

DECEMBER 04, 1998

SUBJECT: Summer Food Service Program (SFSP) Policy Memorandum #7-99:  
Meals Prepared in Schools and Permissible Use of Offer Versus Serve

TO: Regional Directors  
Child Nutrition Programs  
All Regions

This memorandum sets forth procedures that may be used for meals prepared in schools. It is a continuation of SFSP Policy Memorandum #7-98, issued on April 7, 1998, with some changes incorporated as a result of provisions in the Child Nutrition Reauthorization Act of 1998 (Public Law 105-336). This memorandum is effective for administering the SFSP beginning October 1, 1998, the effective date of the law, and will remain in effect until superseded by regulation or future memorandum.

#### Requirements for Meals Prepared by Schools

This memorandum responds to questions that have been raised about whether or not meals prepared by schools for the SFSP may meet the meal requirements of the National School Lunch Program (NSLP) and School Breakfast Program (SBP). As you know, Section 225.16(g)(1) of the SFSP regulations authorizes State agencies to permit sponsors which serve meals prepared in schools participating in the school meal programs to substitute the meal pattern requirements of the NSLP and the SBP for the meal requirements of the SFSP. The purpose of this provision is to reduce burden on local schools that participate in the SFSP by permitting them to continue using a meal planning system that is familiar, while at the same time ensuring that meals served in the SFSP meet a recognized nutrition standard.

When this provision was incorporated into the SFSP regulations, there was only one pattern each for school lunches and breakfasts, and the lunch and breakfast patterns for schools did not vary significantly from the corresponding patterns for the SFSP. As you know, however, in recent years the range of meal planning options available to local schools has expanded, and given the diversity of the options, meals prepared by schools may now differ considerably from meals prepared using the SFSP meal patterns.

Nevertheless, we continue to believe that it is advantageous to authorize schools preparing meals for the SFSP to use the menu planning system they are familiar with during the school year. In fact, the Conference Report from the Child Nutrition Reauthorization Act

of 1998 (Public Law 105-336) supports this position by indicating that “schools should also have the same menu planning options for the SFSP that school meals enjoy. This simplifies the menu planning process and maintains consistency among programs.”

Therefore, schools that prepare meals for their sites and non-school sponsors that contract with schools to provide meals may serve meals under the SFSP that meet the requirement for the school meal programs. Prior State agency approval is not required under this memorandum. However, State agencies may require that sponsors provide advance notification if they choose to use school program meal planning options. We wish to point out that there are no optional planning alternatives for snacks served under the NSLP. Therefore, snacks served under the NSLP or SFSP must follow the meal pattern requirements for snacks, which are the same for both programs.

We realize that many alternate State agencies administering the SFSP will not be familiar with all of the options available under the NSLP, especially Nutrient Standard Menu Planning (NSMP). We recommend, therefore, that these agencies contact the State education agency for information and possibly training on monitoring the new requirements for schools prior to approving this option. Regional offices also should provide technical assistance as necessary to alternate State agencies.

Finally, we would like to emphasize that this authority to depart from the specific meal patterns of the SFSP does not extend to operational requirements. In particular, non-school sponsors are not authorized to implement “offer-versus-serve” at their sites.

#### Permissible Use of “Offer Versus Serve” (OVS)

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended Section 13(f)(7) of the National School Lunch Act (NSLA) to make the OVS option available to school sponsors operating the SFSP on school grounds on the basis that the option is regularly implemented by the school food authority during the school year. Recognizing that OVS has been successfully used by schools to help reduce plate waste and food costs in the school meals programs, Section 105(c) of the Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) further amended the NSLA to make the OVS option available to all SFSP sites sponsored by a school food authority, regardless of the location of those sites.

Please share this information with your State agencies. If you have any questions regarding this memorandum, please contact Melissa Rothstein or Mandy Briggs.

*/ORIGINAL SIGNED/*

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