



DEPARTMENT OF EDUCATION


Townsend Building
401 Federal Street Suite 2
Dover, Delaware 19901-3639
<http://education.delaware.gov>

Mark A. Holodick, Ed.D.
Secretary of Education
(302) 735-4000
(302) 739-4654 - fax

October 5, 2023

MEMORANDUM

TO: Summer Food Service Program (SFSP) Sponsors

FROM: Aimee F. Beam, MS, RD 
Education Associate, Nutrition Programs

RE: **2024 Operational Memo #3**
SFSP 15-2023 Best Practices for Determining Proximity of Sites in the Summer Food Service Program

On September 28, 2023, the United States Department of Agriculture (USDA) released SFSP 15-2023, *Best Practices for Determining Proximity of Sites in the Summer Food Service Program*.

The guidance provides best practices and assists State agencies in preventing approval of multiple sites offering meal services at the same time to the same population of children.

Memo SFSP 15-2023 is attached for your reference. No further action is needed by Sponsors.

Please contact us with any questions at 302-857-3356.

Attachment: SFSP 15-2023, Best Practices for Determining Proximity of Sites in the Summer Food Service Program

cc: Nutrition Team



United States Department of Agriculture

Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

DATE: September 28, 2023

MEMO CODE: SFSP 15-2023

SUBJECT: Best Practices for Determining Proximity of Sites in the Summer Food Service Program

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Best Practices for Determining Proximity of Sites for Congregate Feeding in the Summer Food Service Program
Document ID:	
Z-RIN:	
Date of Issuance:	September 28, 2023
Replaces:	N/A
Summary:	(1) This memorandum provides best practices for preventing approval of multiple sites serving the same meals at the same time to the same children. (2) This memorandum applies to State administering agencies and local organizations operating the Summer Food Service Program. (3) This document relates to 7 CFR 225.6(h)(1)(ii).

This memorandum provides information to assist State agencies in preventing approval of multiple sites offering meal services at the same time to the same population of children in the Summer Food Service Program (SFSP). An audit by the USDA Office of the Inspector General (OIG), [Consolidated Report of FNS and Selected State Agencies' Controls over SFSP](#), Audit Report 27601-0005-41, found that States often approve the operation of open sites (i.e., sites that do not require participants to enroll in the Program in order to participate) within close proximity of other open sites, which can create the potential for duplicative meal service. In the report, OIG recommends that the Food and Nutrition Service (FNS) revise guidance to assist State agencies in evaluating applications for meal service sites that are in close proximity to other sites to ensure that sites do not serve the same meal to the same children as other SFSP sites in the same area.

FNS supports efforts to foster Program integrity, while also ensuring equal access and opportunity to participate ¹in SFSP across communities. In some cases, it may be appropriate for States to approve some

¹ According to the *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, the term "equity" means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific

sites in relatively close physical proximity to each other. States should consider the particular needs and characteristics of each community when approving sites in close proximity with the goal of ensuring sufficient coverage without redundancy.

This memorandum outlines various best practices. All best practices described below are not Federal requirements, but FNS shares these best practices for States seeking additional guidance for addressing site proximity. FNS offers the following best practices for State agencies:

1. Develop policies regarding site proximity, which might include:

- Establishing minimum distances between sites based on population density and ability to access the sites without transportation (e.g., 1 mile, 0.25 miles, etc.);
- Allowing exceptions to the minimum distance when additional sites are needed to ensure sufficient access to meals, as is the case with physical conditions such as a lack of sidewalks or when a busy highway cuts through a neighborhood, and any other barriers that support the exception;
- Documenting reasons why sites in close proximity will not be serving duplicative meals, which reasons can include:
 - Sites appealing to 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, or appealing to children with special dietary requirements, such as for kosher or halal meals; or
 - Offering the same, short meal service times to avoid the possibility of children traveling from one site to another.

2. Request site proximity information when a sponsor is requesting a new SFSP site approval. The additional information could include:

- Detailed information on the population of children that will be served;
- Meal service times, as required by 7 CFR 225.16(c);
- Any physical conditions or other barriers;
- Explanations when additional sites next to other sites are needed due to limited capacity at the sites and actions to prevent serving the same meals to the same children;
- Public safety concerns that could impact children and site staff;
- Sites serving the same children on different days, different weeks, or for different meals on the same day; and
- Sites appealing to specific age groups or to children with unique dietary requirements.

3. Include site proximity criteria in SFSP annual training, for example:

- Demonstrate how FNS' Capacity Builder, at www.fns.usda.gov/capacitybuilder, can be used when determining site proximity for proposed new sites; and
- Discuss the use of public announcements and outreach to direct families to sites that best serve their children and to educate them on daily meal limits. Ensure that training addresses how to perform outreach that is accessible to persons with limited English proficiency or who are blind or visually impaired, such as designing advertisements in commonly spoken languages or in alternative formats.

4. During the State agency application approval process, evaluate the proximity of proposed sites prior to approval.

Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

- Utilize the FNS Capacity Builder to measure the distance between proposed sites;
- Evaluate additional factors that would support the approval of multiple sites in one area;
- Evaluate site proximity during pre-approval visits; and
- Work with sponsors to make any changes needed to site locations, ages of populations served, meals served, or meal service times to ensure that sites are not offering duplicative services.

In addition to considering some or all the above-mentioned best practices, State agencies are reminded about the following regulatory requirements and policy resources to use while evaluating meal service site locations:

- 7 CFR 225.6(h)(1)(ii) requires that, when evaluating a proposed food service site, the State agency shall ensure that the area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal.
- [SFSP 05-2017, Summer Food Service Program Questions and Answers, December 1, 2016, Question 3.](#)
- The 2016 [Summer Food Service Program Administration Guide, May 23, 2016](#), Chapter 2: Sponsor and Site Identification.

FNS appreciates the efforts of State agencies and local Program operators working to provide equal access and opportunity to participate in SFSP for children during the summer months. State agencies are reminded to distribute this memorandum to SFSP Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

J
MASKORNICK

Digitally signed by J
MASKORNICK
Date: 2023.09.28 16:45:21
-04'00'

J. Kevin Maskornick
Director
Community Meals Policy Division