

**Agreement and Conditions – Seamless Summer Feeding Option for National School Lunch Program Sponsors**

Instructions: Please read and complete square below. Return to Arizona Department of Education (ADE) – Child Nutrition Programs, 1535 W Jefferson St., Bin #7 Phoenix, AZ 85007

Complete the Following:	
Sponsor Name: _____	
<b>THE SFA AGREES TO THE OPTION CONDITIONS.</b>	
_____	_____
Authorized SFA Official (Signature and Title)	Date

<b>FOR ADE USE ONLY</b>	
Approved: _____	Date: _____

**Description of the Option request**

The SFA seeks approval under the Option provisions found in section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 12(l)) to operate a Seamless Summer Feeding Option in specific locations within its jurisdiction (referred to as *Option sites*). Option sites may be schools or other locations where the Summer Food Service Program (SFSP) meals would normally be served. Option sites must be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals, **with one exception**. Option sites may also be located in non-needy areas, provided that at least 50 percent of the children enrolled in these sites qualify for free or reduced price school meals.

The Option combines features of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the SFSP. The purpose of this Option is to feed children in low-income areas during the summer months (or during extended breaks of a year-round school schedule). This Option reduces paperwork and administrative burden that is normally associated with operating all three programs. To accomplish this, the SFA requests an Option of significant portions of the SFSP Federal regulations at 7 CFR Part 225. Specific provisions to be waived are included in this request. In lieu of SFSP regulations that are waived, the SFA will follow corresponding requirements, where applicable, in the NSLP and SBP regulations at 7 CFR Part 210 and 220, respectively.

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### **Special Provisions of the Seamless Summer Option**

The SFA is committed to serving meals to the children in the community during the summer months (or in year-round school communities, at other times during the year when SFSP meals can be served) where the Option sites are located and will adhere to the following special provisions:

#### **1. General Program Administration and Sponsor Responsibilities:**

As required in §225.14(c)(1) of the SFSP regulations, the SFA demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites.

#### **2. Site Eligibility:**

Option sites will be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals. All of these sites will be open to the community, except in some cases, participation at an open site may be limited for reasons of safety, security, or control. However, some Option sites will also be located in non-needy areas in which at least 50 percent of the enrolled children qualify for free or reduced price school meals. Option sites can be residential camps. No additional sites will operate under these Option procedures without first receiving approval from the FNS Regional Office.

Schools operating under a traditional school calendar may operate Option sites during the summer months when summer school is in session, provided that all Option sites are open to all children (see item 3 below) in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, summer school only sites must operate under the NSLP/SBP and will be reimbursed at the free, reduced price, or paid rates.

Year-round schools may operate Option sites for off-track students, provided that the sites are open to all children in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, meals for on-track students in year-round schools will be reimbursed at the free, reduced price, or paid rates for NSLP/SBP.

#### **3. Participant Eligibility**

All persons meeting the definition of *Children* in the SFSP Federal regulations at §225.2 may receive meals at Option sites, on a first-come, first-served basis. This includes all persons in the community who are 18 years of age and under (and as defined at §225.2, those persons over age 18 who meet ADE's definition of mentally or physically disabled persons).

#### **4. Meal Service**

The SFA will follow NSLP meal service requirements for lunch or snacks (§210.10) and SBP meal service requirements (§220.8) for breakfast, *except*.

The number and types of meals will comply with the SFSP requirements at §225.16(b) and meals at approved Option sites will be served free to all children in accordance with §225.6(e)(4) of the SFSP regulations.

Consistent with these SFSP regulatory provisions and ADE approval, the SFA will serve one or two meals at no charge, including: breakfast, lunch, snack, or supper. However, the SFA will not claim both lunch and supper meals at the same site on the same day.

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Consistent with the NSLP and SBP regulations and instructions, the following provisions will apply to meal service at Option sites:

The NSLP and SBP meal requirements will be used.

- Second meals are not reimbursable and will not be claimed.
- Production and menu records will be maintained that show compliance with the meal requirements.
- The designated lunch period will be between the hours of 10 a.m. and 2 p.m., unless otherwise exempted by FNS.
- At its option, the SFA may allow offer versus serve meals at the Option sites.
- Off-site consumption of meals will not be allowed, except as part of a scheduled event such as a planned field trip.

### **5. Claims and Reimbursements**

The SFA will claim meals at the “free” rates prescribed by USDA for the NSLP (including snacks) and SBP. ADE will include these meals under the free category for each type of meal, based on the NSLP regulations at §210.8 and/or the SBP regulations at §220.11, using the Form FNS-10, Report of School Program Operations. For evaluation purposes, ADE will report to FNS the total number of meals served at Option sites, using the remarks section (item 18) on the FNS-10. All lunches and suppers will receive the standard commodity support rate available for the NSLP.

### **6. Monitoring**

The SFA will review the meal counting, claiming, and meal pattern compliance for each Option site within three weeks of the start of operations. Additionally the SFA will follow the requirements for site monitoring at §210.8 of the NSLP regulations.

- Edit Checks

Regarding the requirement at §210.8(a)(3) for SFA edit checks of the meal count prior to submission of a claim for reimbursement, FNS will provide further guidance in the near future.

### **7. Additional Reporting/Reviews/Evaluation**

- State agency Oversight

ADE will include Option sites operated under this Option in the management review requirements described at §210.18 of the NSLP regulations. If an Administrative Review (AR) is conducted of the SFA, at least one Option site will be visited while it is in operation.

- FNS Evaluation

FNS reserves the right to conduct an evaluation of these Option sites. The evaluation may include periodic special reviews. ADE and the SFA agree to cooperate as necessary, including making all applicable records and operations available for review.

- Additional Reports

FNS may request additional information for evaluation purposes. In the event that additional information on Option site operation is required, FNS will allow sufficient time for ADE and the SFA to comply with the request. ADE and the SFA agree to comply with FNS' requests for additional information for evaluation purposes.

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## **Specific regulatory requirements to be waived**

### **1.Exempted SFSP Regulations**

To operate the Seamless Summer Feeding Option, the SFA requests an Option from the following regulatory provisions in 7 CFR Part 225:

- 7 CFR 225.6, State agency responsibilities, paragraphs (b), (c), (e), (f), (h)  
*Except paragraphs (e)(4) and (e)(7);*
- 7 CFR 225.7, Program monitoring and assistance, entire section;
- 7 CFR 225.8, Records and reports, entire section;
- 7 CFR 225.9, Program assistance to sponsors, entire section;
- 7 CFR 225.10, Audits and management evaluations, entire section;
- 7 CFR 225.11, Corrective action procedures, entire section;
- 7 CFR 225.12, Claims against sponsors, entire section;
- 7 CFR 225.13, Appeal procedure, entire section;
- 7 CFR 225.14, Requirements for sponsor participation, entire section  
*Except paragraphs (c)(1), (c)(2), (c)(3), and (d)(2);*
- 7 CFR 225.15, Management responsibilities of sponsor, entire section
- 7 CFR 225.16, Meal service requirement, entire section  
*Except paragraph (b);*
- 7 CFR 225.17, Procurement standards, entire section;
- 7 CFR 225.18, Miscellaneous administrative provision, entire section.

### **2.Non-exempted SFSP provisions**

The SFSP Federal regulatory provisions, as identified in item 1 above, which remain in force include: §225.6(e)(4). Section 225.6 covers State agency responsibilities. Paragraph (e) covers the State-Sponsor Agreement. Paragraph (e)(4) requires that the sponsor agree to serve meals at no cost.

§225.6(e)(7) Paragraph (e)(7) requires the sponsor to agree to claim reimbursement only for the types of meals agreed upon with ADE and served without charge to children at approved sites during the approved meal service period. This paragraph also prohibits permanent changes to the serving time of any meal unless approved by ADE.

§225.14(c)(1) Paragraph (c)(1) requires that sponsors demonstrate financial and administrative capability to operate the program and requires sponsors to accept final financial and administrative responsibility for the total program operations at all sites.

§225.14(c)(2) Paragraph (c)(2) requires that sponsors must not have been declared seriously deficient in operating the program.

§225.14(c)(3) Paragraph (c)(3) requires that sponsors will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (except for camps).

§225.14(d)(2) Paragraph (d)(2) requires that meals served in schools must be open to children in the community as well as children enrolled in summer school.

§225.16(b) Section 225.16 covers the meal service requirements, and establishes limits on the number of meals that may be served.

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### **3. NSLP and SBP Regulations**

Although the Federal regulations governing the NSLP and the SBP are not exempted under this Option, some provisions may be difficult to follow for Option sites. Therefore, FNS will provide technical assistance as necessary to ADE and the SFA in adapting requirements.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
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: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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