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January 28, 2011

Memorandum
SFSP-2011-11

TO: Summer Food Service Program (SFSP) Sponsors

FROM: Karen L. Vogel, RD, SNS
Nutrition Programs Consultants 

RE: Child Nutrition Reauthorization 2010: Eligibility Requirements and Site Limits
for Private Nonprofit Organizations in the Summer Food Service Program

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, was signed into law by the President on December 13, 2010. The Act modifies Summer Food Service Program (SFSP) eligibility requirements for private nonprofit organizations (PNOs). The purpose of this memorandum is to implement these modifications in the SFSP.

Section 111 of the Act amends section 13(a)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) to expand the limits on the number of sites and children that PNOs participating in the SFSP can serve. Under 7 CFR 225.6(b)(6)(ii) and 225.14(d)(6)(i)(A), PNOs were permitted to operate no more than 25 sites, with no more than 300 children served at any one site unless granted a waiver by the State agency to serve up to 500 children. Effective October 1, 2010, PNOs are eligible to participate in the SFSP according to the same terms and conditions as other service institutions.

As a result, all sponsors may now be approved to operate a maximum of 200 sites and serve a maximum total average daily attendance of 50,000 children as permitted by 7 CFR 225.6(b)(6)(i). Exceptions to these limits may be approved if the sponsor can demonstrate that it has the capability to manage a larger program.

The Act also clarifies that PNOs participating in the SFSP must have private nonprofit status under section 501(c) of the Internal Revenue Code of 1986 and be exempt from taxation under 501(a) of that code. SFSP regulations at 7 CFR 225.2 require that all SFSP institutions must have tax exempt status under the Internal Revenue Code, but do not specify a section of the Internal Revenue Code.

KLV/tk
SFSP 02-2011, January 14, 2011

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