

# Summer Nutrition Programs State Mandate Chart

State	Legislation	Open Site	Required Length of Operation	Waiver Options	Only Applies to Schools with Academic or Enrichment Program
California	Each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. [CAL. EDUC. CODE § 49550. CAL. EDUC. CODE § 49548.] <i>Legislation language:</i> <a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&amp;sectionNum=49550">http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&amp;sectionNum=49550</a> Waiver legislation: <a href="http://www.cde.ca.gov/ls/nu/sn/mbnsdsn032013.asp">http://www.cde.ca.gov/ls/nu/sn/mbnsdsn032013.asp</a>	Not specified	Any day that summer school operates	<b>Yes.</b> A waiver can be awarded for a period not to exceed a year if: a SFSP site is available within one-half mile (elementary) or one mile (middle, junior high, high school) of the school site and one of the following conditions exist: 1: Other SFSP sites operate and meet criteria for location and hours of operation; 2: Operating would result in financial loss; 3: Summer school session is less than two hours; or operating would result in financial loss	Yes
Florida	Each school district shall sponsor a summer nutrition program to operate sites in the school district as follows: (a) within 5 miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for the duration of 35 consecutive days; (b) within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals. [FLA. STAT. Ch 595.407] <a href="http://bit.ly/1WVneVV">http://bit.ly/1WVneVV</a>	Yes	35 consecutive days for certain schools	<b>Yes.</b> Districts may only seek an exemption from the mandate by including waiver discussion on agenda and voting on the issue at a school board meeting that provides the opportunity for public comment. The school board must reconsider each year.	No
Illinois	All school districts that have a summer school program operating during the summer months in a school where 50 percent or more of the students are eligible for free or reduced-price school meals must serve breakfast and/or lunch at each school(s) that meets the criteria above. [Public Act 96-0734] <a href="https://www.isbe.net/Documents/sfsp_pa96-0734_qa.pdf">https://www.isbe.net/Documents/sfsp_pa96-0734_qa.pdf</a>	Yes	At least the duration of the summer school program	<b>Yes.</b> A school district may opt-out by petitioning their regional superintendent and showing that the reimbursement would not fully cover the costs of operating a program.	Yes
Maine	A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. [20-A ME. REV. STAT. ANN. §6602] <a href="http://bit.ly/277rEOe">http://bit.ly/277rEOe</a>	Not specified	Only on days when educational or recreational program operates	<b>Yes.</b> Schools can opt out if operating would be financially or logistically impracticable by voting on the issue at a school board meeting and after holding a public hearing.	Yes
Maryland	Public schools are required to provide access to meals for students in academic summer school programs. Programs that are operating half or partial days may elect to serve either breakfast or lunch, or both meals. [MD. CODE ANN., EDUC. § 7-603] <a href="http://1.usa.gov/1TOsYhs">http://1.usa.gov/1TOsYhs</a>	Not specified	Duration of the summer school program	<b>Not Specified</b>	Yes

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Missouri	Areas of the state whose perimeters are defined by school districts which have 50 percent or more of their children eligible for free or reduced price lunches, and where more than 40 children congregate at a service institution, shall have at least one summer food service program in operation providing meals to all children, both breakfast and lunch, if practicable. [MO. REV. STAT. §191.810.1] <a href="http://on.mo.gov/1T6Yk2Y">http://on.mo.gov/1T6Yk2Y</a>	Yes	Not Specified	<b>Yes.</b> A school can receive a waiver if the school board of the school district by majority vote adopts a resolution requesting a waiver.	No
Ohio	Each community school that is required to provide student intervention programs during the summer months must establish an extension of the School Breakfast Program and NSLP or participate in SFSP. [OHIO REV. CODE ANN. 3313.813; 3314.18.] <a href="http://codes.ohio.gov/orc/3314.18">http://codes.ohio.gov/orc/3314.18</a>	Not specified	Not Specified	<b>Yes.</b> Schools may opt out for financial reasons and ask for a waiver from the State Board of Education. If the governing board decides that it cannot comply, it must communicate its decision to the residents of the district.	Yes
Texas	Public school districts in which 50% or more of the enrolled children are eligible to receive free meal benefits in the NSLP must operate a Summer Nutrition Program directly, arrange for another school food authority to operate SFSP in their district, or arrange with another entity for the operation of the Summer Food Service Program in their districts. [TEX. AG. CODE, Sec. 25.612] <a href="http://txrules.elaws.us/rule/title4_chapter25_sec.25.612">http://txrules.elaws.us/rule/title4_chapter25_sec.25.612</a>	Yes	At least 30 days	<b>Yes.</b> No later than November 30 of each year, the board of trustees of a public school district must inform, in writing, the school district's local school health advisory council that it intends to request a waiver from the department. Waivers are only granted based on select criteria such as the program would be cost prohibitive or there are fewer than 100 children in the District eligible for free or reduced price meals.	No
Vermont	Each school board operating a public school must provide a snack or meals through SFSP or NSLP to participants in a district-operated summer educational or recreational program or camp if: at least 50 percent of the students in a school in the district were eligible for free and reduced-price meals for at least one month in the preceding academic year; the district operates or funds the summer educational or recreational program or camp; and the program or camp is offered 15 or more hours per week. [VT LEG 257422.1. No. 87] <a href="http://www.leg.state.vt.us/DOCS/2010/ACTS/ACT087.PDF">http://www.leg.state.vt.us/DOCS/2010/ACTS/ACT087.PDF</a>	No	Duration of the summer school program	<b>Yes.</b> The School Board may apply for a temporary waiver in the event of an emergency. The waiver can't extend for the remainder of the summer vacation.	Yes
Washington	Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which fifty percent or more of the children enrolled in the school qualify for free or reduced-price lunch. WA. LEGIS. 287 (2005) <a href="http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.235.160">http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.235.160</a>	Yes, unless compelling case can be made to limit access	Duration of the summer school program	<b>Yes.</b> Schools may be exempt from implementing SFSP if they can demonstrate the availability of an adequate alternative summer feeding program.	Yes