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SUBJECT: Non-Congregate Meal Service in Rural Areas Questions and Answers

TO: Regional Directors, Child Nutrition Programs, All Regions

State Directors, Child Nutrition Programs, All States

This guidance updates previously issued Questions and Answers to clarify the rural non-congregate summer meals option established through the Consolidated Appropriations Act, 2023 (the Act) (P.L. 117-328), and codified through the interim final rulemaking (IFR), *Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs* (88 FR 90230). The Act authorized permanent, non-congregate meal service through the Summer Food Service Program (SFSP) and National School Lunch Program's (NSLP) Seamless Summer Option (SSO) for rural areas with no congregate meal service. This memorandum and its attachment supersede SFSP 01-2023, SP 05-2023, *Implementation Guidance: Summer 2023 Non-Congregate Meal Service in Rural Areas – Revised*, issued February 28, 2023, and SFSP 07-2023, SP 14-2023, *Questions and Answers #2: Summer 2023 Non-Congregate Meal Service in Rural Areas*, issued April 20, 2023.

Please note that the purpose of this guidance memorandum is to update earlier guidance originally issued for Summer 2023 operations, and to ensure consistency with the provisions of the IFR. Future Q&A guidance will address additional implementation topics based on feedback received by State agencies and program stakeholders.

FNS appreciates the exceptional efforts of State agencies and local Program operators working to meet the nutritional needs of participants during the summer months. SFSP and SSO rely on innovative and collaborative efforts to provide summer meals to children in need. We look forward to working with our program partners and other stakeholders on the administration and operation of the non-congregate meal service for rural communities.

State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

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## State Agency Approval of Non-Congregate Meal Service

### **1. Can non-congregate meals be provided in non-rural areas if Program access is limited because of lack of transportation, safety concerns, lack of a location to serve meals, or other similar reasons?**

No. Non-congregate meal service is only allowed in rural areas where no congregate meal service is available. State agencies and sponsors should work together to determine how best to leverage community resources to provide a congregate meal service that meets the needs of children in non-rural areas.

### **2. [Revised] How should State agencies identify whether an area has “no congregate meal service” for the purpose of determining if non-congregate meal service is allowable?**

When evaluating the application of a proposed site offering non-congregate meal service and determining if non-congregate meal service is allowable, the State agency must ensure that the area is rural as defined in 7 CFR 225.2 and that the area the site proposes to serve is not or will not be served by a congregate meal service consistent with the requirement at 7 CFR 225.6(h)(3)(iii). State agencies have the discretion to determine whether an area has no congregate meal service. When determining if an area is served by a congregate site, the State agency should consider information including, but not limited to:

- Any physical conditions or other barriers;
- Limited capacity of a congregate site that prevents it from serving the community at large;
- Sites serving the same children on different days, different weeks, or for different meals on the same day; and
- Sites appealing to specific age groups or to children with unique dietary requirements.

Furthermore, Program regulations provide flexibility around the “no congregate meal service” stipulation to allow State agencies to approve meal sites to operate both congregate and non-congregate meal services provided that the State agency ensures:

- The proposed site will only conduct a non-congregate meal service when the site is not providing a congregate meal service (7 CFR 225.6(h)(4)(ii)); and
- The sponsor proposes an organized and supervised system to prevent overlap between meal services and reasonably ensures children are not receiving more than the daily maximum allowance of meals as required in 7 CFR 225.16(b)(3) (7 CFR 225.6(h)(4)(iii)).

**3. [Revised] May a non-congregate site operate in close proximity to a congregate site that is closed enrolled or a camp?**

Under some circumstances, yes. Non-congregate meal service can potentially be provided by sites that are in close proximity to congregate service sites, such as camps or closed enrolled sites. However, State agencies must ensure that the congregate and non-congregate sites will not serve the same population of children for the same meal service on the same day as outlined in 7 CFR 225.6(h)(3)(iii). See policy memorandum [SFSP 15-2023, Best Practices for Determining Proximity of Sites in the Summer Food Service Program](#), September 28, 2023, for best practices for addressing site proximity.

**4. [Revised] Can existing rural sites switch from congregate to non-congregate meal service?**

Yes. State agencies have the discretion to approve sites to switch between congregate and non-congregate site operations during the middle of summer operations. However, the non-congregate option is not intended to replace congregate meal service. USDA understands the benefits of congregate meal service and the accompanying activities that are often provided and encourages sponsors to continue to provide these opportunities when feasible. When planning for non-congregate meal service, State agencies and sponsors should work to identify and prioritize those rural areas that the congregate SFSP cannot reliably reach.

**5. [Revised] May a sponsor choose to solely operate non-congregate meal service?**

Yes. There are no Federal restrictions prohibiting a sponsor from solely operating non-congregate meal service, where allowable, with State agency approval.

**6. [Revised] May a State agency prohibit a sponsor or site from operating a non-congregate meal service?**

State agencies may not deny a proposed site, or a sponsor application based solely on the intent to provide a non-congregate meal service as permitted under 7 CFR 225.6(b)(12). However, State agencies must determine on a case-by-case basis whether individual sponsors and/or sites are capable of providing non-congregate meal service in rural areas, in line with SFSP requirements. State agencies have the responsibility to deny sponsors whose status is not considered in “good standing” as defined in 7 CFR 225.2. In addition, State agencies must determine whether a proposed site is capable of providing non-congregate meal service in rural areas as required in 7 CFR 225.6(h)(3) and (4). Finally, the State agency must follow the priority system required by 7 CFR 225.6(b)(5) when approving applicants

proposing to serve children in the same area, which should not be the sole reason to prohibit a sponsor or site but may require an applicant sponsor or site to revise their proposed operations if the State agency determines the area is being adequately served. Because of the priority system requirement, a non-SFA could be denied a proposed site if they propose to serve the same children the same meals that an SFA plans to offer.

If the State agency denies a proposed site or a sponsor's non-congregate meal service, it must notify the sponsor of its right to appeal under Program regulations at 7 CFR 225.13. FNS encourages State agencies to consult with their FNS Regional Office (FNSRO) if they need support in evaluating whether a sponsor or proposed site must be denied.

**7. [Revised] May State agencies limit rural non-congregate meal service options (i.e., multi-day meal issuance, parent/guardian pick-up, bulk meal distribution)?**

Per Program regulations at 7 CFR 225.16(i), State agencies may limit the use of non-congregate meal service options on a case-by-case basis. This means that, if a State agency determines that a sponsor does not have the capability to operate or oversee non-congregate meal services at their sites, then the State agency can limit that sponsor's use of non-congregate meal service options. An example of this would be if the State agency determines that the Program sponsor cannot adequately ensure the proper number of meals are distributed to each eligible child. However, State agencies may not limit the use of non-congregate options to only certain types of sponsors or ban certain options statewide.

**8. [Revised] Can a site provide a combination of non-congregate and congregate meal services?**

Yes. Non-congregate meal service may be provided when congregate meal service is not available.

Per Program regulations at 7 CFR 225.6(h)(4), State agencies may approve sites to operate a hybrid program which will provide both congregate and non-congregate meal services. The State agency must ensure that the proposed site meets applicable site approval requirements at 7 CFR 225.6(h)(1), (h)(2), and (h)(3), and that the proposed site will only conduct a non-congregate meal service when the site is not providing a congregate meal service. The sponsor must also have an organized and supervised system which prevents overlap between meal services and reasonably ensures children are not receiving more than the daily maximum allowance of meals as required in 7 CFR 225.16(b)(3).

Examples of how sites can offer both congregate and non-congregate meal services include, but are not limited to:

- A site that only offers breakfast through a congregate meal service may be approved to provide a lunch through non-congregate meal service.
- A congregate site that serves lunch and breakfast three days a week may be approved to provide non-congregate meals for days with no congregate service, including weekends.
- A congregate site that operates in the month of July, may be approved to provide non-congregate meals for the 10-day period following their last congregate meal service day (provided that the 10 days are included in the site's approved service period).

Along with the organized and supervised system the sponsor proposes to prevent overlap between meal services, the State agency should carefully consider the proposed meal service times and operational days to determine if the sponsor has the administrative capability and capacity to carry out the proposed hybrid meal service operations with integrity at all of its applicable sites. Please note, the non-congregate option is not intended to replace congregate meal service. USDA understands the benefits of congregate meal service and the accompanying activities that are often provided and encourages sponsors to continue to provide these opportunities when feasible.

### **Sponsor, Site, and Participant Eligibility**

#### **9. [Revised] How can sponsors provide non-congregate meal service in their communities?**

Approved sponsors can provide non-congregate meal service in rural areas where no congregate meal service is available. When using non-congregate meal service, sponsors should consider the unique service situations of each community, as well as each site's ability to follow appropriate safety measures. As with congregate meal service, sponsors must ensure non-congregate meal service meets State and local health and safety requirements. In addition, sponsors should ensure food selections and packaging promote food safety. Sponsors should also include instructions on at-home storage and preparation, when applicable.

Non-congregate meal distribution methods may include, but are not limited to:

Home delivery: Meals are delivered directly to homes. Delivery could be completed by mail or delivery service or could be hand-delivered by the sponsor's staff or volunteers.

Meal pick-up: Packaged meals are taken home for children to eat later. Examples of meal pickup include "grab and go," curbside service, or take-home backpacks. Meal pickup is available to all children when the pick-up site is located in an area-eligible

area, or to children who are eligible for free or reduced price school meals when the pick-up site is located in an area that is not area-eligible (i.e., conditional non-congregate site). Meals must be packaged and portioned to allow children to carry the food from the meal site to their home.

FNS also encourages sponsors to think creatively about other ways to distribute non-congregate meals to children while ensuring that all meal service requirements are met.

#### **10. [Revised] What if an area is not designated as rural on the FNS Rural Designation Map, but the State agency or sponsor believes it is rural?**

Under the revised definition of “rural” delineated in 7 CFR 225.2, the area may still be eligible for non-congregate meal service if it is a pocket within a Metropolitan Statistical Area which, at the option of the State agency and with the appropriate FNSRO approval, is determined to be rural in character based on other data sources. Therefore, when a State agency wishes to designate a rural pocket, it must consult with the appropriate FNSRO and receive approval prior to establishing any rural sites within that area.

For more information on rural designations in the SFSP, please refer to policy memorandum [SFSP 06-2024, \*Rural Designations in the Summer Food Service Program - Revised\*](#), January 19, 2024.

#### **11. What sources of data can the State agency use to establish area eligibility?**

State agencies can use any of the data sources outlined in policy memorandum [SFSP 03-2017, \*Area Eligibility in Child Nutrition Programs\*](#), December 1, 2016, to verify that sites are located in an eligible area. Data sources include school, census, or other approved sources of data that indicate that 50 percent of the children in the site’s area are eligible for free or reduced price school meals.

#### **12. [Revised] What sources of data are used to determine eligibility for receiving non-congregate meals at conditional non-congregate sites?**

Conditional non-congregate sites that establish individual eligibility for meals use the same categorical eligibility procedures found in 7 CFR 225.15(f) to determine the eligibility of children who are members of households receiving SNAP, FDPIR, or TANF benefits (7 CFR 225.6(f)(1)). Individual eligibility for free or reduced price school meals may therefore be determined by using individual eligibility determinations through school data or by the application process described in Program regulations (7 CFR 225.15(f)). Only meals served to



children eligible for free or reduced price school meals may be claimed for reimbursement at sites of this type.

Additionally, under new Program regulations at 7 CFR 225.6(g), site information sheets submitted by sponsors for conditional non-congregate sites must include 1) the number of children enrolled who meet the Program's income standards if it is a new site; or 2) the number of children enrolled who meet the Program's eligibility standards if it is an experienced site. If such information is not available at the time of application, this information must be submitted as soon as possible thereafter, and in no case later than the filing of the sponsor's claim for reimbursement.

### **13. [Revised] Are camps eligible to offer non-congregate meal service?**

There are no restrictions on providing non-congregate meal service based on sponsor type. All service institutions listed under Program regulations at 7 CFR 225.14(b) are eligible to sponsor the Program and therefore eligible to operate non-congregate meal service, provided all other Program requirements are met. Please note that camps are still required to provide a regularly scheduled food service as part of an organized program for enrolled children, and that such meal programming is generally congregate in nature. However, there may be situations where non-congregate meal service for enrolled children is sensible, such as service of the third meal if a congregate meal service is not provided, or meals provided to be consumed over the weekend while an enrolled child is participating in an active camp session, but during which there are no congregate meals provided.

### **14. [Revised] What are the requirements for initiating home meal delivery for a household?**

Sponsors that are approved to operate a non-congregate meal service using home delivery must be able to identify and invite households of eligible children to participate in the meal delivery service and obtain written consent from the eligible child's parent or guardian to receive delivered meals prior to providing home delivered meals (7 CFR 225.14(d)(6)). Written consent could include hard copy, email, or other electronic means of communication. In addition, sponsors must confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

Furthermore, Program regulations at 7 CFR 225.14(d)(8) require that if a sponsor is not a school food authority (i.e., a non-SFA sponsor) and plans to obtain individual children's program eligibility information through free and reduced price school meal eligibility data, it must enter into a written agreement or Memorandum of Understanding (MOU) with the State

agency or school food authority to use the data for this purpose. However, non-SFA sponsors may also collect their own eligibility data using the household application procedures outlined in Program regulations at 7 CFR 225.15(f) to identify eligible children in non-area eligible areas as an alternative to entering into a written agreement or MOU with the local SFA.

Finally, sponsors must protect the confidentiality of participants and their households throughout the process and ensure the proper handling and storage of student data in accordance with confidentiality and disclosure provisions in the National School Lunch Act and SFSP regulations (7 CFR 225.15(f) through(l)). Part 5 of the *Eligibility Manual for School Meals*, provides specific guidance on applying the statutory and regulatory requirements, and is available online at: <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>. State agencies and sponsors may also refer to the policy memorandum, [SP16 CACFP06 SFSP10-2016: Disclosure Requirements for the Child Nutrition Programs](#), December 7, 2015, for more information.

**15. [Revised] Do sponsors need signed consent forms from parents/guardians before non-congregate meals are provided to children?**

Yes, written parental consent is required for home delivery per Program regulations at 7 CFR 225.14(d)(6) and 225.16(b)(5)(i). The sponsor may provide its own consent form, or the State agency may provide a consent form for sponsors and sites to use. For other non-congregate meal distribution methods, e.g., grab and go, the standard SFSP public notification requirements provided at 7 CFR 225.15(e) are all that is needed.

**16. Do home-delivered meals need to be shelf-stable?**

Not necessarily. The type of meal offered will depend on the resources and capacity of the site. With State agency discretion, sponsors that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so if participating households are also able to accept and safely store the meals. Sponsors should consider whether households have access to refrigeration, stoves, microwaves, etc., when providing food that requires cold storage or further preparation, such as reheating. In addition, sponsors should consider food quality when distributing multiple days' worth of meals to reduce the risk of spoilage in perishable foods that are meant for consumption later in the week. As a reminder, all meals must also meet the SFSP or SSO meal pattern requirements.

**17. [Revised] For sponsors serving non-congregate meals via home meal delivery, should each stop (e.g., home) be considered a site?**

No. Under revised Program definitions in 7 CFR 225.2, a site is defined as the place where a child receives a Program meal. This means that a site can include the indoor or outdoor location where congregate meals are served, a stop on a delivery route of a mobile congregate meal service, or the distribution location or route for a non-congregate meal service. A child's residence is not considered a non-congregate meal site. Program requirements, including site approval by the State agency, do not apply for individual homes for sponsors serving non-congregate meals via home delivery.

**18. [Revised] Does the child need to be present for home meal delivery?**

No. The child does not need to be present at the time of delivery, as long as the sponsor has obtained the household's written consent to deliver meals and has verified their current address. Sponsors should consider State and local food safety requirements and best practices when designing their meal service. Some best practices that have been identified for home meal delivery include requiring parental consent forms for delivery, maintaining clear documentation and records, communicating with the families, taking advantage of community partnerships, and providing clear instructions and storage information to both drivers and families.

**19. [Revised] Does a sponsor need to be in 'good standing' to operate a non-congregate meal service?**

Yes. In order to operate a non-congregate meal service and utilize the non-congregate meal service options available (i.e., multi-day meal issuance, parent/guardian pick-up, bulk meal distribution), sponsors must be considered in 'good standing' under the Child Nutrition Program(s) that they currently operate. Good standing means the program operator has met its Program responsibilities, is current with its financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time (7 CFR 225.2).

**20. [Revised] Are new sponsors allowed to operate a non-congregate meal service?**

Yes, new sponsors may be allowed to operate a rural non-congregate meal service with State agency approval. Experienced sponsors operating a rural non-congregate meal service for the first time are not considered a new sponsor for general application and monitoring purposes;

however, their sites operating non-congregate meal service are considered new under Program requirements (see *new site* in 7 CFR 225.2).

**21. Are Tribal governments eligible to provide a non-congregate meal service as a sponsoring organization?**

Yes. Tribal governments and authorities interested in operating a non-congregate meal service are encouraged to work with State agencies administering the SFSP to determine where and how non-congregate meal service can best operate. For more detailed information on Tribal eligibility, please refer to the policy memorandum [CACFP 18-2012, SFSP 14-2012: Tribal Participation in the CACFP and the SFSP](#), July 14, 2012.

**22. Is non-congregate meal service available during unanticipated school closures?**

Yes. Non-congregate meal service may be available in *rural* areas during the school year when there is an unanticipated school closure related to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or similar unanticipated causes with State agency approval. All unanticipated school closure flexibilities available to sponsors outlined in 7 CFR 225 remain in effect for sponsors operating rural non-congregate meal service during unanticipated school closures.

Please note, only sponsors that meet these requirements and are approved to offer non-congregate meal service as established in 7 CFR 225 may be approved by their State agency to operate non-congregate meal service without a waiver during the school year when an unanticipated school closure occurs. In all other circumstances, State agencies must continue to rely on the established National School Lunch Act Section 12(l) waiver process to allow non-congregate meal service for sponsors experiencing an unanticipated school closure.

**Meal Service**

**23. [Revised] Can sponsors provide food items in bulk, either through pick up or home delivery?**

Yes. Bulk items may be served if the sponsor is in good standing, as defined in 7 CFR 225.2. However, the State agency may deny the use of this flexibility on a case-by-case basis, if it determines the sponsor is incapable of ensuring that the proper number of meals are distributed to eligible children. In addition, State agencies must determine whether a sponsor's proposed distribution of bulk foods meets State and local health, safety, and sanitation standards. Furthermore, to ensure Program integrity, additional restrictions

around pairing bulk food distribution with multi-day meal issuance are outlined in 7 CFR 225.15(i)(3)(v) and described below. Sponsors must ensure the following when using bulk food items:

- Required food components for each reimbursable meal served meet the meal pattern requirements at 7 CFR 225.16(d);
- All food items that contribute to a reimbursable meal are clearly identifiable;
- Menus are provided and clearly indicate the food items and portion sizes for each reimbursable meal;
- Food preparation, such as heating or warming, is minimal; and
- The maximum number of reimbursable meals provided to a child does not exceed the number of meals that could be provided over a 5-calendar day period (or less if the State agency establishes a shorter calendar day period, for multi-day meal issuance, on a case-by-case basis). Similarly, a State agency may approve a sponsor to provide up to 10 days' worth of bulk meals on a case-by-case basis, when the State agency determines that the sponsor has taken reasonable steps to ensure program integrity, and that such service is needed and appropriate.

Finally, approved sponsors should follow the guidance at <https://www.fns.usda.gov/tn/offering-multiple-meals-part-summer-non-congregate-meal-service> when considering using bulk food distribution for non-congregate meal service.

#### **24. What is the difference between bulk items and multi-day meal issuance, and how do they relate to unitized meals?**

*Bulk items* in the non-congregate meal service are specific food items provided in a larger quantity than required for a single meal service. For example, a loaf of bread and a package of luncheon meat may be distributed as bulk items instead of being pre-assembled into individual sandwiches. A unitized meal is a meal that is individually portioned, packaged, and served as a unit; beverages such as milk or juice may be packaged separately, but served with the unitized meal.

*Multi-day meal issuance* in non-congregate meal service is when multiple days of meals are provided on one day, whether unitized or comprised of bulk items. For example, a sponsor may provide five days of meals every Monday. Unitized meals served in this fashion would be provided in five distinctly packaged units or sets of menu items. Bulk items, while not unitized in this fashion, must still be able to be portioned into specific quantities in line with the applicable meal pattern requirements, to preserve the quality of the intended menu items and/or meals.

**25. What are the requirements for serving non-congregate meals related to meal modifications for participants with disabilities or other medical or special dietary needs?**

States and sponsors are still required to provide meal modifications for participants with disabilities when serving non-congregate meals. When planning a non-congregate meal service, State agencies and program operators should consider how individuals who require meal modifications will be identified and served appropriately. Individual substitutions may also be made at a sponsor's discretion for a child with a non-disability medical or other special dietary need. Households should have a way of notifying the sponsor of the need for individual substitutions due to medical or other special dietary needs.

**26. [Revised] Can offer versus serve (OVS) be used in non-congregate settings?**

In some cases, yes. With State agency approval, SFA sponsors may use OVS as outlined in Program regulations at 7 CFR 225.16(f)(1)(ii). Non-SFA sponsors may not use OVS as part of their non-congregate meal service, consistent with the limitation similarly established in the NSLA at 42 USC 1761(f)(7). SFAs utilizing OVS must be able to follow the SFSP or SSO OVS meal service parameters in their entirety as stipulated in the table below. When using OVS in a non-congregate setting, SFAs should consider the unique service situations of each site, as well as each site's ability to follow appropriate safety measures. As a reminder, OVS is not intended to be a way to circumvent meal pattern requirements or eliminate specific components:

		<b>SFSP</b>	<b>SSO</b>
<b>Breakfast</b>			
<b><i>Offered</i></b>	<b>Fruit/Vegetable</b>	One serving,	One serving,
	<b>Bread/Bread Alternate Bread/Grains</b>	One serving,	One serving,
	<b>Milk</b>	One serving, and	One serving, and
		One additional serving of fruit/vegetable, bread/bread alternate, or a serving of a meat/meat alternate.	One additional serving of fruit/vegetable, bread/bread alternate, or a serving of a meat/meat alternate.
<b><i>Served</i></b>		A child must take at least three of any of the four	A child must take at least three of any of the four food

		food items offered and may choose to take all four items.	items offered and may choose to take all four items.
<b>Lunch/Supper</b>			
<b>Offered</b>	<b>Meat/Meat Alternate</b>	One serving,	One serving,
	<b>Fruit</b>	Two servings of fruit and/or vegetables (two different food items),	One serving,
	<b>Vegetable</b>		One serving,
	<b>Bread/Bread Alternate Bread/Grains</b>	One serving, and	One serving, and
	<b>Milk</b>	One serving.	One serving.
<b>Served</b>		A child must take at least three food components and may choose to take all five items.	A child must take at least three food components and may choose to take all five items.

FNS encourages SFAs that wish to use OVS to think creatively about how to implement this flexibility while ensuring that all meal service requirements are met. A few best practices when using OVS in non-congregate settings include, but are not limited to:

- Buffet style meal pick-up for daily non-congregate meal service operations;
- Pre-ordering or online ordering system where children can choose their meal items prior to meal pick-up or delivery; and
- Gathering participant feedback and adjusting meal service flexibilities (bulk food items and multi-day meal issuance) and menus, as needed.

## **27. [Revised] What are the requirements related to site caps for non-congregate meal service in rural areas?**

The site cap requirement at 7 CFR 225.6(h)(2) remains for both congregate and non-congregate meal service. A site cap is established for all sites during the application and approval process. When evaluating proposed meal service sites, State agencies must ensure that sites have adequate facilities and capacity to prepare and/or distribute meals for the number of children they are approved to serve. For non-congregate meal sites, site caps must be set to ensure that only one meal per child per meal service is prepared and distributed. Site caps may be adjusted and approved by the State agency as necessary.

For more information regarding site caps in the SFSP, please see policy memoranda [SFSP 16-2015: Site Caps in the Summer Food Service Program: Revised](#), April 21, 2015, and [SFSP 09-2023, Approved Levels of Meals for Vended Sites in the Summer Food Service Program](#), May 31, 2023.

**28. [Revised] How many meals per child may be provided through non-congregate meal service?**

The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. For most sites, up to two meals, or one meal and one snack, per child, per day may be offered, in any combination except lunch and supper. Sponsors approved to operate multi-day meal issuance may distribute the allowable number of reimbursable meals that would be provided over a 10-day calendar day period. However, State agencies retain the discretion to limit the number of meals a sponsor may distribute at once on a case-by-case basis as outlined in 7 CFR 225.16(i)(1).

State agencies should consider both the benefits of multi-day issuance and the need to maintain the food safety, service, and integrity standards of the Program. Meals provided through non-congregate meal service should not require more than minimal preparation by children and families; specifically, non-congregate meals should not require cooking, chopping, or other preparation requiring equipment or cooking skills. In addition, SFSP and/or NSLP and School Breakfast Program (SBP) regulations and meal pattern requirements still apply when offering non-congregate meals.

**29. [Revised] How is home delivery different from the mobile meals operated by some summer sponsors during the past several years?**

Home delivery is a meal distribution method for sponsors operating a rural non-congregate meal service where households with eligible children have consented to receive meals delivered directly to their homes. A child's residence is not considered a non-congregate meal site for Program monitoring purposes.

In mobile meals, the sponsor delivers meals to an area using a route with stops at approved locations in the community. A mobile meal service may be congregate or non-congregate. However, congregate mobile meal service is supervised, and all meals are consumed at the site, on the bus or near the drop-off location as outlined in policy memoranda [SP 02-2014, SFSP 02-2014: Mobile Feeding Options in Summer Feeding Programs](#), November 8, 2013.



**30. Are there additional health and safety requirements for Program operators and site supervisors providing non-congregate meal service?**

All State-sponsor agreements must include an agreement to store, prepare, and serve food and maintain proper sanitation and health standards in conformance with all applicable State and local standards. Therefore, sponsors providing non-congregate meal service in rural areas should prepare a food safety plan to ensure the meal service will be conducted safely. As a reminder, all food service staff must be trained on Program operations, which include local health, food safety, and sanitation guidelines. Sponsors should contact the State SFSP administering agency for training materials promoting food safety in the non-congregate meal service setting. Sponsors can also visit the Institute of Child Nutrition's Food Safety for Summer Meals webpage (<https://theicn.org/icn-resources-a-z/foodsafety-for-summermeals/>) for additional resources related to food safety in summer meals.

**General/Miscellaneous:**

**31. [Revised] Is additional funding available for non-congregate meal service?**

No. There is no additional Federal reimbursement for meals provided through non-congregate meal service; standard reimbursement rates continue to apply. Because non-congregate sites are by definition "rural," they qualify for the higher rural/self-preparation rates of reimbursement. Expenses related to meal delivery, such as postage or delivery service fees, are considered an allowable cost under the SFSP or SSO. Delivery costs could also be paid with non-program funds such as State or local funds, or private donations. Standard reimbursement rates for SFSP (<https://www.fns.usda.gov/sfsp/fr-011924>) and SSO (<https://www.fns.usda.gov/fr/cn-070723>) remain in effect.

**32. Do sponsors need to display the "And Justice for All" (AJFA) posters at non-congregate meal sites?**

The AJFA poster must be prominently displayed at all non-congregate meal sites, including on all vehicles (such as in a window) making door-to-door drop deliveries at homes, and in all pick up facilities and locations providing non-congregate meal service in rural areas. State agencies and sponsors must ensure that outreach strategies and meal service do not discriminate based on race, color, national origin, age, disability, or sex (including gender identity and sexual orientation).

## Monitoring

### **33. Are SFSP monitoring requirements of non-congregate sponsors and sites the same as they are for congregate sponsors and sites?**

Yes. All existing monitoring requirements for State agencies and sponsors apply to non-congregate sponsors and sites. This includes but is not limited to pre-approval visits, sponsor and site reviews, follow-up reviews, and meal preparation facility reviews by State agencies (as specified in 7 CFR 225.7); and pre-operational and first two-week site visits and full meal service reviews conducted by sponsors (as specified in 7 CFR 225.15).

## *State Agency Monitoring*

### **34. How should State agencies factor in non-congregate rural sites when selecting sites to visit as part of a required SFSP review of Program operations?**

The State agency should follow its State-developed criteria for site selection as outlined at 7 CFR 225.7(e)(5)(i). In applying these criteria, State agencies should observe a variety of site types, to the extent possible, including non-congregate sites and meal distribution method. State agencies should also consider integrity concerns such as identical or very similar claiming patterns, i.e., block claiming, with non-congregate meal service when making site selections as outlined in 7 CFR 225.7(e)(5)(ii).

### **35. [Revised] How can State agencies monitor non-congregate meal service models?**

State agencies should develop and apply procedures and guidance specifically for non-congregate sites, paying particular attention to integrity risks related to meal counting and claiming. Below are some ways to review non-congregate meal service. In addition to these, FNS encourages States to utilize oversight activities they have already developed to ensure Program integrity, particularly those measures related to ensuring eligible children receive the proper number of meals.

## Home Delivery

As part of the State agency's review of the sponsor, all sponsors providing home delivered meals should:

- Provide evidence of written consent from the eligible child's parent or guardian that the household wants to receive delivered meals;
- Provide a record of how many children are eligible to receive meals in the home and how many meals were provided in each meal delivery; and

- If applicable, provide a copy of the MOU between the sponsor and the SFA for use of household eligibility information.

The State agency may provide additional guidance to its sponsors as to how this information is recorded. State agencies may use records such as consent forms to verify meals are going to homes with children residing there and to ensure overall integrity of the Program.

As part of the meal service observation during the review, the State agency should:

- Observe meal packaging, including the assembly of meals (if applicable);
- Observe meal delivery;
- Ensure meal pattern requirements are met (unitized or bulk);
- Ensure appropriate number of meals are delivered (ex. multi-day issuance);
- Ensure meal delivery times are followed as stated on the application approved by the State agency;
- Ensure local health, food safety and sanitation standards are followed;
- Ensure 'And Justice for All' poster is properly displayed on delivery vehicles and civil rights requirements are met; and
- Ensure compliance with other State agency requirements as outlined at 7 CFR 225.7 or 7 CFR 210 and 220.

### Meal Pickup

If the site is operating a meal pickup, State agencies should verify that the sponsor provides packaged meals that can be carried from the non-congregate site to the homes, including multi-day issuance. Verification should be accomplished with onsite methods as determined by the State agency. Sponsors approved by the State agency to distribute meals to parents or guardians must maintain accountability and Program integrity. This includes establishing procedures and processes that ensure meals are distributed only to children or to the parents or guardians of eligible children, and that duplicate meals are not distributed.

As part of the meal service observation during the review, the State agency should:

- Observe meal packaging;
- Observe meal pickup;
- Ensure meal pattern requirements are met (unitized or bulk);
- Ensure meal pickup times are followed as stated on the application approved by the State agency;
- Ensure appropriate number of meals are distributed (e.g., multi-day issuance);
- Ensure local health, food safety, and sanitation standards are followed;
- Ensure 'And Justice for All' poster is properly displayed at pickup sites and civil rights requirements are met; and

- Ensure compliance with other State agency requirements as outlined at 7 CFR 225.7 or 7 CFR 210 and 220.

### Bulk Meal Distribution

Sites approved by the State agency to provide bulk distributions for multi-day meal issuance must issue food items that meet the minimum meal pattern requirement for each component of a reimbursable meal for each meal service type (i.e., breakfast, lunch/supper, snack). When the site is operating a bulk meal distribution for meal pick-up or home delivery, the State agency must ensure the following:

- Required food components in the proper minimum amounts for each reimbursable meal are being served;
- Food items are clearly identifiable as making up reimbursable meals;
- Menus are provided with directions indicating which items are to be used for each meal and the portion sizes; and
- Only minimal preparation is required, meaning that food is generally not being provided as ingredients for recipes that require chopping, mixing, baking, etc.

When deciding to offer multiple meals for pick-up or delivery, sponsors should consider several factors such as food safety risks, access to kitchen appliances and cooking tools, and availability of the parent or guardian to assist with meal preparation. For additional information on providing bulk meals, see Program guidance, *Offering Multiple Meals as Part of Summer Non-Congregate Meal Service*, <https://www.fns.usda.gov/tn/offering-multiple-meals-part-summer-non-congregate-meal-service>.

### **36. [Revised] How should State agencies monitor sites operating a multi-day meal issuance?**

State agencies will monitor sites operating a multi-day meal issuance by adhering to the same monitoring regulations as they would for other non-congregate meal service options. State agencies may allow multi-day meal pick-up in non-congregate rural settings. A maximum of 10 days' worth of meals per 10 calendar days may be distributed at one-time. This must also coincide with how often the site is operating a State agency-approved meal service. State agencies should confirm that sponsors have a system in place to ensure that the proper number of meals are distributed to each eligible child. State agencies should consider the meal service dates when determining the number of meals that can be distributed. For example, if a non-congregate meal site is operating once every five days for lunch meal service, a multi-day meal issuance may include up to five lunches. In addition, State agencies should monitor site proximities to discourage duplication of meals.

**37. [Revised] How should a State agency monitor an SFSP sponsor that operates both congregate and non-congregate sites?**

As outlined above, monitoring requirements at 7 CFR 225.7 apply to both congregate and non-congregate meal service models, which include conducting sponsor and site reviews, review of food service operations, and meal claim validation. When reviewing an SFSP sponsor that operates both congregate and non-congregate sites, the State agency should prioritize selecting non-congregate sites as part of their review. The type of meal service must be indicated on the sponsor monitor review form as provided by the State agency per 7 CFR 225.7(j).

In addition, the State agency should separately review a sponsor's meal count records for congregate and non-congregate meal services. Detailed records must be kept for each meal type separately, including breakfast, lunch/supper, and snacks. Separate records should also be reviewed for temperature logs. Food served during congregate meal services is normally held in a refrigerator, cooler, or other permanent type of warming or cooling device while food served with the home delivery model will require use of equipment in a mobile setting.

***SFSP Sponsor Monitoring***

**38. How should sponsors include non-congregate rural sites into the monitoring process?**

Just as they would for congregate meal sites per 7 CFR 225.15(d)(4), sponsors must conduct a full review of food service operations at each non-congregate meal site at least once during the first four weeks of program operations. Taking into consideration the distance and time it takes to monitor on-site operations, particularly in rural areas, the sponsor may conduct an initial site visit and full meal service review at the same time, but within the first two weeks of operation. If sponsors need to conduct additional reviews after the initial site visit and full meal service review have been completed on-site, and if no further on-site observation is needed, the State agency may establish off-site monitoring criteria. For further information on monitoring activities that can be conducted off-site, see policy memoranda [SFSP 06-2023, Oversight and Monitoring of the Summer Food Service Program - Guidance on On-site and Off-site Strategies and Options](#), April 6, 2023.

**39. What does a full site review of food service look like for non-congregate meal service?**

The purpose of a full site review of food service operations is to ensure the site is operating as described in the approved site application. A full site review of meal service for non-

congregate sites may look different than a full site review of a congregate meal service, depending on the meal distribution method being used. A full site review of a non-congregate site includes reviewing the entire meal service time, which is the time established by the sponsor, approved by the State agency, for a site to distribute meals. For example, with a home delivery, a full meal service review may include observing the meals being loaded into delivery vehicles, checking meal logs and delivery routes, and additional items outlined by the State agency. The sponsor must also ride along with or follow the delivery driver along the distribution route to observe the meal delivery. In the instance of meal pickup such as grab-and-go, the meal service review may also include observing the self-preparation of meals. In all non-congregate meal service models, the sponsor must ensure eligible children are receiving the proper number of meals that meet nutritional standards and are consistent with all applicable State and local health, safety, and sanitation standards.

**40. Are existing sites which are switching from a congregate feeding model to non-congregate meal service considered “new” sites for monitoring purposes?**

Yes. Sites switching from congregate meal service to non-congregate are considered “new” sites, including sites switching to operating a hybrid of both congregate and non-congregate (e.g., congregate breakfast and non-congregate lunch). As outlined at 7 CFR 225.15(d)(3), sponsors must visit all new sites at least once during the first two weeks of program operations. This means sponsors must visit all existing sites switching from congregate to non-congregate meal service.

***Seamless Summer Option (SSO) Monitoring Requirements***

**41. What State monitoring requirements apply to SFAs that operate non-congregate rural sites under the Seamless Summer Option?**

As with SFAs that operate congregate sites in SSO, State agencies will use the School Meal Program’s Administrative Review process, outlined in 7 CFR 210.18, to conduct monitoring of SFAs that operate non-congregate rural sites. Reviewers are expected to ensure that sites conducting non-congregate meal services comply with all other Program requirements and properly operate the non-congregate meal service (e.g., the site is complying with food safety requirements, ensures that only one meal is provided per child per meal service type, and meals are properly counted and claimed).

**42. What criteria should the State agency consider when selecting SSO non-congregate rural sites to visit as part of a required School Meal Program's administrative review?**

The State agency must review, at a minimum, one site if the SFA selected for a School Meal Programs administrative review operates SSO. This review can take place at any site within the reviewed SFA the summer before or after the school year in which the administrative review is scheduled. State agencies should prioritize non-congregate sites when making their site selection for review.

**Reporting**

**43. What are the meal reporting requirements for non-congregate meals in the SFSP and SSO beyond summer 2024?**

To provide adequate time for State agency systems to collect the additional information and report it in the Food Programs Reporting System (FPRS), the FNS-418 and FNS-10 forms that include non-congregate meal service have been updated and will be effective starting in summer 2025. The FNS-418 will capture data related to the non-congregate meal service option in SFSP. The FNS-10 will capture information related to SSO as well as the new non-congregate meal service option. More information about the updated FNS-418 and FNS-10 is forthcoming.

**44. [Revised] What are the sponsors, sites, and average daily attendance reporting requirements for the July 90-day report for the FNS-418?**

The number of sponsors and sites operating congregate and non-congregate meal service should be reported together on the applicable section of the FNS-418.

For summer 2024, as in summer 2023, State agencies should report average daily attendance for all meals served, through both congregate and non-congregate meal services, in the applicable field on the FNS-418. States do not need to separately report average daily attendance for only congregate meal service sites.

*Management and Administration Plans (MAPs)***45. [Revised] What information regarding non-congregate SFSP meal service is required in the management and administration plan (MAP)?**

FNS released a policy memorandum to provide State agencies with guidance on completing their MAP for fiscal year 2024 and beyond. This policy memorandum addresses information regarding non-congregate SFSP meal service that is required in the MAP. An example of such information, includes but not limited to:

- Participation projections;
- Sponsor information;
- Plans for targeting and outreach;
- How State Administrative Funds (SAF) will be used to support non-congregate meal service; and
- Strategies for providing technical assistance and ensuring integrity requirements are met.

State agencies should consult [SFSP 05-2024, Rural Non-Congregate in the Summer Food Service Program: Guidance on the Management and Administration Plan and State Administrative Funds](#), January 22, 2024, for further information.

**46. [Revised] How will State agencies estimate the appropriate amount of SAF to support the non-congregate SFSP meal service for summer 2024?**

FNS recognizes that determining an appropriate amount of funding to support the non-congregate meal service option may be challenging. In recognition of this, in FY 2024, FNS is providing State agencies with 10 percent more SAF funding than they received in FY 2023. State agencies needing additional funding should work with their FNSRO and request SAF funding adequate to cover the State-level administrative costs of operating SFSP in FY 2024, in line with the size of the program projected on the MAP.