[Date]

Community Meals Branch

Policy and Program Development Division

Food and Nutrition Service

1320 Braddock Place

Alexandria, VA 22314

**Re: Notice of Proposed Rule Making — Streamlining Program Requirements and Improving Integrity in the Summer Food Service Program (SFSP)**

Dear Community Meals Branch:

On behalf of [fill in organization if applicable], I/we appreciate the opportunity to comment on the U.S. Department of Agriculture’s (USDA) proposed rule, *Streamlining Program Requirements and Improving Integrity in the Summer Food Service Program*. I/We commend USDA for its continued work to identify barriers to participation and improve the Summer Food Service Program (SFSP) so that it reaches more eligible children.

SFSP plays a critical role in closing the summer nutrition gap that exists for low-income families when the school year — and access to school breakfast and lunch — ends. Include personalized/localized information, such as your or your organization’s mission that is related to expanding the reach of summer meals, the need within your community for summer meals, the positive impacts that SFSP has for the health and well-being of children and families in your community.

The proposed rule includes a number of positive provisions that will support SFSP sponsors, including streamlining monitoring and application requirements for experienced sponsors operating other child nutrition programs, facilitating the collection of additional data in rural areas, and codifying many existing program flexibilities available through policy guidance.

However, some of the proposed changes will reverse previous progress made in reducing the financial and administrative burdens facing experienced sponsors. Integrity and fiscal accountability are necessary for SFSP, but excessive monitoring or administrative requirements can have a negative impact on the ability of sponsors to operate a strong and financially viable program that is in compliance with program rules and requirements.

[**For the following sections:** Edit any or all of the following provisions included in the proposed rule that would impact your program or the program that you support; add corresponding information and data as relevant. It is important to include personalized information in your comments in order to ensure it is counted as a unique comment.]

***First Week Site Visits and Site Reviews***

The proposed rule requires early site visits for all sites and creates a tiered timeframe for completing the first visit to a site that is based on the number of sites the sponsor operates (those with 10 or fewer sites have seven days to complete site visits; those with more than 10 have 14 days). This approach improves current regulatory policy, but it does not go far enough to support sponsors’ financial viability, nor does it allow them to focus their monitoring efforts on new sites and those that faced challenges in the past, which is crucial to ensure program integrity.

Previous policy guidance waived the requirement that SFSP site visits be conducted during the first week of service for returning sites and for Child and Adult Care Food Program (CACFP) and National School Lunch Program (NSLP) sponsors in good standing that are transitioning to SFSP. This waiver was in recognition of the challenges that many sponsors faced in meeting the first week site visit requirement.

USDA recommends one monitor for every 15 to 20 sites, and acknowledges that sponsors serving rural sites may need to have a lower site-to-monitor ratio. At the recommended ratio, many sponsors that operate more than five sites will likely find it difficult to conduct more than one site visit in a day, and this could lead to monitors rushing through the site visit in order to monitor a second site in the same day. It will be particularly burdensome for sponsors serving rural sites that are spread out over larger geographic areas, and for sponsors serving many sites.

Requiring early visits to all sites (instead of just new sites and sites that need additional support) means sponsors will have to hire and train additional staff, resulting in increased administrative program costs for sponsors and likely limiting the amount of time a monitor can spend at a site during the visit.

The proposed rule also allows sponsors to combine the site review with the site visit, which is a positive step for program administration. Unfortunately, the timeframe for the first site visit likely will limit the amount of time that a monitor will be able to spend at a site, particularly for those sponsors that serve rural areas or that serve many sites.

I/we recommend waiving the requirement that first week site visits be conducted at returning sites and for NSLP and CACFP sponsors transitioning to SFSP because sponsors will be conducting a site review for those sites within the first four weeks of the program’s operations.

**Add information about your program/the program you support and the impact that site visits have on capacity to operate.** **Specifically, USDA is interested in receiving comments on the following points related to site visits:**

* Number of sites managed and number of staff available to conduct site visits;
* Logistics of conducting site visits;
* Time and resources necessary that impact the ability of sponsors to conduct site visits;
* Proposed tiers and whether they provide sufficient flexibilities for sponsors; and
* Benefits of requiring visits at all sites versus those sites that are new to the program or sites that have encountered operational or administrative difficulties in the past.

***Offer Versus Serve***

Limiting the use of Offer Versus Serve (OVS) to school food authorities (SFA) will result in increased food waste, food costs, and overall confusion as participating non-SFA sponsors are forced to plan and implement a new service model. OVS supports program integrity by allowing reimbursement dollars to be focused on operating strong programs. The proposed rule reported that 37 state agencies submitted statewide waivers to allow non-SFA sponsors to use OVS, effectively demonstrating that, with existing state buy-in and support, processes can be developed to fully support broad utilization of OVS in a manner that ensures integrity.

I/we recommend that OVS remains a meal service option for any sponsor in good standing, and that increased training and support be developed and provided by USDA and state agencies to ensure proper implementation.

**Add information about your program/the program you support, and the impact that OVS has had on operations/financial viability. Specifically, USDA is interested in comments on the following points related to OVS:**

* What level of training do non-SFA sponsors need in order to be able to properly implement OVS?
* Do non-SFA sponsors have the resources needed to properly implement OVS?
* What level of technical assistance do non-SFA sponsors receive?
* How would non-SFA sponsors be impacted if OVS were no longer an available option?
* What are the specific benefits to sponsors that use OVS?

***Authority to Waive Statute and Regulations***

The proposed rule grants state agencies the authority to deny waiver requests from sponsors if the state agency does not have “confidence that the sponsor has the capability to implement the waiver while maintaining a high level of program integrity”. This language is open to wide interpretation and may result in a state agency denying a reasonable waiver request without full, transparent consideration.

While we/I agree that state agencies often have the most insight on the capacity of sponsors, it’s important to create a system in which requests from sponsors are thoroughly and objectively considered, with established criteria or a checklist, and responded to within an established timeline. Additionally, sponsors that have waiver requests rejected should be allowed a timely appeal process. States should recommend to USDA whether or not a waiver should be approved, but they should not make the final decision.

Organization Name/I oppose the provision that would give a state agency the authority to deny a waiver submitted by an eligible service provider. That decision should be made by USDA, and there should be an established, public process that is time-sensitive in order to acknowledge the short duration of SFSP.

**Add information about the impact of waivers on your program/the program you support. Specifically, USDA is interested in comments on the following points related to waivers:**

* Feedback on the process of requesting a waiver,
* Feedback on monitoring the implementation of a waiver,
* Feedback on reporting data on waivers

***Clarifying Performance Standards for Evaluating Sponsor Viability, Capability, and Accountability***

The proposed rule aims to formalize the metrics — or performance standards — that state agencies must use to determine whether a sponsor is financially and administratively capable of operating SFSP. This change would align SFSP more fully with CACFP, which has used formal performance standards since 2002. The proposed rule states that “these standards would apply equally to CACFP and SFSP”.

While we/I agree that determining sponsor viability and capability is an important part of the success of SFSP, it is also important to recognize the significant differences between CACFP and SFSP, such as the relatively short duration of the program and the more limited capacity of smaller sponsors including faith-based organizations and local youth program providers, and develop unique SFSP performance standards accordingly.

***Definition of Unaffiliated Sites***

The proposed rule inserts language formally defining an unaffiliated site as one that is “legally distinct from the sponsor,” a definition that mirrors the CACFP regulations. Historically, formally acknowledging unaffiliated sites in CACFP has resulted in some state agencies limiting sponsors’ ability to add unaffiliated sites to their sponsorship or add additional requirements that make it difficult for a sponsor to serve unaffiliated sites. Allowing sponsors to add unaffiliated sites is critical for small programs that lack the capacity to administer SFSP on their own, particularly given the short duration of summer. This practice also supports overall integrity, as experienced sponsors have the capacity and infrastructure to take on additional sites seamlessly.

If the definition is included in the finalized regulations, we ask that clarifying language be added to ensure that sponsors in all states are able to serve unaffiliated sites seamlessly.

***Off-Site Consumption of Food Items***

I/Organization name support codifying the policy that allows children to take a single item of fruit, vegetable, or grain to be taken off-site for later consumption. As the proposed regulations acknowledge, this long-standing flexibility — available in some form since 1998 — helps to reduce plate waste while also maintaining the many benefits associated with the congregate feeding model, such as socialization and food safety.

***Eligibility for Closed Enrolled Sites***

I/organization name support codifying the policy that allows closed-enrolled sites to qualify using area eligibility data. This better aligns SFSP with the CACFP At-Risk Program. Without the option to use area eligibility to qualify, closed enrolled sites may find it difficult to document the household income of the children they serve and may not be able to operate, meaning children would go without access to meals during the summer.

Thank you for your consideration of these comments during your deliberations.

Sincerely,

Your Name/Your Organization’s Name