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Beverly Eaves Perdue, Governor

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February 28, 2011

SFSP 11-03

MEMORANDUM

TO: All Participating Summer Food Service Program Sponsors

From: Cynthia D. Ervin, MBA
SFSP Coordinator

SUBJECT: Child Nutrition Reauthorization 2010: Permanent Agreements 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 requirements for permanent agreements in the Summer Food Service Program (SFSP). The purpose of this memorandum is to implement these modifications to the SFSP.

Section 321 of the Act amends section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) to require permanent operating agreements between the State agency and SFSP sponsors. Previously, under 7 CFR 225.6(e), permanent agreements were required only for school food authority (SFA) sponsors. In February 2007, FNS memo SFSP 03-2007 granted State agencies the authority to extend permanent agreements to any SFSP sponsor.

It is important to understand that describing the agreement as “permanent” is intended solely to convey that the agreement has no predetermined expiration date and does not need to be renewed. Such agreements may be amended as necessary to ensure compliance with all federal requirements. The sponsor or State agency that is a party to the permanent agreement may terminate such agreements for convenience, in accordance with Program regulations. Permanent agreements shall be terminated for cause by the State agency if the sponsor fails to adhere to program requirements.

The provisions requiring permanent agreements for the SFSP are retroactive to October 1, 2010. Therefore, all new SFSP agreements between State agencies and sponsors entered into on or after October 1, 2010, must be permanent. Additionally, all current annual agreements must be converted to permanent agreements as soon as possible. NC DHHS will issue new permanent agreements for SFSP sponsors.



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Please note that section 321 of the Act makes clear that SFSP sponsors now operating under a permanent agreement must submit an annual budget for administrative costs that must be approved by the State agency.

Please, direct questions to your Regional Consultant.

cc. SNP Staff via email