

To: All agencies and organizations sponsoring SFSP in the State of Indiana

From: Julie Sutton, Director of School and Community Nutrition

Date: January 9, 2019

Subject: Summer Food Service Program (SFSP) rescinded policy waivers by the U.S. Department of Agriculture (USDA) and proposed waiver submission by the Indiana Department of Education (IDOE)

On March 27, 2018, the Inspector General of the USDA Office of Inspector General (OIG) published the Report “FNS Controls over Summer Food Service Program”. The results of this report concluded that a number of FNS memos waiving certain program requirements were not in compliance with statutory requirements. As a result, a number of existing policy waivers were rescinded effective October 11, 2018 (Memo code: SFSP 01-2019).

The following is a summary of rescinded waivers:

1. SFSP 12-2011, *Waiver of Site Monitoring Requirements in the Summer Food Service Program*, April 5, 2011
 - Waived regulatory requirement at 7 CFR 225.15(d) for sponsors to conduct site visits during the first week of program operations for returning sites that operated successfully during the previous summer and had no serious deficiency findings.
2. SP 07-2013, SFSP 04-2013 - REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012
 - Provided State agencies the discretion to waive the first week of operation site visit requirement at 7 CFR 225.15(d) for school food authority sponsors in good standing in the SFSP.
3. SP 06-2014, SFSP 06-2014, CACFP 03-2014, *Available Flexibilities for CACFP At-risk Sponsors and Centers Transitioning to Summer Food Service Program (SFSP)*, November 12, 2013
 - After Section 122 of the Healthy, Hunger-Free Kids Act of 2010, P.L. 111- 296, extended the CACFP at-risk provision to all States, FNS provided State agencies with the discretion to waive the regulatory requirement at 7 CFR 225.15(d) for SFSP and SSO sponsors in good standing in CACFP and NSLP, respectively, to conduct site visits during the first week of program operations.
4. SP 10-2017, SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016

- Continued extension of Offer Versus Serve (OVS) to non-school food authority sponsors as originally published in SFSP 11-2011, *Waiver of Meal time Requirements and Unitized Meal Requirements in the Summer Food Service Program*, October 21, 2011. The statutory and regulatory provisions authorize the OVS option for school food authority sponsors under Section 13(f)(6) of the NSLA, 42 USC 1761(f)(6), and 7 CFR 225.16(f)(1)(ii). While OVS has been shown to minimize food waste and help sponsors contain costs, statutory and regulatory provisions limit the use of OVS to school food authority sponsors.

5. SP 10-2017, SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016

- Continued waiver of program regulations at 7 CFR 225.16(c)(1) for meal times as originally published in SFSP 11-2011, *Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*, October 31, 2011. Regulations require that three hours must elapse between the beginning of one meal service, including snacks, and the beginning of another meal service, except that four hours must elapse between lunch and supper if no snack is served. This policy waived these requirements, but maintained that sponsors must continue to establish meal service times.

6. *Summer Food Service Program (SFSP) Waiver for Closed Enrolled Sites*, November 17, 2002

- Extended area eligibility to closed enrolled sites. This waived the statutory provision of Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, which required eligibility determinations to be made by submitting applications in accordance with 7 CFR 225.15(f). Under this waiver, closed enrolled sites could be determined eligible if located in areas where 50 percent of the children residing in the area are eligible for free and reduced price meals under the National School Lunch Program and School Breakfast Program.

Any flexibilities not listed above continue to be in effect through other policy memoranda and guidance that have not been rescinded.

On January 9, 2019, the State Agency applied for waivers for rescissions related to *Continued Extension of Offer versus Serve* (see #4 above) and *Meal Service Requirements in SFSP* (see #5 above) with an implementation goal of March 1, 2019, pending the FNS approval. All current sponsors will be notified of the results of waiver requests as soon as the FNS determinations have been received.

For more information concerning this announcement, contact the IDOE Office of School and Community Nutrition, at (317) 232-0850 or email at SummerMeals@doe.in.gov.

CC: All Indiana SFSP sponsors
USDA MWRO

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