



SUMMER FOOD SERVICE PROGRAM

CLARIFICATION OF FEDERAL POLICY

In Texas, organizations contracting directly with the Texas Department of Agriculture (TDA) to operate nutrition programs federally funded through the United States Department of Agriculture (USDA) are called Contracting Entities, or CEs. The Summer Food Service Program (SFSP) is a federally funded nutrition program and, as such, sponsors are considered CEs. CEs operating the Seamless Summer Option (SSO) should reference the Administrator's Reference Manual (ARM) Section 12, Seamless Summer Option, for guidance.

Each year, the USDA publishes the SFSP *Administrative Guidance for Sponsors* (AGS) which provides federal policy, program guidance and information for all CEs that participate or plan to participate in SFSP. TDA occasionally issues a Clarification of Federal Policy, such as this one, to supplement and clarify federal policy set out in the AGS.

Average Daily Participation (ADP) and Site Caps in SFSP

On April 21, 2015, USDA issued policy memorandum [SFSP 16-2015, Site Caps in the Summer Food Service Program: Revised](#). The memo provides TDA discretion in approving a CE's request to increase an established site cap at a vended site; a CE's request to increase an established site cap must be made prior to the submission of a claim for reimbursement for meals served that month (or claiming period if there is a combined claim). This clarification of federal policy outlines how CEs may submit an adjustment (or amendment) to either a vended or self-prep site's average daily participation (ADP) prior to the submission of a claim for TDA review. ADP is the average number of meals that a CE serves at each site each day of operation during the claiming period. CEs may not claim more meals than the approved ADP for each site during the claiming period.

NOTE: This clarification of federal policy is an update to the *Clarification of Federal Policy—Average Daily Participation* memo TDA released on April 2, 2012, which may be located on the "SFSP Policy—Archive" section on www.summerfood.org.

Factors Affecting a Site's ADP

CEs propose the ADP for each site during the SFSP application process. The ADP proposed by the CE, however, may be adjusted by TDA during the application review process, a visit prior to approval, during an administrative review, or for other reasons. A CE may request an adjustment to the ADP throughout the duration of operations. (See Item, *Amending ADP for TDA Approval* for more information.)

TDA uses the following formula to determine the maximum amount CEs can claim per site in the claiming period:

$$\begin{array}{r} \text{ADP} \\ \times \text{ Number of Serving Days per Claiming Period} \\ \hline \text{Maximum amount CE can claim at the site for the} \\ \text{claiming period.} \end{array}$$

There are many factors which will determine a site's serving capacity and approvable ADP. These factors may include, but are not limited to, the following:

- Adequate facilities to prepare meals (for self-prep sites)
- Physical capacity of a site to serve children
- The site's administrative capabilities (*e.g., Is the number of supervisory personnel adequate?*)
- Historical record of attendance at the site
- The number of children living in the area of each site who are likely to participate

TDA will ensure that a site is approved to serve no more than the number of children for which its site facilities and food production facilities are adequate. Food production facilities include central kitchens, food service management company food production facilities, or any facility at which food is prepared.

How to Estimate ADP

Adequate program planning requires an accurate estimate of the number of children that will be served each day. All CEs are required to plan, prepare, and order meals with the objective of providing one meal per child at each meal service.

Here are some ways a CE may estimate an appropriate ADP at the start of operations and throughout the duration of operations:

- Communicate with the site regarding the number of children that attend the site's activities or live in the vicinity of the site to determine the number of meals that may be served at the site. (NOTE: Apartment complexes typically see only 15% of resident children participating, though there are exceptions.)
- For new sites: Contact local children's organizations, churches, etc., in the area of the new site to determine the number of needy children within walking distance of the site.
- Be aware of closures of local summer schools or other types of activities which may cause ADP to diminish or peak at certain times of the summer.
- Plan on reduced participation during holidays, such as Juneteenth and July 4th, as well as carnivals, county fairs, rodeos and other local events, as they may impact ADP.
- Monitor participation and adjust ADP.
- For returning CEs: Use prior program year history when determining ADP for returning sites.

The table below provides information on how to use prior year data as a resource in estimating ADP.

How to Estimate ADP Based on Prior Year Data	
<i>Note: 2014 will be the example for prior year data</i>	
Example 1: June 1, 2014 through June 30, 2014	Example 2: July 1, 2014 through August 5, 2014.
Assume a CE operated a lunch service Monday through Friday.	At the same site, assume the CE operated a lunch service Monday through Friday.
The CE's weekly service figures were as follows:	The CE's weekly service figures were as follows:
Week 1 435 children served	Week 1 752 children served
Week 2 622 children served	Week 2 605 children served
Week 3 735 children served	Week 3 748 children served
Week 4 615 children served	Week 4 736 children served
Week 5 506 children served	Week 5 707 children served
Weekly Total 2,913 children served	Weekly Total 3,548 children served
Operating Days 22 total operating days in June	Operating Days 25 total operating days in July/August
<i>To find your ADP, divide your grand total of 2,913 by the number of program operation days.</i>	<i>To find your ADP, divide your grand total of 3,548 by the number of program operation days. (4th of July not included)</i>
$\frac{2,913(\text{children})}{22 \text{ (days in operation)}} = \text{ADP of } 132.4 \text{ children}$	$\frac{3,548 \text{ (children)}}{25 \text{ (days in operation)}} = \text{ADP of } 141.9 \text{ children}$
NOTE: As fluctuation occurs, it is recommended that ADP be rounded up <u>no more than 10%</u>.	
ADP (with fluctuation): 145 children	ADP (with fluctuation): 155 children

Amending ADP for TDA Approval and Site Caps

CEs must be conscientious of the ADP of each site. If the CE believes they will exceed the maximum number of meals they can claim at the site for the claiming period, they must amend the ADP for each affected site. CEs may make amendments to the ADP in the Texas Unified Nutrition Programs System (TX-UNPS) for both self-prep and vended sites prior to submitting a claim for the claiming period. TDA must approve the amendment to ADP before it is effective, so a CE should submit a claim only after the ADP amendment has been approved, or denied, by TDA. Amendments to the ADP made after the submission of a claim will not be retroactive and

the CE can claim only the maximum amount based on the approved ADP for that claiming period.

If TDA caps a site's meal serving capacity for reasons related to the capacity of the facilities to prepare and/or distribute meals, a CE may not increase the ADP at the site. TDA will deny any ADP amendment request which exceeds the site cap TDA has set.

EXAMPLE: If a site only has food service equipment adequate for preparing a lunch for 50 children, TDA will not approve a serving capacity greater than 50 lunches for that site.

NOTE: Policy memorandum [SFSP 16-2015, Site Caps in the Summer Food Service Program: Revised](#) reminds CEs that meals served in excess of established site caps establish mismanagement of the SFSP and may necessitate the further investigation of meal claims and whether those meal claims should be disallowed.

NOTE: Amendments to a CE's application, other than ADP, must be submitted within 15 days prior to the desired effective start date; otherwise, TDA may not approve the requested changes by the desired effective start date. (See *SFSP Texas Policy, Amendments to the SFSP* on www.summerfood.org for more information.)

TDA has the authority to conduct an announced or unannounced on-site review to ensure that the amendment to the ADP was necessary. All amendments to ADP are subject to TDA approval.

If a CE would like to propose a change to the ADP of a site, they must make a request to TDA online via the Texas Unified Nutrition Programs System (TX-UNPS) in the site application.

ADP and Claims

Claims for reimbursement must reflect only meals that meet SFSP requirements and are actually served to eligible children during the claiming period. An increase to the ADP does not mean a CE will receive payment for the maximum number of meals that *may* be served, only those reimbursable meals that were *actually* served to eligible children during the claiming period.

Once a claim has been submitted for a claim month (or claiming period if a combined claim is submitted), a CE may not amend the ADP for that claim.

CEs assume complete responsibility for all of the information they submit on their claims. The submission of false information to TDA is a serious deficiency.