Public comments received on proposed changes to the SFSP indicated that several commenters had misinterpreted the intent of Section 225.21(a), which sets forth the free meal policy. This portion of the regulation is as follows:

As part of the application, applicants shall submit a statement of their policy for serving free meals at all sites under their jurisdiction. No application may be approved unless its accompanying policy statement is approved. The policy statement shall consist of an assurance to the State agency that all children are served the same meals at no separate charge and that there is no discrimination in the course of the food service.

The aforementioned commenters apparently believed that Section 225.21(a) prohibits the service of leftover meals, since the service of leftovers would mean that all children would not receive "the same meals."

Some State or local health ordinances may prohibit the service of leftover meals, and the SFSP regulations are not intended to conflict with such ordinances. However, nothing in the SFSP regulations should be construed as prohibiting the service of leftovers, provided that the leftovers have been properly stored and meet applicable State and local health standards.

The purpose of Section 225.21(a) is to ensure that, in residential camps required to make income eligibility determinations, children receiving free meals are not given inferior quality food or a different type of meal which would identify them as free meal recipients. Serving leftovers would not identify free meal recipients unless free meal recipients were required to take the leftovers. There is no requirement that all children receive identical meals, only that they receive meals which meet the same minimum nutritional requirements of the program. Considering that Section 225.8(a)(1)(iii) requires sponsors to be capable of storing and serving leftovers, the SFSP's intent in this regard should be clear.
If you have any questions or comments regarding this matter, please contact my staff.

FORREST R. MOORE
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