



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
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Alexandria, VA  
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DATE: January 19, 2007

MEMO CODE: SFSP 01-2007

SUBJECT: Summer Food Service Program (SFSP) - Exceptions to Approving Sponsors Prior to Program Operations (Update)

TO: Regional Directors  
Child Nutrition Programs  
All Regions

Summer Food Service Program Regulations, 7 CFR 225.9(d), stipulate that sponsors “shall not be eligible for reimbursements for operating and administrative costs unless they have executed an agreement with the State agency.” In addition, the regulations state that “(r)eimbursements shall not be paid for meals served at a site before the sponsor has received written notification that the site has been approved for participation in the Program”.

On March 7, 2002, we issued a memorandum, Summer Food Service Program (SFSP) - Exceptions to Approving Sponsors Prior to Program Operations, extending to regional offices the authority, under certain circumstances, to approve State agency requests to reimburse SFSP sponsors whose applications are not approved prior to the beginning of their meal service operations. We have become aware that, in some instances, State agencies are applying that policy in a manner inconsistent with the original authority. Some State agencies are routinely approving payment for meals served prior to the execution of the Program agreement and are not seeking approval from the regional office to do so.

The purpose of this memorandum is to reemphasize that it is our intent that this policy be applied on an exception basis and only upon approval of a waiver by the regional office in accordance with the conditions established in our original memorandum.

Specifically, State agencies may reimburse sponsors for meals served prior to the date of approval when extenuating circumstances have delayed approval of the sponsor’s application. For example, approval could be delayed beyond a sponsor’s start date because the State agency experiences a backlog of applications in the week prior to June 15 (or the State-agency established application deadline). Approval could also be delayed due to the time needed for a State to review additional information it requests from a sponsor (e.g., a description of the sponsor’s proposed service area).

In making a request, State agencies should provide regional offices with the following information for each situation:

- the date an application was submitted by the sponsor;
- the State's deadline for applications;
- the date of State agency approval;
- the period for which retroactive reimbursement is being requested (not to exceed 30 calendar days prior to approval);
- the number of sites and estimated number of meals affected;
- the reason that State agency approval was delayed; and
- an assurance that all Program requirements including training, monitoring, record keeping, and meal pattern requirements, have been met for the period of reimbursement being requested.

This memorandum is intended to address unusual cases in which a sponsor submitted a timely application but approval was unavoidably delayed by the State agency. It is not intended to address situations in which applications were submitted after the beginning meal service operations.

Finally, any sponsor that provides meal service prior to having an approved agreement with the State does so at its own risk. There is no guarantee that reimbursement will be provided.

If you have questions about this memorandum, please contact Keith Churchill at 703-305-2590.



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