



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** April 5, 2011

**MEMO CODE:** SFSP 11-2011

**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 to non-school sponsors in 7 CFR §225.16(f)(ii).

### **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), 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).

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.

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**Offer Versus Serve**

Currently, school sponsors have the offer versus serve (OVS) option under 7 CFR §225.16(f)(ii). OVS permits children to decline food or 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.

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 FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.



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