



## **IMPORTANT: Summer Meals Memoranda Rescission**

On October 11, 2018, the USDA Food and Nutrition Service (FNS) issued a [policy memorandum \(SFSP 01-2019\)](#) of great significance to state agencies, program sponsors and sites planning to operate summer meals in 2019. As part of an ongoing review, and in response to a 2017 USDA Office of the Inspector General's [report](#) concerning FNS' oversight of the Summer Food Service Program (SFSP), **the following national waivers have been rescinded effective immediately:**

1. Policy waiving first week SFSP site visits for returning sites that operated successfully the previous summer with no serious deficiency findings.
2. Policy waiving first week SFSP site visits for school food authority (SFA) sponsors in good standing with their school breakfast (SBP) and/or lunch (NSLP) program(s).
3. Policy waiving first-week site visit for SFSP and NSLP Seamless Summer Option (SSO) sponsors in good standing with their NSLP and/or Child and Adult Care Food Program (CACFP).
4. Policy extending the Offer Versus Serve (OVS) meal service model to non-SFA sponsors.
5. Policy waiving some meal time restrictions; specifically, the minimum amount of time that must pass between meals and snacks.
6. Policy extending area eligibility to closed enrolled sites.

**A rescission means that the program flexibilities listed above, which were previously in place, no longer apply.** These regulatory changes will have a significant impact on many program sponsors and sites: the No Kid Hungry Center for Best Practices encourages all state agencies, sponsors and anti-hunger advocates to take these changes into account when planning for summer 2019. The Center will provide additional training and education regarding the memoranda rescission as part of its upcoming 2019 'School's Out, Food's In' webinar series, and will also release a brief overview of the changes in a 1-2 page handout in the weeks ahead to aid in program planning. Program sponsors with concerns about the impact of these changes are encouraged to reach out to the administering state agency for additional information.

In the October 11 memo, FNS recognized the impact of these changes on program sponsors and sites and is working to identify policies and program flexibilities that should be formally incorporated into the SFSP through public notice and comment rulemaking.

**State agencies have the opportunity to submit waivers to FNS requesting that some or all of the program flexibilities affected by the rescission be maintained in 2019.** To do so, the following must occur, per established [waiver request protocol](#):

1. Program sponsors (*eligible service providers*) must submit requests to waive program requirements to their administering state agencies.
2. State agencies must submit requests to waive program requirements to their FNS regional office.
3. FNS regional offices will review waiver requests for completeness and submit recommendations to the national office for review.

Program sponsors and state agencies are encouraged to consult with regional offices when formulating waiver requests to ensure that requests are thorough and well-reasoned. Additionally, both program sponsors and state agencies are encouraged to use the waiver request template found at the bottom of this [May 24, 2018 memo \(SFSP 05-2018\)](#) outlining waiver request protocol.

State agencies reserve the option to request waivers for all or part of their state for any of the waivers that were rescinded by memorandum [SFSP 01-19](#), as listed above. State agencies are encouraged to submit waiver requests as soon as possible in order to be considered ahead of summer 2019. Early submission is recommended in order to account for possible delays in response due to an influx of waiver requests.

Please note that waiver requests are in no way guaranteed approval upon submission, and that approvals that do occur are time-limited. Once an initial waiver period has expired, state agencies and program sponsors may submit a renewal waiver request, which is subject to the same submission and review process as the initial waiver request.

Have questions or need assistance? Feel free to reach out to the No Kid Hungry Center for Best Practices at [bestpractices@strength.org](mailto:bestpractices@strength.org).