



## DEPARTMENT OF EDUCATION


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January 5, 2016

### MEMORANDUM

**TO:** Summer Food Service Program Sponsors

**FROM:** Aimee F. Beam, RD, LDN   
Education Associate, Child Nutrition Programs

**SUBJECT:** **2016 SFSP Operational Memo #8**  
**Meal Service Requirements in the Summer Meal Programs, with Questions and Answers**

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On November 12, 2015, USDA released a memo to provide guidance on meal service requirements in the Summer Meal Programs. The memo is attached in its entirety for your review.

If you have questions, please call the office at 302-857-3356.

cc: Linda C. Wolfe, EdD, RN, Director, School Support Services  
Nutrition Team



Food and  
Nutrition  
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DATE: November 12, 2015

MEMO CODE: SP 05-2016, SFSP 05-2016

SUBJECT: Meal Service Requirements in the Summer  
Meal Programs, with Questions and Answers

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

Revised

The purpose of this memorandum is to provide guidance on meal service requirements in the Summer Food Service Program (SFSP) and the National School Lunch Program's (NSLP) Seamless Summer Option (SSO). This revision clarifies the guidance on offer versus serve and family style meal service, adds guidance on meal pattern flexibilities, and adds new questions to Attachment A. This memorandum supersedes SP 13-2015 (v.2), SFSP 13-2015 (v.2), *Meal Service Requirements Q&As, Revised*, January 12, 2015.

### Meal Service Times

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) in October 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 to provide sponsors greater flexibility to meet local needs.

However, sponsors must continue to establish meal times for each site and provide this information to the State agency to allow for effective oversight [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. Meals must be served within the approved meal service times in order to be claimed for reimbursement and for the cost associated with such meals to be covered by Program funds. FNS encourages sponsors to establish meal service times that best accommodate operational requirements and the needs of participating children. Additionally, FNS encourages State agencies to approve meal times that give sponsors flexibility to accommodate unanticipated circumstances, such as late meal deliveries, while fulfilling Program requirements.

While State agencies may establish meal time restrictions, this would be considered an additional State requirement and subject to Regional office (RO) 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.

Meal service requirements differ for school food authorities (SFA) participating in the SSO. These requirements are outlined in the *2015 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option*, at 2015 Edition of Q&As for NSLP's Seamless Summer Option | Food and Nutrition Service.

Revised

Revised

### **Number and Type of Reimbursable Meals**

Restrictions in SFSP 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**

Offer versus serve (OVS) is a concept that applies to menu planning and meal service which allows children to decline some of the food offered in a reimbursable breakfast, lunch, or supper, excluding snacks. The goals of OVS are to simplify Program administration and reduce food waste and costs while maintaining the nutritional integrity of the SFSP meal that is served. All SFSP sites, regardless of location or type of sponsorship, may utilize OVS. Although SFSP regulations indicate that OVS is available

only to school sponsors, FNS extended this option to non-school sponsors in October 2011. Utilizing OVS does not preclude the sponsor from maintaining a non-profit operation.

For a meal to be eligible for reimbursement, all food components in the required minimum serving sizes must be offered. A food component is one of the food groups that comprise a reimbursable meal. Sites must always offer all the food components that comprise a reimbursable meal in at least the minimum required amounts. A food item is a specific food offered within the food components comprising the reimbursable meal. For example, separate ½ cup servings of peaches and pears are two food items that comprise one component, the fruit and vegetable component.

All non-school sponsors electing to use OVS and schools participating in SFSP and electing to follow the SFSP meal patterns are required to follow the SFSP OVS requirements. Due to the distinguishing nature of the SFSP and NSLP, including variations in settings and resources, the OVS requirements in SFSP are different from the OVS requirements in NSLP. In order to ensure that children are receiving enough food to meet their nutritional needs, OVS requirements in SFSP are as follows:

**Breakfast:**

- The following four food items must be offered:
  - One serving of fruit/vegetable,
  - One serving of bread/bread alternate,
  - One serving of fluid milk, and
  - One additional serving of fruit/vegetable, bread/bread alternate, or a serving of a meat/meat alternate.
- All the food items offered must be different from each other.
- A child must take at least three of any of the four food items offered.

Revised

**Lunch or Supper:**

- The following four food components must be offered through at least five different food items:
  - One serving of meat/meat alternate,
  - Two servings of fruit and/or vegetables (two different food items),
  - One serving of bread/bread alternate, and
  - One serving of fluid milk.

Revised

- Lunch or supper OVS requirements differ from breakfast in that a child must take at least three food components, rather than items, listed above from the five food items offered. Three food components are required for an adequate nutritious meal for children.

Offering two servings of the same food item is not permissible under OVS in SFSP. All food items offered must be different from each other. For example, a breakfast menu that includes a serving of milk, a serving of fruit, and two servings of toast is not a reimbursable meal under OVS in SFSP because the toast is two of the same food item. Similarly, if the breakfast menu included two different kinds of cereal rather than toast, it would still not be a reimbursable meal because the cereals, although not identical, are the same food item. Additionally, a larger food item that is worth two servings in weight, such as a two ounce muffin, counts as only one food item under OVS in SFSP, not two. Offering different food items supports and encourages the practice of offering a variety of food choices for children, which increases the likelihood that children will select foods they prefer and reduces waste.

Revised

OVS is an option for sponsors, not a requirement. Sponsors must indicate their intention to utilize OVS on the sponsor or site application. State agencies may not institute a statewide ban on OVS. However, specific sponsors or sites may be restricted from utilizing the option on a case-by-case basis. If a State agency denies a sponsor's request to use OVS in SFSP, the sponsor may not appeal the decision. The sponsor may submit another request the next operating year.

School sponsors that elect to use the NSLP or School Breakfast Program (SBP) meal pattern and SFAs operating SSO are required to follow the OVS requirements of NSLP and SBP. For more information, see 7 CFR 210.10(e), 7 CFR 220.8(e), and SP 57-2014, *Updated Offer versus Serve Guidance for the National School Lunch Program and School Breakfast Program in School Year 2015-2016* at <http://www.fns.usda.gov/updated-offer-vs-serve-guidance-nslp-and-sbp-beginning-sy2015-16>.

### **Family Style Meal Service**

Family style is a type of meal service that allows children to serve themselves from common platters of food with assistance from supervising adults setting the example. Camps and closed enrolled sites in SFSP and SSO have the option of utilizing family style meal service. Both camps and closed enrolled sites provide the stable environment required for a successful family style meal service to provide nutritious meals to children and promote healthy eating habits through the personal example provided by supervising adults.

Revised

FNS Instruction 783-3, Revision 1, *Family Style Meal Service in the Summer Food Service Program*, issued in August 1986, limits the family style meal service option to camps, which are stated as the only appropriate setting due to a camp's stable

environment for enrolled children. In December 2000, the definition of closed enrolled sites was codified in 7 CFR 225.2 as a site open only to enrolled children, as opposed to the community at large. Because closed enrolled sites provide a stable environment for enrolled children and an appropriate setting for family style meal service, FNS extended the option of family style meal service to closed enrolled sites in the SFSP and SSO in summer 2015. However, family style meal service is still prohibited at open and open restricted sites in the SFSP and SSO.

Family style meal service affords sponsors latitude in the size of the initial servings because replenishment is immediately available at each table. In SFSP and SSO, this latitude must be exercised in compliance with the following practices, at a minimum:

Revised

1. A sufficient amount of food must be placed on each table to provide the required portions of each of the food components, as outlined in 7 CFR 225.16, for all children at the table and to accommodate Program adults supervising the meal service, if they eat with the children.
2. Children are allowed the choice in selecting foods and the size of the initial serving. Children should initially be offered the full required portion of each meal component.
3. When a child does not initially accept the full required portion of a meal component, it is the responsibility of the supervising adults to actively encourage each child to accept the service of the full required portion for each food component of the meal pattern. For example, if a child initially refuses a food component, or initially does not take the full required portion of a meal component, the supervising adult should offer the food component to the child again.

These practices are in line with family style meal service guidance in the Child and Adult Care Food Program (CACFP).

Family style meal service allows children to identify and be introduced to new foods, new tastes, and new menus, while developing a positive attitude toward nutritious foods, sharing in group eating situations, and developing good eating habits. Even when a complete family style meal service is not possible or practical, it may be useful to offer a component or components in a family style manner, particularly when smaller children are being served or when a new food item is being introduced.

### **Meal Pattern Flexibilities**

Revised

*Age-Appropriate Meals in SFSP:* FNS recognizes that the SFSP meal pattern minimum serving sizes, which are designed for children ages 6 through 12 years old, may not be suitable for all children attending the summer site. Active teenagers may be hungrier than younger children and feel that the portion sizes are too small. Conversely, for children younger than 6 years old, the serving sizes may be excessive. Under these circumstances, SFSP sponsors may be approved to follow more age-appropriate meal patterns.

- *Meals for Children 12 through 18 years old:* Because teenagers have greater food needs, SFSP regulations allow sponsors to serve larger portion sizes than the minimum serving sizes specified in the SFSP meal pattern [7 CFR 225.16(d)]. Additionally, sponsors serving teenagers may serve the adult-size portions found in the CACFP regulations under 7 CFR 226.20(c). It is important to note that there are no maximum limits on any of the food components in the SFSP meal pattern. As a reminder, extra foods may always be served to improve the nutrition of participating children, in addition to the food necessary to meet the meal pattern requirements. However, meals containing additional foods or larger portion sizes than the minimum required serving size receive the same reimbursement rate as regular SFSP meals. See question number 5 in Attachment A for more information about serving larger portion sizes and additional foods.
- *Meals for Children Under 6 Years Old:* The SFSP regulations allow State agencies to authorize sponsors to follow the CACFP meal pattern requirements [7 CFR 226.20] for infants and children under six years old, which include smaller portions sizes than are indicated in the SFSP meal pattern [7 CFR 225.16(f)(2)]. The sponsor must be able to ensure that each age group is receiving the appropriate minimum serving sizes indicated in the CACFP meal patterns. Food should always be of a texture and a consistency that is appropriate for the age and development of the children being served. For example, fruit should be cut into smaller pieces so that it is easier for younger children to eat.

*SFAs Participating in the SSO:* SFAs participating in the SSO are required to serve meals meeting the new NSLP meal pattern. However, FNS issued comprehensive guidance for the SSO, which grants flexibility to the age/grade group requirements and allows open and restricted open sites to make accommodations. These flexibilities increase the ability of SFAs with diverse student populations to more easily participate in SSO, while still meeting meal pattern requirements. Refer to SP 37-2015, *2015 Edition of Questions and Answers for the National School Lunch Program's Seamless Summer Option*, at <http://www.fns.usda.gov/sites/default/files/cn/SP37-2015os.pdf>, for more information.

*SFAs Participating in SFSP:* SFAs participating in SFSP are allowed the flexibility of following the NSLP or SBP meal pattern requirements instead of the SFSP meal patterns [7 CFR 225.16(f)(1)(i)]. SFAs may begin following the NSLP or SBP meal pattern requirements at any time during the year. If an SFA chooses to make this switch, the SFA must notify its State agency, but the SFA does not need prior approval from the State agency. This flexibility allows SFAs to seamlessly continue implementation of NSLP or SBP meal pattern requirements year-round.

### **Meals Served to Adults**

Sponsors have the discretion to serve meals to anyone. Only meals served to children may be claimed as reimbursable meals. Along with children ages 18 years and younger, SFSP regulations at 7 CFR 225.2 also defines children as persons over 18 years of age who are determined by the State or local educational agency or a local public education agency as having a mental or physical disability and who participate during the school year in a public or private non-profit school program established for the mentally or physically disabled. Therefore, meals served to any person who meets the above definition may be claimed as reimbursable meals.

Meals served to adults, other than those provided for in 7 CFR 225.2, must be reported differently than those served to children, depending on the classification of the adult served, as either a Program or a non-Program adult: The classification between the meal services requirements 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, such as a parent or guardian. Sponsors have the option to serve meals to non-Program adults at no charge or charge the full cost of the meal. 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, or non-Program funds cover, 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. When using non-Program funds to cover the cost of these meals, the sponsor may include those funds as Program income and pay for these meal costs from its nonprofit food service account.

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

- All children (including any person who meets the definition of 7 CFR 225.2) 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; and
- 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 also should include the value of the U.S. 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.

SFAs participating in the SSO should refer to FNS Instruction 782-5, Revision 1, *Pricing of Adult Meals in the National School Lunch and Breakfast Programs*, June 6, 1988, for more information on adult meals.

### **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 leftover and unusable on a frequent basis. 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. When sites have leftover food, sponsors should promptly adjust orders to more accurately reflect the actual number of meal service participants. Additionally, all alternatives permitted by Program regulations and State and local health and sanitation codes should be exhausted before discarding food.

FNS encourages State agencies to support efforts by sponsors to minimize food waste. Some options may include:

- *Transferring Meals:* Extra meals may be transferred, if allowed by the local health code, from one site with excess meals to another site with a shortage.
- *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)]. Note, second meals may be disallowed if the State agency determines that the sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service [7 CFR 225.15(b)(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 made available to other children who may want additional servings. This practice may be facilitated by serving meal components that can be easily "recycled." For example, if an apple is served as part of a meal, a child can return the apple to the share table. 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:* When it is not feasible to reuse leftovers or store food, FNS encourages sponsors to consider donating it to non-profit organizations working to address hunger in the community, such as homeless shelters, food banks, and food pantries. Sponsors may also choose to send leftover meals or food home with children. Sponsor policies relating to food donations must comply with State and local health and sanitation codes.

Although donated meals, including non-reimbursable meals or meal components sent home with children, 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, at [Guidance on the Food Donation Program in Child Nutrition Programs | Food and Nutrition Service](#), for more information.

### **Taking Meal Components Offsite**

SFSP regulations require sponsors to ensure children consume meals at the site [7 CFR 225.6(e)(15)]. Therefore, meals must be consumed onsite in order to be eligible for reimbursement, unless the meal is served on a State agency approved field trip or offsite consumption is otherwise approved by FNS. In extenuating circumstances, sponsors may allow offsite consumption of meals as long as meals taken offsite are not claimed for reimbursement. 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)].

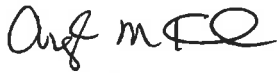
However, sponsors may allow a child to take one fruit, vegetable, or grain item offsite for later consumption without prior State agency approval provided this is in compliance with State and local health and sanitation codes. Originally, FNS permitted sponsors to allow children to take only a fruit or vegetable off site with prior State agency approval. In October 2013, FNS extended this option to all sponsors without prior State agency approval and expanded the eligible food items to include grains [SFSP 08-2014, *Meal Service Requirements*, November 12, 2013]. 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 only allow an item to be taken offsite if 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 the sponsor’s ability to provide adequate oversight is in question. The State agency’s decision to prohibit a sponsor from utilizing this option is not an appealable action.

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State Directors  
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SFAs operating SSO should follow the guidance on the consumption of meal service items outside of the designated food service area, at SP 41-2014, *Clarification of the Policy on Food Consumption Outside of Foodservice Area and the Whole Grain-Rich Requirement*, <http://www.fns.usda.gov/sites/default/files/SP41-2014os.pdf>.

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 FNSRO.



Angela Kline  
Director  
Policy and Program Development Division

Attachment

## Questions and Answers

### Meal Service Requirements in Summer Meal Programs

Revisions and new questions are marked with a text box

#### A. Meal Service

##### 1. What are some ways sponsors can improve the quality of the meals they serve?

New

There are a variety of strategies and resources available to help improve the quality of meals served in SFSP and SSO. First, sponsors should, as much as possible, purchase foods that align with the recommendations of the Dietary Guidelines for Americans [<http://health.gov/dietaryguidelines>], such as eating more nutrient dense foods like whole grains, and whole fruits and vegetables. Nutrient dense foods are the basis of a healthful eating pattern and are typically more filling than refined grains and juice. Sites with additional funds available are encouraged to use the funds to improve the reimbursable meals served by using fresher, healthier, more nutritious products, such as whole fruits and vegetables, lean meats, and unprocessed cheeses.

Second, sponsors can tap into local seasonal harvests to serve a variety of nutritious foods in their freshest state. Incorporating local foods into summer meals keeps meals tasting great, and can also offer an educational opportunity to engage children in your program. For more information on finding and buying local foods, visit the Farm to Summer website [<http://www.fns.usda.gov/farmentoschool/farm-summer>] and the Supporting Local Farmers section of the Summer Meals Toolkit [<http://www.fns.usda.gov/sfsp/summer-meals-toolkit>].

Third, sponsors should review SP 06-2016, SFSP 06-2016, *Promoting Nutrition in Summer Meal Programs, with Best Practices* [<http://www.fns.usda.gov/promoting-nutrition-summer-meal-programs-best-practices>], Summer Meals Toolkit [<http://www.fns.usda.gov/sfsp/summer-meals-toolkit>], Team Nutrition Resource Library [<http://www.fns.usda.gov/tn/resource-library>], and Healthy Meals Resource System [<https://healthymeals.nal.usda.gov>] for additional tips and ideas on how to improve the quality of meals, such as working with vendors or hosting taste tests to help introduce and get children excited about new foods and menus.

##### 2. May a SFSP site serve breakfast later in the morning, such as from 10 am to 11 am, to accommodate teenagers who may wake-up later?

Yes. A site may offer breakfast later in the morning. FNS encourages sponsors to establish meal service times that meet the needs of participating children.

**3. May a school or site participating in SFSP as an open site serve meals to academic summer school students first and then serve meals to children coming from the community (i.e., staggered meal service times)?**

Yes. Staggered meals are allowable at school sites participating in SFSP as long as the meal service is the same (i.e., food served, length of serving time, eating area, etc.) for both the summer school students and community children.

**4. If a child does not finish his or her meal can the sponsor let the child take the rest of the meal home?**

Children may be permitted to take one leftover fruit, vegetable, or grain item offsite for later consumption. If the leftover food component is not a fruit, vegetable, or grain that is permitted to be taken offsite, the sponsor may allow the child to take those leftovers offsite but the sponsor may not claim reimbursement for that meal.

**5. Can sites serve larger portion sizes than what is required in the meal pattern or additional foods that are not included in the meal pattern?**

New

Yes, sites may choose to serve larger portions than the minimum required amount of each food component in the SFSP meal patterns. Because teenagers have greater food needs, sponsors may also choose to serve adult-size portions to older children. Adult-size portions may be found in 7CFR 226.20(c) of CACFP regulations and at <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

Extra food may always be served to improve the nutrition of participating children (that is, in addition to the food necessary to meet the meal pattern requirements). Please note, though, that if a site chooses to purchase additional food with SFSP funds, the food must be a creditable food under the meal pattern requirements. If a site wishes to serve additional foods that do not meet SFSP meal pattern requirements, the site must use non-Program funds to purchase those foods [SFSP 06-2012: *Serving Additional Foods in SFSP*, November 23, 2011, [http://www.fns.usda.gov/sites/default/files/SFSP06-2012\\_1.pdf](http://www.fns.usda.gov/sites/default/files/SFSP06-2012_1.pdf)].

**6. When serving meals family style, can a child refuse to take a required meal component?**

New

Yes. When serving meals family style children do not need to take all the required meal components in order for the meal to be reimbursable. If a child initially refuses to accept a food component, or does not initially take the full required portion of the meal component, supervising adults should offer the meal component to the child again.

**7. For SFSP, how many reimbursable meals may be served?**

Open, restricted open, and closed enrolled sites may be reimbursed for serving up to two reimbursable meals or for a meal and a snack each day. The meals may be any combination of breakfast, lunch, supper or snack, except a sponsor may not be reimbursed for lunch and supper meals served at the same site, on the same day. Camps and migrant site may be approved for reimbursement of up to three meals, or two meals and a snack daily [7 CFR 225.16(b)].

There are also limits on the total number of meals that may be served each day. Sponsors may serve a maximum total average daily attendance of 50,000 children. However, the State agency may approve exceptions if the sponsor can demonstrate that it has the capability of managing a larger program [7 CFR 225.6(b)(6)].

**8. May a sponsor serve lunch and supper at the same site on different days?**

Yes. A sponsor may serve lunch and supper at the same site as long as they are served on different days. For example, a site may serve breakfast and lunch Monday through Thursdays and snack and supper on Fridays.

**9. May a State agency prohibit sponsors from serving hot meals?**

A State agency is not permitted to issue a blanket statement prohibiting all sponsors from serving hot meals. Similarly, a State agency may not require a site to offer hot meals. If a State agency wishes to limit the types of meals served, it may do so only on a case-by-case basis and must be based on health or safety reasons.

**10. May an SFSP site charge a fee to participate in the activity portion of its program?**

Yes. Access to meal service at open sites, however, must be free. Although it is common for enrolled programs to charge for items such as t-shirts, bags, and other identifying items that are unallowable State administrative funds expenses, State agencies should ensure that any fees are reasonable and do not restrict access for low-income children.

**11. May a site sell a la carte items during a meal service?**

Yes. The sale of a la carte items by SFSP sponsors or sites during a meal service is permitted. The non-Program and Program components of the food service operation must be tracked separately, accounting for the receipt, obligation, and expenditure of all SFSP funds. The sponsor must maintain accounting records documenting proper allocation between the Program and non-Program components of its food service operation and the State agency must ensure through the review process that all SFSP reimbursements are used solely for conducting non-profit food service operations.

**12. May sponsors participating in SFSP provide meals to children on the weekends?**

Yes. The regulations do not restrict SFSP meal service to weekdays and States may not prevent sponsors from offering weekend meals. As with all sites, State agencies and sponsors must ensure that sites offering weekend meals are subject to site monitoring as required by the regulations [7 CFR 225.7(d) and 7 CFR 225.15(d)].

**13. When are food service management companies required to test for bacteria levels?**

Bacteria level testing, as outlined in the regulations [7 CFR 225.6(h)(2)(v)], is only required if such testing is required of the food service management company by the local health (or similar) authority. If no such standard exists then none is required to be established.

**14. May a meal be claimed for reimbursement if it is used to test bacteria levels or temperature for food safety reasons but is not served to participating children?**

Meals tested for bacteria levels or temperature and not served to participating children are allowable operating costs but may not be claimed for reimbursement. Per SFSP regulations [7 CFR 225.6)], only meals served to participants may be claimed for reimbursement. One of SFSP's serious deficiencies is claiming meals not served to participants [7 CFR 225.11]. This is why meals used to test for food safety are allowable operating costs but may not be claimed for reimbursement.

**B. SFSP Offer Versus Serve (OVS)**

**1. How many items may a child decline?**

At breakfast, a child may decline any one item when four items are offered. However, a sponsor may choose to offer additional food items beyond the requirements, such as cereal and toast (two grain items), orange slices and bananas (two fruit items), and milk (one milk item). In such cases, children still have to take at least three food items but may decline more than one food item.

At lunch or supper, a child must take at least three food components so when five food items are offered a child may decline up to two food items. Within each component a sponsor may offer different items providing more choices for the child to select from and to decline more than two food items. However, a child must take at least three of the four food components for it to be a reimbursable meal, not just three different food items. For example, if chicken nuggets, yogurt, green beans, broccoli, rice, and milk are offered at lunch and a child selects chicken nuggets, yogurt (two food items in the meat/meat alternate food component) and rice (one item in the bread/bread alternate food component) the meal would not be reimbursable. It is the sponsor's responsibility to

ensure that children understand which foods they may decline under OVS. This can be done through signage and instructions to children.

## **2. What is a combination food?**

Combination foods contain more than one food item from different food components that cannot be separated. An example is cheese pizza which contains three food items from different food components: servings of a bread alternate (crust), a serving of a vegetable (tomato sauce), and a serving of a meat alternate (cheese). Other examples of combination foods include soups, prepared sandwiches, and burritos.

## **3. Under OVS, may a child decline a combination food?**

It depends. For breakfast, a site must offer at least four food items and a child must take at least three food items and decline only one; therefore a child may not decline a combination food at breakfast when four food items are offered. For example, if a waffle with strawberries (combination food with a grain and fruit/vegetable component), orange slices, and milk are offered, the child must take the waffle with strawberries in order for the meal to be reimbursable. If a site chooses to offer more than four food items, such as a waffle with strawberries, orange slices, cereal, and milk, the child would be able to decline the combination food (waffle with strawberries) but must take all other food items (orange slices, cereal, and milk) for a reimbursable breakfast.

For lunch or supper, a site must offer the four required food components through at least five food items. The child must take at least three food components in order for the meal to be reimbursable. If a combination food contains three or more food components and five food items are offered (three of which are included in the combination food), a child may not decline the combination food. For example, if a pizza (combination food with three food items from three components: grain, vegetable, and meat), an apple, and milk are offered the child must take the pizza in order for the meal to be reimbursable. However, if a pizza (combination food with three food items from three components: grain, vegetable, and meat), chicken strips, an apple, and milk are offered, the child would be able to decline the combination food but must take all other food components (the chicken strips, apple, and milk) for a reimbursable lunch or supper.

## **4. Is a child required to take a fruit or vegetable in OVS?**

A child is not required to take a fruit or vegetable when an SFSP site is utilizing OVS. Under SFSP OVS, there are no specific food items or components that a child must take. A child must simply take three food items at breakfast and three food components at lunch or supper. For ease of implementation and to reduce food waste and cost, a child only needs to take one fruit or vegetable item to count towards the fruit and vegetable component at OVS lunch or supper meals. For example, if chicken tenders, green beans, rice, apple, and milk are offered at lunch and a child takes the chicken tenders, rice, and

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apple it would be a reimbursable meal. This provides greater flexibility and choice for children to select food items they are more likely to eat.

It is important to note, though, that for a single fruit or vegetable item to count towards the minimum required serving size of a meal pattern, at least 1/8 cup must be offered [Food Buying Guide, [http://www.fns.usda.gov/sites/default/files/FBG\\_Section\\_2-VegFruits\\_2.pdf](http://www.fns.usda.gov/sites/default/files/FBG_Section_2-VegFruits_2.pdf)]. Therefore, the minimum amount a child could take of a fruit or vegetable is 1/8 cup, as long as the site offers another, different fruit or vegetable, to meet the required minimum serving size.

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

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

**6. When utilizing OVS, if a site runs out of a component, are all the meals served after the required component is no longer available disallowed?**

Yes. If a site runs out of a food component, all meals served, after that point, must be disallowed if the site was unable to offer children a complete reimbursable meal. Sponsors are encouraged to have site supervisors communicate with one another so that components may be transferred from one site to another to avoid this situation.

**7. May non-school sponsors purchase non-unitized meals from a food service management company (FSMC) when utilizing the OVS option?**

Yes. Program regulations require all meals prepared by an FSMC to be unitized, with or without milk unless the State agency has approved a request for exceptions to the unitizing requirement for certain components of the meal. This request for an exemption could be granted when a sponsor notifies the State of its plans to utilize the OVS option. State agencies are encouraged to provide a prototype contract for sponsors that does not include the unitized meal requirement [7 CFR 225.6(h)(3)].

**8. Must SFSP sponsors utilizing OVS use past service history to place future orders in order to adjust the amount of food ordered, if permissible under the FSMC contract?**

Yes. The initial maximum approved level of meal service for all vended sites must be based on past service history [7 CFR 225.6(d)(2)(i)]. However, when utilizing OVS, for example, if the sponsor's order history shows that only 60 percent of the children take milk, fewer cartons may be ordered. The sponsor should be aware that any meals offered without milk are not reimbursable, so if the sponsor runs out of milk, no meals served

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after that point would be reimbursed. Therefore, FNS encourages sponsors and sites to err on the side of caution when placing food orders, to ensure all meals offered under OVS meet all SFSP meal requirements.