

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO)
Supplemental Questions and Answers
Unanticipated School Closures and Non-Congregated Feeding
2019- 2020 SY [UPDATED 3/18/2020]

On Friday, March 6, 2020, the U.S. Department of Agriculture, Food and Nutrition Service (FNS), announced program requirement flexibilities that would allow schools, child care institutions, and community organizations to provide meals to low-income children through the Summer Food Service Program (SFSP) or National School Lunch Program Seamless Summer Option (SSO) during school closures related to the novel coronavirus disease (COVID-19).

Schools participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) and institutions participating in the Child and Adult Care Food Program (CACFP) may be dismissed or closed due to Federal, State, or local public health requirements for social distancing due to COVID-19. Under these circumstances, school food authorities (SFAs) and other eligible community organizations (CO) may continue to serve meals to children affected by school or child care closures through the Summer Food Service Program (SFSP) or Seamless Summer Option (SSO).

The Florida Department of Agriculture and Consumer Services (FDACS) is providing the questions and answers below for additional information regarding how these programs may operate an SFSP or SSO under COVID-19 conditions.

General

1. What is an unanticipated school closure?

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 FDACS. 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 at school sites affected by an unanticipated school closure under the SFSP/SSO except as noted in Q2.

2. Can a school or site operate SFSP/SSO sites after an unanticipated school closure?

Yes. FDACS has received a wavier for SFSP/SSO organizations with current permanent agreements and in good standing. SFSP/SSO organization may be approved to open when an unanticipated school(s) closed.

Additionally, FDACS may allow school sites to operate the SFSP/SSO during an unanticipated school closure. Although schools may be closed, some school buildings may be unaffected by the closure and may be approved as the most appropriate location for non-congregated feeding.

3. Which regulatory requirements for SFSP and SSO operations may be waived for COVID-19-related operations?

FDACS has received an approved waiver for the requirement at 7 CFR 225.6(e)(15) that meals be served and consumed in a congregate setting, in order to support any social distancing requested by Federal, State, or local authorities. FDACS may also waive the requirements at 7 CFR 225.6(d)(1)(iv) limiting the operation of the SFSP or SSO during an unexpected school dismissal during the school year to non-school sites. FDACS will consider requesting to waive other operational requirements on a case-by-case basis. Otherwise, the SFSP/SSO will generally operate as it does during the summer months.

4. What organizations may participate in the SFSP or SSO during unanticipated school closure?

In the event of an unanticipated school closure during the school year, FDACS will provide an expedited approval for School Districts, as defined in section 595.402(5), F.S., operating the National School Lunch Program with current agreements to operate the Summer Food Service Program or Seamless Summer Option. FDACS will then use a tier system to give priority government and private non-profit organization sponsors that have successfully operated the SFSP/SSO in a prior year.

Please refer to [Rule 5P-2.009 Emergency Meals, F.A.C.](#)

5. Is it mandatory that meals be provided during a school dismissal?

No. Schools, child care institutions, and community organizations are not required to provide meal service during school closures; however, FDACS appreciates the willingness of program operators to consider continuing their meal service operations to ensure children receive the meals they need during COVID-19 conditions.

6. Who is eligible to receive meals when school is closed due to the Coronavirus (COVID-19)?

The SFSP/SSO COVID-19 waiver targets children who attend schools that have been closed due to the Coronavirus. However, in eligible areas, meals may be served to all children eighteen (18) and under in the household if at least one (1) child attends the school that has been closed. Please consult with FDACS for additional guidance on how this should be verified.

7. What eligibility requirements must a site meet in order to be eligible to participate as a meal service location sponsored by an SFA under the SFSP or SSO?

Site eligibility requirements are the same as for SFSP and SSO. The following types of sites may participate and may be located in schools or at non-school facilities; buildings, parks or other outdoor locations, and mobile feeding sites.

8. What distribution methods are envisioned for Coronavirus (COVID-19) meal service, and what logistical issues should be considered?

We anticipate meal distribution methods will involve pick up or delivery models in order to meet the need for social distancing during the Coronavirus (COVID-19) unanticipated school closures. All delivery methods should be documented in the SFSP/SSO organization and should focus on targeting a closed school's low-income children. SFSP/SSO organization should work with stakeholders at the local level to determine the most effective distribution methods to serve the children. Such options may include using a vehicle to deliver meals based on the usual bus route, drive-thru windows or stations, and other options that support the service safe and wholesome reimbursable meals to students.

Site Eligibility

9. Can the SFSP/SSO organization sponsor a site that is located outside of its district?

Yes, with FDACS approval.

10. Can the SFSP/SSO organization sponsor a mobile feeding site?

Yes, with FDACS approval.

11. Can the SFSP/SSO organization sponsor a for-profit location?

Yes. FDACS may approve SFSP/SSO organization operating SFSP/SSO sites at for-profit locations if the site meets the criteria outlined in policy memo SFSP-13-2011, *For-Profit Locations as Meal Sites in the Summer Food Service Program*, April 8, 2011 available at <http://www.fns.usda.gov/sites/default/files/SFSP-13-2011.pdf>.

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

Yes. SFSP/SSO organization may document the area eligibility of their proposed open or restricted open sites on the basis of census data. SFSP/SSO sites that choose to establish eligibility using census data are required to use the most recent data available. Fifty percent or more of the children in a Census Block Group (CBG) or census tract must be eligible for free or reduced price school meals to establish eligibility.

The Area Eligibility Mapper utilizes the most recent census data available. Instructions for determining area eligibility and using the data are available at: http://www.fns.usda.gov/sites/default/files/Census%20Instructions%202014_0.pdf.

13. Are there flexibilities available in the use of census data?

Yes. The SFSP/SSO organization may use census block group (CBG) data or census tracts. With FDACS and USDA Regional Office approval, up to three adjacent CBGs may be averaged, using a weighted average, to determine eligibility. When averaged, the site is considered eligible if 50 percent or more of the children are approved for free or reduced price meals. Each of the combined CGBs must have at least 40 percent or more children

approved for free or reduced price meals for an SSO site to qualify using combined CBG data. Unlike CGBs, census tracts may not be combined.

- 14.** What site eligibility data is required if the site is a community eligibility school or is within the attendance area of a school using community eligibility?

Community eligibility schools should use their individual school Community Eligibility Provision percentage to qualify for participation in SFSP/SSO. Individual school data are obtained by multiplying the most current school identified student percentage (ISP) by the 1.6 factor. If the result is equal to or greater than 50 percent, meal sites located in the attendance area of the schools are area eligible.

ISPs can be found in “Download Forms” section of the Florida Automated Nutrition System (FANS) under “October Data.”

- 15.** Can a year-round school be included in the unanticipated school closures and non-congregated feeding?

Yes, with FDACS approval. Residential child care institutions (RCCIs) will continue on NSLP.

- 16.** What options do schools have if the school facilities are closed but they continue to offer online learning?

If school buildings are closed unexpectedly during the school year due to reasons provided in 42 U.S.C. 1761(c)(1), USDA considers this an unanticipated school closure. Even if virtual learning is provided, if the building is closed and students cannot attend their physical school location for classes, SFAs and community organizations (COs) may operate SFSP and SSO programs as permitted under program requirements. SFSP and SSO open sites must meet area eligibility criteria, i.e., be located in an area where at least 50 percent of the children are low income. For sites that are not area eligible, the SFA or CO may operate a closed-enrolled site, basing the site eligibility on the percentage of enrolled children being eligible for free and reduced price meals.

If an SFA is considering school to be in session and wishes to continue offering National School Lunch Program (NSLP) and School Breakfast Program (SBP) during such building closures, the SFA may request an NSLP and SBP waiver of section 4(b) of the NSLA, which would allow schools to offer non-congregate meals when school buildings are closed, but children continue to attend classes online. In this situation, schools would continue to claim and be reimbursed for meals based on the eligibility status of the individual student. All other NSLP and SBP requirements would apply; waiver and exception requests would be considered.

For example, depending on the distribution approach, FDACS may need to request and be approved for a waiver from USDA for time restrictions for meal service under regulations at 7 CFR 225.16(c)(1) and (2), as discussed below in question 31. In addition, requirements to

establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA's delivery plan with designated times for distribution, when approved by the state agency, would fulfill the requirements to establish meal service times.

Periods of Operation

17. What is the time period the Non-Congregated Feeding waiver will be approved for each SFSP/SSO organization?

FDACS has obtained the authority to issue waivers until June 30, 2020 or when school is officially dismissed, whichever occurs first. Each SFSP/SSO organization may apply for a school(s) waiver based on the time period of the unanticipated school closure.

18. Can meals be served during Spring Break if it coincides with school closures related to COVID-19?

Meals can only be served pursuant to this waiver for unanticipated school closures.

If a school was scheduled to be on Spring Break prior to the directive for schools to be closed due to COVID-19, then meals may not be served under the waiver as this was a planned and anticipated school closure.

If a school had its Spring Break dates changed due to COVID-19, meals may be served under the waiver as this was an unanticipated school closure related to COVID-19.

SFAs and sponsors that are approved to operate the Child Care Food Program (CCFP), administered by the Florida Department of Health, may be eligible to serve meals during Spring Break their program sites are authorized to provide meals after school and during weekends, school breaks, and holidays throughout the school year. Meals may also be served during Spring Break if paid for by general funds, but will not be an allowable expense to be charged to the non-profit school food service or SFSP account.

19. If a scheduled spring break was postponed or cancelled due to COVID-19, may meals served while schools were closed be claimed under SFSP/SSO, provided the school had an approved unanticipated school closure waiver?

Yes, in the case of school closures due to COVID-19, FNS can allow SFSP/SSO sponsors to claim Federal reimbursement for meals served during scheduled spring breaks that were cancelled or postponed due to the unforeseen public health emergency.

Meal Service

20. What is the age requirement for children participating in the SFSP/SSO?

All persons in the community who are 18 years of age and under and those persons over age 18 who meet FDACS definition of mentally or physically disabled may receive meals under SFSP/SSO.

- 21.** How many meals per child may be offered each day? May supper be provided. Can meals be distributed for more than one day? What days of the week can meals be served?

The maximum number of meals that may be offered remains the same as under the SFSP or SSO: up to two (2) meals, or one (1) meal and one (1) snack, per child, per day, in any combination except lunch and supper for open or closed enrolled sites. SFAs/Sponsors may serve breakfast, lunch, snack or supper in any combination except lunch and supper.

FDACS may approve a distribution approach that includes meals for multiple days for up to seven (7) days per week. FDACS will consider the capacity of the SFAs/Sponsors to execute such an approach effectively, including meeting food safety requirements. Such distribution requires prior approval, in writing, of the FDACS.

- 22.** What meal pattern requirements are SSO and SFSP sites required to follow?

SFAs offering the SSO must follow the NSLP and SBP meal pattern requirements outlined in 7 CFR 210. SFSP sponsors must follow the SFSP meal pattern outline in 7 CFR 225.16(d).

- 23.** Do SFAs operating SSO have to follow the age/grade group requirements?

SFAs offering the SSO should make every effort to follow the age/grade group requirements. However, SFAs operating open and restricted open sites having difficulty implementing the age grade/group requirement may work with FDACS to make accommodations, which may include the use of a single age/grade group meeting the minimum meal pattern requirements for the most common age/grade group attending the site. This holds true for both school and non-school sites. All accommodations must possess a reasonable justification for the need to deviate from age/grade group requirement and be added as addendum to the agreement between the SFA and FDACS.

These accommodations only apply to open and restricted open sites where meals are served to all children in the community on a first come/first serve basis.

- 24.** Can an SFA operate meal service outside of the formal 10am-2pm lunch time?

State agencies may approve SSO sites to operate open or restricted open meal service after the formal lunch time of 10am-2pm. The ability of State agencies to approve alternative meal times is consistent with the NSLP meal time exemptions policy as seamless summer is an option under NSLP. As a reminder, FDACS has the authority to approve or deny the SFA's proposed SSO meal times.

- 25.** Can meals be served on weekends under the SFSP/SSO?

Yes, with FDACS approval. An SFSP/SSO organization that plans to serve weekend meals in the SFSP/SSO must include this information in its application.

26. Is Offer versus Serve (OVS) allowed at SSO sites?

Yes. The SFA may allow OVS, but is not required, at SSO sites. SFAs should ensure that site staff is trained on OVS and understands the requirements of the option to ensure meals are reimbursable. School sponsors that elect to use the NSLP or SBP meal pattern and SFAs operating SSO are required to follow the OVS requirement for NSLP and SBP.

27. Can parents or guardians pick up meals for children in their households?

7 CFR 210.15(b)(3) states that records must be maintained to show “Participation records to demonstrate positive action toward providing one lunch per child per day as required under §210.10(a)(2), whichever is applicable” The NO has stated this is currently unallowable.

28. Can parents accompanying children be served program meals?

No, meals are only for children participating in SFSP or SSO

29. Can schools that have been approved for non-congregate feeding through SFSP or SSO deliver meals directly to students’ homes?

Yes. If the School Food Authority (SFA) determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with state agency approval, adherence to all federal confidentiality requirements, and with all necessary Federal waiver approvals (including an approval for non-congregate feeding). Delivery could be completed by mail or delivery service, or hand-delivered by school staff, volunteers, community organizations, or others. This option is only available to SFA sponsors of school sites due to student confidentiality and logistical requirements. Schools electing to deliver meals may serve only children who are in area eligible locations or who are eligible for free or reduced price meals, as discussed in question 31. Depending on the distribution approach, FDACS may need to request and be approved for a waiver from USDA for time restrictions for meal service under regulations at 7 CFR 225.16(c)(1) and (2), as discussed in question 5. In addition, requirements to establish meal service times at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A), must be met. An SFA’s delivery plan with designated times for distribution, when approved by the state agency, would fulfill the requirements to establish meal service times.

30. What funding is available for meal delivery?

There is no additional reimbursement for home delivery or mobile meals delivery, but related expenses, such as postage or delivery service fees, would be considered an allowable cost under the SFSP or SSO. Delivery costs could also be paid with non-program funds such as state or local funds, or private donations.

31. Who is eligible to receive home-delivered meals under SFSP and SSO?

Schools operating an open SFSP or SSO site in an area eligible location may deliver meals to all children in their eligible area. Schools operating a closed-enrolled site may enroll children who are certified as eligible for free or reduced price meals, and deliver meals only to the enrolled, eligible children. It is the responsibility of the school to confirm the eligibility of each participating child. All children attending Provision 2, Provision 3, or Community Eligibility Provision (CEP) schools are considered eligible for delivered meals.

32. What are the requirements for initiating home meal delivery for a household?

Schools must first obtain written consent from households of eligible children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, schools should confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

It is critical that schools protect the confidentiality of students and their households throughout this process. The National School Lunch Act (NSLA) and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of household contact information for children without first obtaining the written consent of the child's parent or guardian. The school must be the entity that makes the first contact about meal delivery with the households of eligible children, and must notify the household if contact information will be shared with an external organization, for example, a local non-profit that will provide meal delivery. Once the school receives written consent from the parent or guardian to release contact information, the schools may share the information with other organizations involved with meal delivery. If the school is using a private vendor, then under the regulations implementing the NSLA, they must have a memorandum of understanding (MOU) with the vendor concerning the confidentiality requirements. The MOU should include information such as what will be disclosed, how the information will be used, how the information will be protected from unauthorized uses and disclosures, and penalties for unauthorized disclosure. For further requirements, see 7 CFR 225.15(k)(1)-(2). The school must ensure data is handled appropriately at all times and by all organizations involved with meal delivery to safeguard household confidentiality.

33. How many home-delivered meals per child may be delivered at once?

The maximum number of meals that may be offered each child remains the same as under SFSP or SSO: up to two meals, or one meal and one snack, per child, per day, in any combination except lunch and supper. FDACS has approved a distribution approach that includes meals for multiple days, up to one week at a time. Request to question 21 for additional information.

34. Do home-delivered meals need to be shelf-stable?

No. The type of meal offered will depend on the resources and capacity of the site. Those that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets state or local food safety requirements may do so. Home-delivered meals still have to meet all meal pattern requirements of the SFSP or SSO.

35. Does the child need to be present for home meal delivery?

No. As long as the school has obtained the household's written consent to deliver meals and has verified the current address, the student does not need to be present at the time of delivery. If the meals are shelf-stable, no one need be present, as long as the address has been verified. Please consider state and local food safety requirements and best practices.

36. If a household has children in multiple schools, can the schools coordinate to provide one home delivery for all children in the household?

Yes. To the extent feasible, SFAs or schools are encouraged to coordinate their deliveries to make best use of their resources.

Local Level Monitoring

37. Does SFSP/SSO have different food safety guidelines during the unanticipated school closure and non-congregate feeding?

No, the guidelines are the same during normal operations. Staff and volunteers at a minimum must have food safety training. FDACS has a food safety video and additional resources may be accessed from the links below.

<https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/Summer-Food-Service-Program>
<http://www.floridahealth.gov/>
<https://www.cdc.gov/>

38. To ensure that the SSO meal pattern requirements are met, should the school/site have records of food purchases?

Food purchasing records (e.g., invoices, receipts) are not evidence that meal pattern requirements are met. However, as set forth in 7 CFR 210.10(a)(3) and 220.8(a)(3), schools must keep production records and menu records for the meals they produce, including program breakfasts and lunches offered under the SSO. The production records must allow FDACS to evaluate how the meals contribute to the required food components or menu items.

However, records for food purchases (invoices, receipts) are necessary to document the expenditure of funds from the nonprofit foodservice account for compliance with determining the proportion of program and non-program food expenditures in relation to revenues. Also, for SFAs with cost reimbursable SFA-FSMC contracts, food invoices are required to determine the value of discounts, rebates, and credits received by the FSMC and

credited to the SFA to ensure return of the full value of credits to the nonprofit foodservice account.

- 39.** To ensure that the SFSP meal pattern requirements are met, should the school/site have records of food purchases?

Sponsors must keep full and accurate records, so they can substantiate the number of Program meals that they have submitted on each claim for reimbursement and that SFSP funds are used only for allowable SFSP costs. Records must also be kept confirming the sponsor is in good standing with all Program requirements. Operating costs are allowable costs incurred by the sponsor for preparing and serving meals to eligible children and Program adults. These costs include, but are not limited to, cost of food used, labor, nonfood supplies, and space for the food service. Rural sites may include costs that are directly incurred in transporting children from rural homes to rural food service sites. All costs must be fully documented, and they must represent actual Program costs. Additional information is found in 7 CFR 225.2 definitions and NS Instruction 796-4, Rev. 4.

State Level Monitoring

- 40.** Are State agencies required to review SFSP/SSO site the unanticipated school closures and COVID-19-related operations?

Yes. FDACS will follow regulation guidelines for state monitoring.

Reporting

- 41.** How will SFSP/SSO organizations the meals served in the SSO to FDACS?

SFSP/SSO organizations will follow claiming procedures and the requirements established by FDACS for reporting and claiming meals served under the SFSP/SSO.

- 42.** How will meals served under the SFSP/SSO be reported to FNS by FDACS?

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 line 5a and on lines 5b1 and 5b2, if applicable, of the FNS-10. Please note lunch and supper meals cannot be reimbursed for the same day by the same site, except for camp and migrant sites.