

CLARIFICATION OF FEDERAL POLICY

In Texas, organizations that contract directly with Texas Department of Agriculture's USDA federally funded nutrition programs are called Contracting Entities or CEs. The Summer Food Service Program (SFSP) is identified as a nutrition program and, as such, sponsors are considered CEs.

Waiver of Unitized Meal Requirement and Offer Versus Serve Questions and Answers

Waiver of Unitized Meal Requirement

In prior years, only CEs that were school food authorities (SFAs) had the option to utilize offer versus serve (OVS). OVS allows children to decline food or menu items they do not intend to eat.

The OVS option is now available to all SFSP CEs. The OVS option can be an opportunity to minimize food waste and help CEs contain cost.

SFAs electing to use OVS must use the options relevant to their menu planning approach. Non-SFA CEs follow the food-based SFSP menu planning approach and may allow children to decline one food item offered at breakfast and up to two food items offered at lunch or supper. There is no OVS option for snack. Please see the table below for clarification.

Meal Service	Number of Food Items Children can Decline
Breakfast	1
Lunch	1 or 2
Supper	1 or 2
Snack	None

Note: Although three food items must be offered for the breakfast meal service, it is acceptable for a child to only take fluid milk and a juice.

CEs that wish to utilize the OVS option and have already entered into contracts with food service management companies (FSMCs) must determine if their contract allows for OVS. If the contract does not allow for OVS, CEs should determine if there is a

termination clause in their contracts. If there is a termination clause and the CE does terminate their contract but wishes to vend their meals, it must go out for bid again and include the OVS option. The contract must be finalized prior to the beginning of meal service.

If a CE would like to implement OVS after SFSP operations begin, they must make a request to TDA electronically via the Texas Unified Nutrition Programs System (TX-UNPS) or via paper by completing and submitting either the [Application/Management Plan Change Form](#) or the form titled [Summer Food Service Program \(SFSP\) Amendments](#) found at www.summerfood.org or at www.squaremeals.org.

Offer Versus Serve Questions and Answers

1. **Question:** Are CEs required to use OVS?

Answer: No. The use of OVS is not required in the SFSP. OVS is an option for CEs.

2. **Question:** Does the Texas Department of Agriculture (TDA) have discretion on whether or not to permit the use of OVS in the SFSP?

Answer: TDA does have discretion in whether or not to allow a particular CE or site to use OVS. However, TDA will not establish a statewide ban on the OVS option.

3. **Question:** If TDA denies a SFSP CE's request to use OVS, is this a decision a CE may appeal?

Answer: No. CEs may not appeal the denial of an OVS request. However, CEs may submit another request the next SFSP program year.

4. **Question:** Are non-SFA CEs required to use one of the food-based menu planning approaches when using OVS?

Answer: Yes. All non-SFA CEs electing to use OVS are required to follow the OVS requirements for the SFSP meal pattern. SFA CEs sponsoring the SFSP that elect to use the SFA's food-based menu planning approach, must use the OVS requirements for the National School Lunch Program (NSLP).

5. **Question:** Must all food components be offered under OVS?

Answer: Yes. For a meal to be eligible for reimbursement, all food components in the required serving sizes must be offered.

6. **Question:** To help determine the amount of food to order, is it acceptable for a CE to use order history from past meal services to place future orders? For example, if order history shows that only 60 percent of the children take milk, can fewer cartons be ordered?

Answer: Yes. Past service history may be used to place future orders. However, it is encouraged that CEs and sites err on the side of caution when placing food orders based on past service history as the trend of which foods the children select can change.

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

Answer: If the site was offering only the minimum number of required food components and runs out of a required food component, all meals served after that point must be disallowed. However, if the site was offering more than the minimum number of required food components, or the site replaced the food component that ran out, then whether or not the meal is disallowed is based on the child being offered the required number and type of food components.

8. **Question:** How many items may a child decline?

Answer: Refer to the chart on the first page of this Clarification of Federal Policy for the number of food items that can be declined.

Breakfast

In the SFSP, three food items must be offered at breakfast:

- one serving of the fruit/vegetable component,
- one serving of the bread/grain 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 it is refused, it is not counted as a declined item for OVS purposes.

Lunch and Supper

For lunch and supper, five food items must be offered:

- one serving of the meat/meat alternate component,
- two servings of the fruit/vegetable component,
- one serving of the bread/grain 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.

For SFAs, the number of items declined is based on each school's menu planning approach.

9. **Question:** What is a combination food?

Answer: 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), a serving of vegetable (tomato sauce) and a serving of meat alternate (cheese). Other examples of foods that could contain multiple items include soups, prepared sandwiches and burritos.

If a CE serves a combination food and wishes to claim the combination food as all or part of a reimbursable meal, the CE must obtain either a Child Nutrition (CN) label or product/manufacture's analysis to ensure that it contains the required amount of the meal component(s) that the CE is claiming as part of the reimbursable meal.

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

Answer: For breakfast, a child may decline only one of the three required food 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 five required food items for a reimbursable meal, the child must take the item. If the combination food consists of only two food items, the child may decline it but must take the other three food items offered for the meal to be reimbursable.

This answer assumes that only three (breakfast) or five (lunch/supper) required food items are offered.

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

Answer: During onsite reviews, monitors may observe a meal service and ensure that enough food is provided so that all children are offered a full reimbursable meal. Monitors may also review policies, training materials, receipts, menus, inventories and invoices. Maintaining production records is not a Federal requirement in the SFSP; however TDA does require CEs to maintain food production records. A sample food production record is located at www.squaremeals.org and in the *USDA Nutrition Guidance for Sponsors*.