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April 22, 2020

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 California Food Policy Advocates (CFPA), 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*. We commend USDA's efforts to reach more eligible children with the Summer Food Service Program (SFSP) by identifying and mitigating barriers to participation.

Nearly two million children across California live in poverty: their families struggle to meet basic needs such as food, housing, and healthcare.¹ At least two million California children also live in households affected by food insecurity.² As a non-profit organization committed to improving the health and well-being of Californians with low income by increasing their access to nutritious, affordable food, we understand that children need nutritious meals year-round in order to learn, grow, and achieve at their fullest potential.

When school is out, many children lose access to a critical source of nutritious, affordable meals. SFSP can help prevent that loss. Alarming, the number of summer lunches served throughout California has declined in recent years, with the largest decrease (12 percent) occurring within

¹ Bohn, Danielson, and Thorman, Public Policy Institute of California, Child Poverty in California, July 2018, <https://www.ppic.org/publication/child-poverty-in-california/>

² <https://cfpa.net/GeneralNutrition/CFPAPublications/FoodInsecurity-Factsheet-2019.pdf>

SFSP (as compared to other federal nutrition programs operating during the summer months, including the National School Lunch Program and the Seamless Summer Option).³ All told, more than 85 percent of children in California who benefit from free or reduced-price lunches during the school year miss out on summer lunches.⁴

A recent spatial analysis of California shows that one in five low-income schools (i.e. schools where 50 percent or more of the enrolled K-12 students are deemed eligible for free or reduced-price meals) has no open summer meal site within one mile and more than 800 public schools have no open meal site within five miles.⁵ These geographic barriers to accessing summer meal sites could be mitigated by easing burdens and increasing flexibilities for SFSP sponsors, thereby increasing their capacity to operate more sites.

The proposed rule includes a number of provisions that will support SFSP sponsors, such as streamlining requirements for monitoring and application among experienced sponsors operating other child nutrition programs and codifying many existing program flexibilities available through policy guidance.

However, some of the proposed changes will upend previous progress made in reducing the financial and administrative burdens borne by experienced sponsors. While integrity and fiscal accountability are necessary for SFSP, excessive monitoring and unduly burdensome administrative requirements can inhibit sponsors' ability to operate robust, financially viable programs that comply with program rules and requirements.

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. This approach improves current regulatory policy, but does not do enough to support sponsors' financial viability or their capacity for focusing monitoring efforts on new sites and sites that previously experienced challenges. The latter runs directly counter to supporting program integrity.

The sheer number of SFSP sites in California (more than 2,200 in 2019) means that requiring early visits to all sites (rather than new sites and sites that need additional support) puts an undue burden on sponsors and the state agency. These burdens may translate to a decrease in children's access to summer meals as sponsors are forced to limit the number of sites under their purview.

³ <https://cfpa.net/ChildNutrition/Summer/CFPAPublications/SOWA-Factsheet-2019.pdf>

⁴ *ibid.*

⁵ *ibid.*

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 were transitioning to SFSP. This waiver recognized the challenges that many sponsors faced in meeting the first week site visit requirement.

CFPA recommends waiving the requirement that first week site visits be conducted at returning sites and for NSLP and CACFP sponsors transitioning to SFSP since those sites will undergo a site review within the first four weeks of a program's operation.

Meal Service Times

CFPA supports codifying the policy that removes meal time restrictions. The California Department of Education was one of 42 state agencies that requested a waiver of meal time restrictions for the program year 2019. The approval of that waiver allowed California's SFSP sponsors and sites the flexibility to continue better meeting the unique and varied needs of their communities -- and by better meeting the needs of their communities, make most efficient use of program resources.

Off-Site Consumption of Food Items

CFPA supports codifying the policy that allows children to take a single item of fruit, vegetable, or grain off-site for later consumption. Policies such as this allow children to be better nourished and benefit from the full, SFSP reimbursable meal. We appreciate that the proposed regulations acknowledge this long-standing flexibility as a means of reducing food waste while also preserving benefits associated with the congregate meals, including social development and food safety.

Offer Versus Serve

Utilizing Offer Versus Serve (OVS) is known to decrease food waste and help manage food costs while still giving children access to much-needed nutritious meals. In doing so, OVS supports the financial viability of summer food programs. The California Department of Education was one of 37 state agencies that submitted a statewide waiver to allow non-school food authority (SFA) sponsors to continue utilizing OVS in the program year 2019. By not requiring non-SFA sponsors to adopt and implement a new service model, the approval of this waiver prevented confusion and hardship for those sponsors.

CFPA recommends that OVS remains a meal service option for any sponsor in good standing and that appropriate training and support be developed and provided by USDA and state agencies to ensure proper implementation.

Eligibility for Closed Enrolled Sites

CFPA supports codifying the policy that allows closed enrolled sites to qualify for SFSP using area eligibility data. Decreasing burden on families and program operators is necessary to provide eligible children with ready access to summer meals and to support sponsors in sustaining financially viable programs. Without the ability to utilize area eligibility to qualify for SFPS, closed enrolled sites may be hard-pressed to document the household income of the children they serve. This can, in turn, impede their ability to operate sites and put children at increased risk of hunger and food insecurity when school is out of session.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tia Shimada". The signature is fluid and cursive, with a small dot above the 'i' in "Shimada".

Tia Shimada
Director of Programs
California Food Policy Advocates