



United States
Department of
Agriculture

Food and
Nutrition
Service

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SUBJECT: Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum establishes a waiver of the Summer Food Service Program (SFSP) regulations for meal time requirements in 7 CFR §225.16 (c) and expands the option to use Offer Versus Serve (OVS) to non-school sponsors in 7 CFR §225.16(f)(ii). This memorandum has been revised to include questions and answers regarding implementation of OVS.

Meal Time Restrictions

Currently, three hours must elapse between the beginning of one meal or snack service and the beginning of the next, except that four hours must elapse between the beginning of lunch and the beginning of supper when no afternoon snack is served. Additionally, the duration of meal service is limited to two hours for lunch and supper and one hour for breakfast and snacks (7 CFR §225.16(c)).

In an effort to simplify Program management, we are waiving these restrictions. In accordance with 7 CFR §225.6(c)(2) and 7 CFR 225.6(c)(3), sponsors must continue to establish meal times for each site and provide this information to the State agency. Therefore, when applying to participate in the Program or providing annual updates to Program information, sponsors must provide the State agency with information regarding the times of the meal service at each site, but are not required to ensure that specific time periods elapse between the meal services. This waiver supersedes previous SFSP guidance giving State agencies the authority to waive meal time restrictions (SFSP: Flexibility of Time Restrictions on Meal Service, January 29, 2002).

States may establish meal time restrictions. However, any State restrictions will be considered additional State requirements and subject to Regional Office notice and approval as required by 7 CFR §225.18(f). However, the SA could still have the discretion to impose restrictions on specific sponsors based on their review findings.

Restrictions on the number and type of meals that may be served each day as established by 7 CFR §225.16(b) continue to apply.

Offer Versus Serve

Currently, school sponsors have the OVS option under 7 CFR §225.16(f)(ii). OVS permits children to decline food, a certain number of menu items they do not intend to eat. However, the regulations restrict OVS to school sponsors, meaning that all meal components must be served by other sponsors.

This memorandum expands the option of using OVS to non-school sponsors. The OVS option can be an opportunity to minimize food waste and help sponsors contain costs. This does not preclude the sponsor from maintaining a non-profit operation.

Schools electing to use OVS must use the options relevant to their menu planning approach. Other SFSP sponsors wishing to use OVS must follow the OVS requirements for the food-based menu planning approach. This means a child may decline only one food item offered at breakfast and up to two of the food items offered at lunch or supper. There is no OVS option for snacks.

State agencies should direct any questions concerning this guidance to the appropriate Food and Nutrition Service Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Original Signed

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Director
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Offer Versus Serve Questions and Answers

1. Are SFSP sponsors required to use OVS?

No. The use of OVS is not required in SFSP. OVS is an option for sponsors.

2. Do States have discretion on whether or not to permit the use of OVS in the SFSP?

States have discretion in whether or not to allow a particular sponsor or site to use OVS. However, States may not institute a statewide ban on the OVS option.

3. If a State denies a SFSP sponsor's request to use OVS, is this a decision a sponsor may appeal?

No. Sponsors may not appeal the denial of an OVS request. However, sponsors may submit another request the next operating year.

4. Are non-school sponsors required to use one of the food-based menu planning approaches when using OVS?

Yes. All non-school sponsors electing to use OVS are required to follow the OVS requirements for the SFSP meal pattern. Schools sponsoring the SFSP that elect to use the school's food-based menu planning approach, must use the OVS requirements for the NSLP.

5. Under OVS must all food components be offered?

Yes. For a meal to be reimbursable, all food components in the required serving sizes must be offered.

6. Can SFSP sponsors use past service history to place future orders to adjust the amount of food they order? For example, if order history shows that only 60 percent of the children take milk, can fewer cartons be ordered?

Past service history may be used to place future orders. However, we encourage sponsors and sites to err on the side of caution when placing food orders.

7. If a site runs out of a food component, are all the meals served after the required component is gone disallowed?

Yes. If a site runs out of a food component, all meals after that point must be disallowed if the site was unable to offer children a complete reimbursable meal.

8. How many items may a child decline?

In the SFSP, three food items must be offered at breakfast (one serving of the fruit or vegetables component, one serving of the bread or bread alternate component, and one serving of the fluid milk component). A child may only decline one of these items. If additional items such as a meat/meat alternate is served at breakfast and is refused, it is not counted as a declined item for OVS purposes.

For lunch and supper, five food items must be offered (one serving of the meat or meat alternate component, two servings of the fruits and/or vegetables component, one serving of the bread or bread alternate component, and one serving of the fluid milk component). A child must take three of the five food items and is only allowed to decline two food items.

9. What is a combination food?

A combination food is a dish comprised of two or more food items that cannot be separated. Cheese pizza is a combination food that could contain three food items, i.e., a serving of grain (crust), vegetable (tomato sauce), and meat alternate (cheese). Other examples of foods that could contain multiple items include soups, prepared sandwiches, and burritos.

10. If a combination food is offered, like pizza for example, can a child decline it?

For breakfast, a child may decline only one of the three required items, so a child may not decline a combination food. For lunch or supper, if a combination food, such as pizza, includes more than two of the four required food items for a reimbursable meal, the child must take the item. If the combination food comprises only two food items the child may decline it, but must take all other food items for a reimbursable lunch or supper.

11. If a site is using OVS, how do monitors ensure enough food is provided?

During onsite reviews, monitors should observe a meal service and ensure that enough food is provided so that all children are offered a full reimbursable meal. Monitors also may review policies, training materials, receipts, menus, inventories, and invoices. Maintaining production records is not a Federal requirement in the SFSP.