



To: Summer Food Service Program (SFSP) Sponsors and Seamless Summer Option (SSO) Sponsors

From: Brigitte Hires, Director Office of Nutrition

Date: August 22, 2024

Re: Close Proximity of Sites in the Summer Meal Programs

Introduction

[7 CFR 225.6\(h\)\(1\)\(ii\)](#), [SP 09-2017](#), and the [Summer Food Service Program Administrative Guide](#) outline the state agency's responsibility to ensure that Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) meal sites do not serve the same meal to the same children as other summer meal sites in the same area. The state agency in Ohio is the Ohio Department of Education and Workforce, hereby known as the Department.

A site is the place where a child receives a program meal. A site may be the indoor or outdoor location where congregate meals are served, a stop on a delivery route of a mobile congregate meal service, or the distribution location or route for a non-congregate meal service. To ensure program integrity and prevent the duplication of meal services by sites located within close proximity of each other, the Department has established a definition of close proximity and set forth exceptions under which sites may be approved to operate within close proximity of each other.

Definition

The Department defines close proximity as less than one mile between rural sites and less than one-half mile between urban sites operating on the same day for the same meal type(s).

Policy

The following policy is effective as of Program Year 2024-2025.

Approving Sites Within Close Proximity

If multiple sponsors apply to serve the same site or same group of children in the same geographical area, the Department must use the following priority system in approving applicants to operate summer meal sites that propose to serve the same area or the same enrolled children as required by [7 CFR 225.6\(b\)\(5\)](#).

1. Public or nonprofit private school food authorities
2. Public and private nonprofit organizations that have successfully operated the SFSP in a prior year
3. New public agencies
4. New private nonprofit organization operators

Per [program regulations](#), if two or more sponsors meet the same qualifications listed above, the Department must determine on a case-by-case basis which sponsor(s) will be approved to serve the needy children in the area.

The Department may consider the resources and capabilities of each applicant, the date the complete and correct site application was submitted, and the preference of the site's location agency director when approving a site to operate.

A site application may be denied based on the above priority system. Per 7 CFR 225.13, denial of a site application is an appealable action. A copy of the SFSP appeal procedures is available on the Department's [website](#).

Exceptions

The Department recognizes circumstances under which sites in close proximity of one another are needed to ensure children's sufficient access to meals. The Department may approve sites to operate within close proximity of each other under certain exceptions.

Examples of exceptions include:

1. Sites appealing to specific groups of children such as:
 - a. Specific age groups, such as when a site at an elementary school attracts primarily young children, while a site at a nearby teen center attracts primarily teens
 - b. Children with special dietary requirements, such as kosher or halal meals
2. Sites separated by physical conditions that limit program access such as:
 - a. A busy highway that cuts through a neighborhood
 - b. A lack of sidewalks
 - c. Other physical barriers that may prevent a child from safely accessing the meal site
3. Sites operating under certain time restrictions such as:
 - a. Offering the same, short, meal service times, to reduce the possibility of children traveling between sites
4. Sites operating as differing site types, such as:
 - a. A camp or closed-enrolled site operating in close proximity of an open site where the children cannot access the meals at the open site
5. Limited capacity of a closed enrolled or restricted open site that prevents it from serving the community at large

Sites Operating Within Close Proximity Without Exceptions

Sponsors should work with their communities to the maximum extent possible to ensure all eligible children have adequate access to meals and to prevent the duplication of services. The Department recognizes there are circumstances where sponsors may unknowingly apply for a site in close proximity to another. In the case that multiple sponsors are found to be operating sites in close proximity where the Department did not previously approve an exception, the Department will notify the sponsor(s) operating the sites and allow two operating days to submit a request for an exemption which adequately demonstrates how the site(s) do not serve the same meal to the same children in the same geographical area and what measures the sponsor has taken to prevent the duplication of meals.

If a sponsor fails to provide an exemption request within the required time frame or the request provided does not adequately demonstrate how the site(s) serve children not served by any other site in the same area for the same meal, the Department will adhere to the priority system described in *Approving Sites Within Close Proximity*, and may terminate a site found to be operating in close proximity of another site. Per 7 CFR 225.13, termination of the participation of a site is an appealable action. A copy of the SFSP appeal procedures is available on the Department's [website](#). If a terminated site is vended, the Department will notify the food service management company providing meals to the site of the site's termination within 48 hours of termination.

Please contact your assigned education program specialist or the Office of Nutrition at (614) 466-2945 with any questions.