be combined. June meals served under the SSO would be included in the same claim as regular NSLP meals for June. If the SFA did not operate the regular NSLP in June but operated the SSO for 10 days or less, it could combine the June SSO meals on the May claim. Conversely, if it operates the SSO for 10 days or less during July, it could combine the July and August claims.

54. Q How will State agencies report meals served under the SSO on the SF-269 report?

A Since SSO meals are claimed under the NSLP and SBP on the FNS-10, financial activity related to these meals must also be reported under these programs on the SF-269. SSO meals must be reported on the SF-269 as follows:

- Report Status of Funds for lunches, suppers, and snacks in Column 14 - School Lunch;
- Report Status of Funds for breakfasts in Column 15 – School Breakfast.

55. Q Can a Food Service Management Company (FSMC) under contract with a SFA for NSLP/SBP meal service handle the same administrative tasks for meals served under the SSO?

A Yes, assuming that the contract includes the SSO meal service, FSMC personnel must follow the regulations at 7 CFR 210.16, which describe permissible administrative tasks that the company can perform on behalf of the SFA. Further, all procurement requirements in 7 CFR 210.21 and 7 CFR 220.16 must be followed when contracting out operation of the SSO.