



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

DATE: November 12, 2013

MEMO CODE: SP 08-2014, SFSP 08-2014

SUBJECT: Meal Service Requirements

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The purpose of this memorandum is to consolidate, clarify, and provide additional guidance on meal service requirements in the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP). This memorandum therefore supersedes the following guidance:

- SFSP 03-1998, *Issues Relating to Meal Service at Sites*, February 27, 1998;
- SFSP 03-1999, *Issues Relating to Meal Service at Sites*, December 4, 1998;
- SFSP 07-1999, *Meals Prepared in Schools and Permissible Use of Offer Versus Serve*, December 4, 1998;
- SFSP 15-1999, *Supper Meal Service*, February 2, 1999; and
- SFSP 11-2011 - REVISED, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011

Meal Service Time

In an effort to simplify Program management, the Food and Nutrition Service (FNS) issued a waiver of meal service time restrictions under 7 CFR 225.16(c) [SFSP 11-2011 – REVISED, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011]. Therefore, there are currently no Federal time limits placed on the duration of a meal service and no Federal requirements pertaining to the amount of time that must elapse between the beginning of one meal and the beginning of the next.

However, sponsors must continue to establish meal times for each site and provide this information to the State agency [7 CFR 225.6(c)(2)(B) and (3)(A)]. All applicant sponsors must provide the State agency with information regarding the time of meal service at each site, however they are not required to ensure that a specific time period will elapse between the meal services.

Please note that, while State agencies may establish meal time restrictions, this would be considered an additional State requirement and subject to Regional Office notice and approval as required by 7 CFR 225.18(f). However, the State agency has the discretion to impose restrictions on specific sponsors based on review findings on a case by case basis.

Number and Type of Reimbursable Meals

Restrictions on the number and type of meals that may be served each day, as established by 7 CFR 225.16(b), are as follows:

- With State agency approval, sponsors of open, restricted open, and enrolled sites may serve up to two meals each day. Meal combinations consisting of a lunch and supper are not allowable. Allowable combinations include:
 - Breakfast and lunch
 - Breakfast and supper
 - Breakfast and snack
 - Lunch and snack
 - Supper and snack
 - Two snacks
- With State agency approval, camp or migrant site sponsors may serve up to three meals each day. Allowable combinations include:
 - Breakfast, lunch, and supper
 - Breakfast, lunch, and snack
 - Breakfast, supper, and snack
 - Lunch, supper, and snack

Offer Versus Serve

All sites, regardless of location or type of sponsorship, may utilize “offer versus serve” (OVS) in the SFSP. Although the regulations indicate that OVS is available only to school sponsors, FNS previously extended this option to non-school sponsors [7 CFR 225.16(f)(ii); SFSP 11-2011-REVISED, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011].

OVS permits children to decline a certain number of menu items they do not intend to eat. It simplifies Program administration and reduces food waste and costs, while maintaining the nutritional integrity of the SFSP meal that is served.

For a meal to be eligible for reimbursement, all food components in the required serving sizes must be offered. Additionally, utilizing OVS does not preclude the sponsor from maintaining a non-profit operation.

SFSP school sponsors that elect to use the NSLP or School Breakfast Program meal pattern must also follow the OVS requirements of those programs. See 7 CFR 210.10(e), 7 CFR 220.8(e), and *School Year 2013-2014 Offer Versus Serve Guidance for the National School Lunch Program and the School Breakfast Program*.

All non-school sponsors electing to use OVS are required to follow the OVS requirements for the SFSP meal pattern. In order to be consistent with NSLP and ensure that children are receiving enough food to meet their nutritional needs, OVS requirements in SFSP have been revised as follows:

- Breakfast:
 - Only three food components are required for a reimbursable meal:
 - One serving of fruit/vegetable
 - One serving of bread/bread alternate
 - One serving of fluid milk
 - Four different food items must be offered.
 - A child must take three of the four food items and may only decline one food item.
 - The fourth food item can be a fruit/vegetable, bread/bread alternate, or meat/meat alternate.
- Lunch or Supper:
 - Five food items must be offered:
 - One serving of meat/meat alternate
 - Two different servings of fruit/vegetable
 - One serving of bread/bread alternate
 - One serving of fluid milk.
 - A child must take three of the five food items and may only decline two food items.

OVS is an option in SFSP, not a requirement. State agencies may not institute a statewide ban on OVS, however, they do have the discretion to restrict specific sponsors or sites from utilizing the

option on a case-by-case basis. If a State agency denies a sponsor's request to use OVS, the sponsor may not appeal the decision. The sponsor may submit another request the next operating year.

Meals Served to Adults

Meals may be served to adults at sites at the discretion of the sponsor. However, adult meals must be treated differently from those served to children, who are the intended recipients of the Program's benefits. The distinction between requirements for Program adults and non-Program adults are as follows:

- *Program Adults* work directly with the meal service at the site, as either volunteers or paid employees. Meals may be served free to adults who meet this definition. These meals may not be claimed for reimbursement as a reimbursable meal, but may be counted as legitimate operating costs [7 CFR 225.9(d)(5)].
- *Non-Program Adults* do not work in any direct way with the meal service at the site. The cost of meals served to non-Program adults may be counted as part of the sponsor's operating costs only if the adult pays the full cost of the meal and the money received is reported as income to the Program [7 CFR 225.2 *Definition of Income accruing to the Program*]. If meals are served to non-Program adults, sponsors must either charge the adults at least the full cost of the meal (including food and non food supplies, labor, and the value of commodities), or use other non-Program funds to cover the cost of these meals.

Additionally, if a sponsor chooses to serve meals to adults, the following rules must be observed:

- All children must be fed first.
- Income from the sale of adult meals and non-Program funds used to pay for adult meals must be documented as income to the Program to offset documented costs.
- Meals served to children (including second meals), Program adults, and non-Program adults must be counted and recorded separately on the daily meal count form.

The calculation of meal costs should be based on the full cost of producing the meal (i.e., food, supplies, labor, and other costs incurred by the sponsor). Sponsors should also include the value of United States Department of Agriculture (USDA) Foods used to prepare the meal or this value may be based on the current year annual entitlement per meal value of USDA Foods.

School food authorities may not pay for non-Program adult meals through the nonprofit food service account, however they may use other sources, such as the general fund account. The cost calculations do not affect the paid meal equity and non-Program equity provisions.

Leftover Meals

All sponsors must plan, prepare, and order meals with the objective of providing one meal per child at each meal service, and must ensure that entire meals and food components are not often leftover and unusable. FNS encourages State agencies to support efforts by sponsors to minimize food waste.

- *Transferring Meals* – Sponsors should regularly monitor and compare site reports on the number of attending children and the number of delivered meals to reduce waste and cost. Extra meals can be transferred, if allowed by the local health code, from one site with too many meals to another site with a shortage. Transferred meals served to children may only be claimed for reimbursement if served within the approved site cap. Sponsors should refer to SFSP 08-2012, *Site Caps in the Summer Food Service Program*, January 24, 2013, for more information
- *Seconds* – When all children in attendance at the site have received one meal, sponsors may serve and claim reimbursement for second servings of complete meals of up to two percent of the number of first meals served to children, for each meal type, for all sites, during a claiming period [7 CFR 225.9)(d)(4)].
- *Share Table* – Sponsors may designate a “share table” or stations where children may return whole items that they choose not to eat, provided that this is in compliance with local and State health and safety codes. These items are then available to other children who may want additional helpings. This practice may be facilitated by serving meal components that can be easily “recycled.” For example, if milk is served in individual cartons, a child can return an unopened milk carton to the share table. Complete meals and nonperishable components that remain on a share table may be appropriately stored for subsequent service. All recycled food items must be stored in accordance with local health codes, and must be documented.
- *Donations* – Sponsors should make every effort to keep food waste to a minimum. When sites have leftover food, sponsors should promptly adjust orders to more accurately reflect the actual number of meal service participants. Sponsors should also exhaust all storage alternatives permitted by State and local health and sanitation codes. If the leftover food cannot be stored, FNS encourages sponsors to consider donating it to organizations working to address hunger in the community, such as homeless shelters, food banks, and food pantries.

Although donated meals may not be claimed for reimbursement in the SFSP, food donation avoids unnecessary waste and can save expensive disposal and storage costs. Additionally, by collaborating with other hunger organizations, sponsors can expand the reach of these important programs and build networks that better serve the community. Sponsors should refer to SP 11-2012, SFSP 07-2012, *Guidance on the Food Donation Program in Child Nutrition Programs*, February 3, 2012, for more information.

Taking Meal Components Offsite

Program regulations require sponsors to maintain children on site while meals are consumed [7 CFR 225.6(e)(15)]. Failure to meet this “congregate feeding” requirement results in the disallowance of meals and may lead to a determination of serious deficiency of the sponsor’s operation of the Program [7 CFR 225.11(c)(4)]. To be eligible for reimbursement, the meal must be consumed on site, unless the meal is served on a State agency approved field trip or offsite consumption is otherwise permitted through Department of Agriculture funded demonstration projects. Therefore, it is important that all site supervisors, as well as families visiting sites, are aware of this requirement.

However, sponsors may now allow a child to take one fruit, vegetable, or grain item offsite for later consumption without prior State agency approval. Originally, FNS had permitted sponsors, with prior State agency approval, to allow children to take only a fruit or vegetable offsite [SFSP 03-1999, *Issues Relating to Meal Service at Sites*, December 4, 1998]. FNS is extending this option to all sponsors without prior State agency approval and expanding the eligible food items to include grains. All sponsors now have the option to allow a single item of fruit, vegetable, or grain to be taken offsite for later consumption, provided that this is in compliance with State and local health and safety codes. The food item taken offsite must be from the child’s own meal or left on a “share table” by another child who did not want it.

Sponsors should use this option only if they believe they have adequate staffing to properly administer and monitor the site, and to ensure that issues, particularly related to food safety and Program integrity, do not arise. State agencies may prohibit individual sponsors on a case-by-case basis from using this option if there is a question regarding whether the sponsor will be able to provide adequate oversight. The State agency’s decision to prohibit a sponsor from utilizing this option is not an appealable action.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at <http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm>. State agencies should direct questions to the appropriate FNS Regional Office.



Cynthia Long
Director
Child Nutrition Division