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April 18, 2024

MEMORANDUM

TO: Summer Food Service Program (SFSP) Sponsors

FROM: Aimee F. Beam, MS, RD. *AB*
Education Associate, Nutrition Programs

RE: **2024 Operational Memo #13**
Non-Congregate Meal Service in Rural Areas: Questions and Answers #2

On March 27, 2024, the United States Department of Agriculture (USDA) released SFSP 08-2024. This memorandum contains additional questions and answers regarding non-congregate meal service in rural areas.

The memo is attached for your reference.

Please contact us with any questions at 302-857-3356.

Attachments: SFSP 08-2024, SP 15-2024 Non-Congregate Meal Service in Rural Areas: Questions and Answers #2

cc: Nutrition Team



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

Date: March 27, 2024

Memo Code: SFSP 08-2024, SP 15-2024

Subject: Non-Congregate Meal Service in Rural Areas: Questions and Answers #2

To: Regional Directors, Child Nutrition Programs, All Regions
State Directors, Child Nutrition Programs, All States

This memorandum is the second set of questions and answers on 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), *Implementing Provisions from the Consolidated Appropriations Act, 2023: [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.

The purpose of this memorandum is to address additional implementation topics based on feedback received by State agencies and program stakeholders. The first memorandum in this series, [SFSP 07-2024, SP 13-2024, Non-Congregate Meal Service in Rural Areas Questions and Answers](#), February 21, 2024, updates earlier guidance originally issued for Summer 2023 operations and ensures consistency with the provisions of the IFR. The following operational topics are addressed in this guidance:

- Sponsor, site, and participant eligibility;
- Rural designations;
- State agency approval of non-congregate meal service;
- Conditional non-congregate sites;
- Parent or guardian meal pick-up;
- Meal service;
- Monitoring;
- Reporting;
- Management and administration plans (MAP); and
- General/Miscellaneous.

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,

J
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Sponsor, Site, and Participant Eligibility

1. ***Are there any differences in area eligibility requirements for non-congregate meal sites and congregate meal sites?***

No. There are no changes to area eligibility requirements. State agencies and sponsors should continue to follow regulations and previously issued guidance to determine area eligibility for meal sites, regardless of meal service model. Please note that camps and conditional non-congregate sites may not use area eligibility to establish site eligibility. Please see [SP 08-2017](#), [CACFP 04-2017](#), [SFSP 03-2017](#), [Area Eligibility in Child Nutrition Programs](#), December 1, 2016.

2. ***Can a closed enrolled site offer free non-congregate meals to all enrolled children and claim all meals as they would for congregate meals?***

Yes, if approved for non-congregate meal service. The site definition and eligibility requirements for closed enrolled sites have not changed under the non-congregate meal service option. Closed enrolled sites must establish eligibility either through the individual income eligibility of the children attending the site or through area eligibility.

3. ***Does a child need to be a full-time resident of an area where the site is located in order to be eligible for non-congregate meals?***

No. while sites can use area information to establish eligibility, there are no Federal restrictions limiting attendance at meal sites to children that reside in the area. Similar to traditional congregate meal service, open sites must be open to broad community participation. Sponsors of restricted open sites may limit attendance for security, safety, or control reasons. However, State agencies may not allow sponsors to participate as a restricted open site instead of an open site solely to serve to serve meals to an identified group of children without a valid reason. Closed enrolled sites, conditional non-congregate sites, and camps have the discretion to limit attendance to enrolled children, who could be an identified group based on residency.

4. ***If a child residing in an area served by a rural non-congregate site relocates from one state to another during the summer, will they still be eligible to receive non-congregate meals?***

It depends. If a child were to move from one State to another in the middle of the summer, the child would be able to access summer meals through sponsors or sites serving the area they moved to (if such sites exist). Continued access to non-congregate meals will depend on

the Program(s) approved to serve the area the child moved to, and whether that area is designated as rural.

5. ***What are the site type options for sponsors that want to operate a non-congregate site in a location that is not area eligible?***

There are several ways in which a site that is not area eligible can participate in the Program and offer non-congregate meal service:

- As a closed enrolled site which establishes the individual income eligibility of the children attending the site through household applications. At least 50 percent of the enrolled children at the site must be eligible for free or reduced price school meals.
- As a conditional non-congregate site that is able to make individual eligibility determinations of the children attending the site.
- As a camp if the site will offer a regularly scheduled food service as part of an organized program for enrolled children.

Rural Designation

6. ***Is the State agency required to refer a potential rural pocket designation request to their FNS Regional Office?***

Yes. Per paragraph (7) of the rural definition in 7 CFR 225.2, FNS Regional Offices (FNSRO) are responsible for approving rural pocket designations based on justification and data provided by the State agency. State agencies have the discretion to request rural pocket designations for proposed sites that are not rural based on the data sources listed in 225.2. If a State agency believes an area has rural characteristics and can provide data to support this classification, they must work with their FNSRO to seek rural pocket approval.

7. ***Can rural pocket determinations from 2023 be applied to rural designations for summer 2024?***

Any site determined as rural in 2023 may continue with that rural designation for a period of 5 years (i.e., through summer 2027), unless the State agency determines that an area's rural status has changed significantly since the designation in 2023. As outlined in Program regulations at 7 CFR 225.6(g)(1)(iii) for new sites and 7 CFR 225.6(g)(2)(ii) for experienced sites, a rural designation is effective for a period of 5 years, which means summer 2024 would be considered year two of the five-year effective period for sites designated rural in summer 2023. As a reminder, documentation supporting the rural designation is required.

8. *What would be considered acceptable rural documentation (7 CFR 225.6(g)(1)(iii) and (g)(2)(ii))?*

Rural documentation may include screenshot(s) of the location or area on the [FNS Rural Designation Map](#), copies of the Federal data sets identified in the Program definition of rural (7 CFR 225.2) which verify the area's rural status, or a rural pocket determination that has been submitted to and approved by the FNSRO.

Provided documentation must include the date that the data was accessed. Non-governmental organization rural maps, if used, must demonstrate that they comply with the rural definition in 7 CFR 225.2. FNS strongly encourages State agencies to use the official FNS Rural Designation map. Sponsors must submit rural documentation along with their site information sheet (State agencies can provide technical assistance in securing this documentation).

9. *Is rural documentation required for congregate meal service sites?*

Yes, if a congregate meal service site plans to submit claims for the higher rural reimbursement rate. As defined by Program regulations at [7 CFR 225.6\(g\)\(1\)\(iii\)](#) for new sites and [7 CFR 225.6\(g\)\(2\)\(ii\)](#) for experienced sites, documentation supporting a rural designation is required in the site information sheet submitted by Program sponsors for each site where the sponsor has indicated that the site is rural, regardless of the proposed meal service model.

10. *Is each stop along a non-congregate mobile meal pick-up route (i.e., not home delivery) considered a site?*

Yes, each stop along a non-congregate mobile meal pick-up route is considered a site. A non-congregate mobile meal pick-up route may include stops at parks, local recreation areas, etc., similar to a congregate mobile meal route where each stop must be an approved site. Sites along a non-congregate mobile meal route must meet the site eligibility criteria at 7 CFR 225.6(h)(3) and are subject to the same Program monitoring requirements. This includes having adequate supervisory and operational personnel for overall monitoring and management of each site.

State Agency Approval of Non-Congregate Meal Service

- 11. *For sponsors proposing to provide both congregate and non-congregate meal services at the same site (hybrid), is it acceptable to offer a non-congregate meal during congregate meal service, if the non-congregate meal is intended for a different meal service time?***

A non-congregate meal can be provided after a child receives and consumes their congregate meal. For instance, if a hybrid site plans to offer a congregate breakfast and a non-congregate lunch because they lack activities to keep children onsite for both meals, they could serve the congregate breakfast and then provide the non-congregate lunch as the children are leaving the site. However, it would not be acceptable to provide the non-congregate lunch and congregate breakfast simultaneously as outlined in Program regulations at 7 CFR 225.6(h)(4)(ii). Additionally, the sponsor must have a system in place to prevent meal service overlap, ensuring children do not receive more than the maximum daily meal allowance as required in 7 CFR 225.16(b)(3). In the above example, participants should be informed that the meal being provided is intended to be consumed for lunch that same day.

- 12. *Is it permissible for a school food authority (SFA) to provide a congregate breakfast and lunch to children enrolled in summer school, while simultaneously providing a non-congregate meal service for children in the community?***

No. Non-congregate meal service is only allowed when the site is not providing a congregate meal service (7 CFR 225.6(h)(4)(ii)). Per 7 CFR 225.14(d)(2), sites which provide summer school sessions must ensure that meal sites are open to both the children enrolled in the summer school as well as those that reside in the area served by the site. Furthermore, schools offering accredited summer school programs cannot enroll in the SFSP as a restricted open site solely to serve non-congregate meals to summer school attendees.

Schools wanting to provide meals exclusively to students enrolled in academic summer school programs retain the option to operate and receive reimbursement through the National School Lunch Program (NSLP) and School Breakfast Program (SBP). For instance, a school can offer NSLP and SBP meal service to students enrolled in the academic summer school program and also provide SFSP non-congregate meal service to children in the community. However, SFAs, should have an integrity plan in place to prevent meal service overlap.

- 13. *If an experienced sponsor has a gap in Program operation, are they classified as a new sponsor? For example, a sponsor provided non-congregate meal service in 2023, but not in 2024, and plans to resume operations in 2025.***

Yes. The definition of a new sponsor is a sponsor which did not participate in the Program in the prior year, or as determined by the State agency, a site which has experienced significant staff turnover from the prior year (7 CFR 225.2, “new sponsor”). Thus, a sponsor that has a gap in Program operation would be considered new.

14. *Can a State agency require a sponsor to demonstrate successful operation of a congregate site before being allowed to operate a non-congregate site?*

No. State agencies must evaluate new sponsors individually to ascertain their capability to offer non-congregate meal service. If a State agency denies a sponsor’s request for non-congregate meal service, it must notify the sponsor of its right to appeal according to Program regulations at 7 CFR 225.13.

15. *What factors should a State agency consider when evaluating grounds for disapproval of a sponsor’s request to operate non-congregate meal service?*

When reviewing sponsor applications, the State agency should follow and evaluate sponsors according to regulations at 7 CFR 225.6(b) and 225.6(c). State agencies should consider the resources and capabilities of each applicant to ensure they can effectively operate all proposed sites. Sponsors seeking to operate non-congregate meal service must include the following in their applications:

- An organized and supervised system for serving meals to children;
- If the site is rural and the documentation supporting the rural designation;
- If the meal service is congregate or non-congregate;
- If the site qualifies as a conditional non-congregate site;
- Documentation of the number of children enrolled in the Program who meet income eligibility standards;
- Integrity safeguards to ensure meals are only distributed to eligible children;
- Processes on preventing the duplication of meals; and
- What non-congregate meal service flexibility the sponsor is electing to use (i.e., bulk meal components, multi-day meal issuance, and parent/guardian pickup), if applicable.

State agencies may establish additional criteria around approval of non-congregate meal service and if those criteria are not met, the State agency may deny a sponsor’s application.

16. *Is the denial of a meal service flexibility, such as bulk meal components, multi-day meal issuance, and parent or guardian meal pick-up an appealable action?*

No, the State agency's decision to prohibit a sponsor from using a non-congregate meal service flexibility is not an appealable action as outlined in 7 CFR 225.16(i). State agencies have the authority to decide on a case-by-case basis whether sponsors can use the non-congregate meal service flexibilities. They also have the authority to prohibit sponsors from using these flexibilities without the option to appeal when there are concerns about adequate implementation and site monitoring. However, USDA encourages State agencies to consider the needs of the proposed area and to explore options for the sponsor to successfully operate and monitor the proposed meal service flexibility. State agencies may also consider implementing additional safeguards as part of their approval process, such as requiring sponsors to submit integrity or food safety plans.

17. *What measures can State agencies implement to prevent meal duplication when approving meal service locations, particularly when proposed non-congregate sites are in close proximity?*

Similar to congregate meal service operations, the operation of open sites in close proximity to each other can potentially lead to duplicate meal service. Approving non-congregate meal sites may involve implementing various best practices used for approving congregate meal sites, such as setting minimum distances between sites. 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 when addressing site proximity. Other identified best practices specific to non-congregate meal service in close proximity, include:

- Restricting meal service times to reasonable or shorter periods instead of permitting extended or nearly all-day distribution times, which ensures that sponsors and State agencies can effectively monitor meal service times to conduct full reviews of the meal service.
- Approving meal sites in close proximity that offer meals which attract different groups of children.
- Requiring sponsors that operate an open non-congregate site near a closed enrolled congregate site to schedule their meal service times to start and finish before the closed enrolled site's meal service ends, to prevent meal duplication.
- Ensuring that sponsors operating sites in close proximity have a way to contact each other to prevent possible meal duplication.

As a reminder, State agencies are responsible for ensuring that self-preparation sites are approved to serve only the number of children for which their facilities are suitable (7 CFR 225.6(h)(1)(iii)), and that vended sites establish an approved maximum level for the number of children's meals served during each meal service under the Program (7 CFR 225.6(h)(2)), (i.e., site caps). These requirements apply to non-congregate meal sites as well, and considering downward or upward adjustments may be a method to identify or prevent

duplicate meal services. State agencies have the authority to set specific criteria or guidelines for sponsors to follow in their procedures to prevent meal duplication at their sites.

Conditional Non-Congregate Sites

18. *How are conditional non-congregate sites different from closed enrolled sites and open sites?*

As outlined in Program regulations at 7 CFR 225.8(d)(2)(iii), conditional non-congregate sites are classified as a unique type of site approval, therefore having its own site approval process. Conditional non-congregate sites are sites that qualify for Program participation because they conduct a non-congregate meal service for eligible children in an area that does not meet the definition of “areas in which poor economic conditions exist” and is not a “Camp.” Unlike closed enrolled and open sites, conditional non-congregate sites are not required to establish income eligibility at the 50 percent level. Instead, they are reimbursed solely for meals served to children who meet the income eligibility criteria for free or reduced price school meals. To determine eligibility for children, sponsors of conditional non-congregate sites may utilize household applications or rely on lists of income eligible children provided through the school system.

19. *If a school that participates in the Community Eligibility Provision (CEP) wants to operate a non-congregate SFSP or SSO meal service during the summer, would it need to be a conditional non-congregate site that conducts individual eligibility determinations?*

This depends on how the CEP school is able to establish site eligibility. CEP schools that are area eligible and located in rural areas may operate the SFSP or SSO as a non-congregate open or closed enrolled site. CEP school sites may use the individual school’s identified student percentage (ISP) data to determine area eligibility (please see [SP 08-2017, CACFP 04-2017, SFSP 03-2017, Area Eligibility in Child Nutrition Programs](#), December 1, 2016, and Question 35 of [SP 09-2024, Community Eligibility Provision: Guidance and Updated Q&As](#), February 6, 2024, for information on how area eligibility percentages are determined using a CEP school’s ISP data). As a reminder, there are other allowable data sources CEP schools can use other than ISP data to establish area eligibility (7 CFR 225.2).

If a CEP school site’s attendance area is not area eligible but is located in a rural area, the site could operate as a conditional non-congregate SFSP or SSO site that serves an enrolled group of children. In this case, the site would need to conduct individual eligibility determinations using direct certification data and the application process described under 7 CFR 225.15(f). As a reminder, meal reimbursements for conditional non-congregate SFSP and SSO sites are only for meals served free to enrolled children who individually meet the Program’s income eligibility standards.

20. *In what situations could a conditional non-congregate site be approved?*

A conditional non-congregate meal site is best utilized when targeting children that reside in non-area eligible locations but qualify for free or reduced price school meals. These children would be sought out by Program sponsors and enrolled at the conditional non-congregate site. Since these sites require individual eligibility to be documented prior to claim submissions (7 CFR 225.6(g)(1)(xiv) and (g)(2)(viii)), sponsors should enroll children prior to the start of conditional non-congregate meal service operations, or at a minimum prior to each meal distribution.

21. *Can unused reimbursement be utilized to cover the cost of meals served to children who do not meet the eligibility requirements of conditional non-congregate sites?*

No. Using unused reimbursement funds to cover the cost of ineligible children at conditional non-congregate sites is not an allowable cost. FNS Instruction 796-4, Rev. 4 and [SFSP 11-2015, Assessing Costs in the Summer Food Service Program](#), February 25, 2015, prohibit SFSP funds to be used for costs for meals, in excess of the number of meals eligible for reimbursement. Program sponsors can only use non-program funds to cover the cost of meals that are not eligible for reimbursement. In accordance with 7 CFR 225.9(g), sponsors should use any unused reimbursement to improve the meal service or management of the program. As outlined in [SFSP 13-2023, Unused Reimbursement in the Summer Food Service Program](#), September 28, 2023, sponsors can use unused reimbursement for improving the quality of food provided, upgrading meal service sites or food preparation facilities, enhancing monitoring, training, and other oversight activities, or it can be used as program payments (start-up funds or advance payments) for the following year.

22. *Are conditional non-congregate sites permitted to charge for meals provided to children who do not meet income eligibility requirements? How can overt identification be avoided?*

Sponsors of conditional non-congregate sites have the option to charge non-eligible children a separate fee for meals, but they must establish a process for collecting payments for these children. Additionally, the process that sponsors implement must prevent overt identification of children receiving free meals as described in Program regulations at 7 CFR 225.6(f)(1)(iii). To avoid overt identification, enrolled children can prepay for meals, or sponsors can use non-Federal funds to cover meals for non-eligible children, as some examples.

23. *Can State agencies prohibit sponsors from operating conditional non-congregate sites?*

State agencies cannot deny a sponsor's proposed conditional non-congregate site solely because the sponsor intends to provide a non-congregate meal service, as outlined in Program regulations at 7 CFR 225.6(b)(12). However, State agencies can establish documented procedures for managing conditional non-congregate sites. For instance, a State agency might require that sponsors of conditional non-congregate sites submit individual eligibility documentation for review before starting meal service operations. In addition, the State agency could require sponsors to have alternative funding or a plan to cover meals served which are ineligible for reimbursement under the Program.

State agencies must assess sponsors individually to determine their capability to operate a conditional non-congregate site. If a State agency denies a sponsor's request for non-congregate meal service, it must notify the sponsor of their right to appeal in accordance with Program regulations at 7 CFR 225.13.

Parent or Guardian Meal Pick-Up

24. *Are parents and guardians allowed to pick-up meals on behalf of their children at non-congregate meal service sites?*

Yes, if the sponsor is approved to allow this type of service flexibility, the sponsor may distribute meals to parents or guardians to take home to their children (7 CFR 225.16(i)(2)). Sponsors electing to distribute meals to parents or guardians must maintain accountability and program integrity. This option requires sponsors to have documented procedures in place to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child.

25. *Could adults other than parents or guardians and with written permission on file from the household pick-up meals on behalf of parents or guardians?*

No, only parents or guardians may pick-up meals on behalf of their children (7 CFR 225.16(i)(2)). Other adults (i.e., proxies) may not pick up meals without the child(ren) present.

26. *May a State agency adopt its own definition of "guardian"?*

Yes. State agencies must define guardian for the purpose of non-congregate meal service based on the State's needs, and as applicable to the meal service flexibility outlined in Program regulations at 7 CFR 225.16(i)(2). The definition should maintain a caregiver

relationship between an adult and a child on the day of meal service. For instance, State agencies may determine that adults who are principally responsible for the care of the child that day, such as grandparents or other adults functioning as childcare providers, are suitable guardians to collect meals on behalf of the children on days when they are providing care.

State agencies may also consider how *guardian* is defined under other State programs related to caregiving, if appropriate. However, it's important to note that individuals caring for groups of unrelated children formally enrolled in care should not be considered *guardians* under the State agency's definition, as per question #27 below.

27. Is it permissible for a childcare provider, such as a day care operator or childcare center operator, located in a rural area to collect meals for the children who attend their childcare services?

No, childcare providers cannot collect Program meals on behalf of parents or guardians for children attending their childcare. Childcare providers who care for whole groups of unrelated children formally enrolled in their care should not be considered guardians under the State agency's definition. Allowing a childcare provider to collect and distribute meals on behalf of groups of children introduces significant integrity risks, especially concerning meal duplication, ensuring meals reach eligible children, and food safety risks during transportation, storage, or distribution.

In cases where children in childcare settings could benefit from non-congregate meals, FNS strongly encourages State agencies and sponsors to collaborate with local childcare providers. They should explore the feasibility of these providers becoming summer meal sites or participating in the Child and Adult Care Food Program (CACFP) to support meals for children in their care.

28. What are examples of documented procedures sponsors can use to prevent duplication of meal services when offering parent or guardian meal pick up?

Program regulations at 7 CFR 225.16(i)(2) require that sponsors choosing to distribute meals to parents or guardians on behalf of their children must, through documented procedures, approved by their State agency, ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed. Some possible strategies for enhancing integrity include, but are not limited to:

- Requesting parents and guardians provide their children's names or other identifying information when picking up meals,
- Using rosters or sign-in sheets,

- Cross-referencing sign-in sheets, such as for a sponsor with multiple sites in close proximity, and
- Using technology-based solutions, such as QR codes for sign-in sheets, or a registration system.

When developing procedures, sponsors should consider the proposed site type (e.g., open, closed) and whether the proposed system is appropriate or could potentially hinder access for eligible children. In addition, sponsors may review site meal counts daily to track trends and identify anomalies such as block claiming and overclaims.

Meal Service

29. *Can State agencies implement statewide bans on home delivered non-congregate meals?*

No. Statewide bans on home delivery are not permissible. Program regulations at 7 CFR 225.6(b)(12) restrict State agencies from denying a sponsor's application based solely on the sponsor's intent to provide a non-congregate meal service. State agencies should evaluate sponsors on a case-by-case basis.

When deciding whether to allow non-congregate home delivery for a sponsor, the State agency should consider the sponsor's ability to operate and oversee this non-congregate distribution method. Factors to consider include mobile capacity, food safety, and the process for obtaining consent from a parent or guardian. State agencies can also require additional documentation from sponsors proposing to operate home delivery, such as integrity or food safety plans, if there are concerns about proper implementation and monitoring. Overall, State agencies should consider the needs of the community and explore options for the sponsor to effectively manage and monitor the site.

30. *Can non-congregate home delivery service be provided at addresses where the child does not reside?*

No. As outlined in Program regulations at 7 CFR 225.14(d)(6), non-congregate meal delivery should only be sent directly to a child's residence with prior written consent from a parent or guardian. Non-congregate home delivery may not be sent to daycare home programs, short-term rentals, or vacation properties.

31. *Must all non-congregate home deliveries be located in a rural area?*

Yes. Non-congregate meal service may be operated only at sites designated as rural (7 CFR 225.2, "Non-congregate meal service"). An SFSP non-congregate home delivery "site" is the

entire route for non-congregate home delivered meal service (7 CFR 225.2, "Site"). A child's residence is not considered a non-congregate meal site. Therefore, the entire route for non-congregate home deliveries must be within an area defined as rural (7 CFR 225.2 "Rural").

32. *What should be included in the written parental consent required for home delivery?*

Per question #14 of policy memorandum SFSP 07-2024, [Non-Congregate Meal Service in Rural Areas Questions and Answers](#), February 21, 2024, 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 when obtaining written parental consent for home delivery. Parental consent information may include but is not limited to the following: home address, phone number, child(ren)'s name(s), child(ren)'s age(s), and language inclusive of establishing both the presence of children in each household as well as the household's consent to receive meals. As a best practice, sponsors may collect pertinent information for maintaining food safety, service, and integrity, such as delivery instructions or planned vacation times, through the consent forms.

33. *Can sponsors offering home-delivered meals require households to opt out of home delivery instead of requiring written parental consent before providing non-congregate meals to children?*

No. While FNS appreciates the intent to simplify start-up procedures, obtaining written consent before providing home-delivered meals to confirm both the presence of children in the household and the household's desire to receive meals is crucial for ensuring program integrity (7 CFR 225.14(d)(6)).

Delivering meals without prior consent at the point of service could increase burdens on sponsors, participants, and State agencies, and could raise concerns about privacy and confidentiality. If Program participants decline Program meals, have food allergies or dietary restrictions, or are away from home for an extended period, such a service could result in unnecessary financial and time burdens, as well as potential food waste for sponsors, and inconvenience for the household. Moreover, an opt-out arrangement might encourage sponsors to exceed their reasonable capacity to provide meals to households that would not choose to receive them.

34. *For sites which establish site eligibility based on area data (e.g., open, closed enrolled), is eligibility documentation required for each child in the household to whom meals are delivered?*

No. Sites which establish site eligibility based on area data do not need to document individual eligibility to be reimbursed for home-delivered meals. But, as a reminder, written parental consent is required prior to non-congregate sponsors home-delivering meals (7 CFR 225.14(d)(6) and 225.16(b)(5)(i)).

35. *Is it permissible for a site that provides congregate meal service to allow children to take the same meals to-go, provided they are recorded as non-congregate?*

No. Non-congregate meal service may be operated only at rural sites when congregate meal service is not available. If a site will provide both congregate and non-congregate meal services, the proposed site can only conduct a non-congregate meal service when the site is not providing congregate meal service (7 CFR 225.6(h)(4)(ii)). Therefore, per Program requirements, this scenario would not be allowed. For congregate meal services, sponsors may allow a child to take one fruit, vegetable, or grain item off-site for later consumption as permitted at 7 CFR 225.16(h). Congregate meals taken off site may not be claimed for reimbursement.

36. *Can State agencies establish approval standards, including additional requirements, for non-congregate meal service flexibilities as part of their sponsor application process?*

Yes. State agencies may set approval standards and include additional application requirements around non-congregate meal service flexibilities. For example, they might request sample menus from sponsors that want to use multi-day meal issuance or bulk food item flexibilities to ensure children receive a variety of foods meeting SFSP meal pattern requirements. State agencies might also consider a policy that prevents the distribution of the same meals for 10 consecutive days. When developing policies and procedures to guarantee Program integrity with non-congregate meal service flexibilities, State agencies should also carefully consider the needs of the community and how to best ensure Program access within their integrity framework.

37. *Can a State agency implement a statewide ban for offer versus serve for non-congregate meal service operations, including SFAs?*

No. As established in Program regulations at 7 CFR 22.16(f)(1)(ii), SFAs that are Program sponsors may implement offer versus serve (OVS) as part of their SFSP or SSO operations. However, the State agency may limit the use of this option on an individual basis if it determines that the SFA sponsor's meal service operations do not support the OVS flexibility.

38. Do all food items have to be provided in bulk if a sponsor is approved to use the bulk food component flexibility?

No. The bulk food component flexibility allows operators the option to provide bulk food items (i.e., items served in larger sizes or amounts that contribute to multiple reimbursable meals for children); however, not all foods offered under this flexibility are required to be bulk items. For example, gallons of milk may be served with other unitized items.

Bulk foods include:

- foods that normally credit towards reimbursable meals under the SFSP or the SSO,
- foods that are recognizable as a meal component in a reimbursable meal, and
- foods that do not require much preparation or the addition of other ingredients (aside from water) before eating.

39. Are sponsors required to provide 10 days' worth of non-congregate meals, or can they offer fewer days?

No, 10 days' worth of meals is not required. Sponsors can choose to provide as many or as few days of meals as they wish, with State agency approval. The maximum, which they may not exceed, is 10 days (or 5 days if providing bulk meal components) (7 CFR 225.16(i)(1) and 7 CFR 225.16(i)(3)(v)). For each site, the sponsor should indicate in their application how many days' worth of meals they intend to provide.

40. Can vended sponsors and sites in rural areas utilize the bulk food component flexibility for non-congregate meal service?

No. Vended sponsors contracting with food service management companies must follow the requirements at 7 CFR 225.15(m) including the unitizing requirement at 7 CFR 225.15(m)(2) and as outlined in 7 CFR 225.2 (see *Food Service Management Company, Vended sponsor, and Vended site*). Exceptions to the unitizing requirement for certain components of a meal may be made by submitting a request to the State agency according to Program regulations at 7 CFR 225.6(l)(3).

41. What is considered minimal food preparation for sponsors approved to provide bulk food components?

Program regulations at 7 CFR 225.16(i)(3)(iv) are intended to limit the burden of the household in preparation of meals for consumption based on food safety risks, availability of

household appliances, and availability of parent(s) or guardian(s) to assist with meal preparations. In general, food preparation should be kept simple such as limiting preparation to a single, easy to understand step (e.g., microwaveable or oven-ready meal or meal components). Foods provided as ingredients for recipes that require chopping, mixing, or baking should not be provided as part of the meal service. Sponsors may offer food items that require further preparation only with State agency and FNSRO approval.

42. *Do the meal service time requirements in SFSP apply to non-congregate meal service?*

Some meal service time requirements continue to apply, per Program regulations at 7 CFR 225.16(c). Meal service times still need to be established for each site, included in the sponsor's application, and approved by the State agency (7 CFR 225.16(c)(1)). Approval of meal service times must be in accordance with the State agency or sponsor's capacity to monitor the full meal service during a review. The State agency must approve any changes in meal service times (7 CFR 225.16(c)(5)).

Sponsors offering a non-congregate meal service are not required to serve breakfast in the morning and are not required to allow one hour between the end of one meal service and the start of the next (7 CFR 225.16(c)(2) and (3)), for instance when opting to operate a multi-day meal issuance. However, meals intended to be reimbursed as a breakfast (three components) but served after a lunch or supper meal service are not eligible for reimbursement as a breakfast for that day. If a non-congregate breakfast is served after a lunch or supper congregate meal service, it must be intended for a later date, such as the following calendar day.

Sponsor Monitoring

43. *Is it required for the sponsor to monitor all stops on a non-congregate home delivery route?*

A home delivery route providing non-congregate home delivery meal service is considered one site. Therefore, regulations at 7 CFR 225.15(d)(2) through 225.15(d)(4) apply. The sponsor monitor must conduct, if the site is new, a pre-operational site visit, initial site visit, and full meal service review. The initial site visit and full meal service review may be combined if conducted within the first two weeks of operation per regulations at (7 CFR 225.15(d)(4)).

44. *Is it required for the sponsor to monitor all stops on a non-congregate mobile meal pick-up route?*

A non-congregate mobile meal pick-up route operating non-congregate meal service at multiple stops such as parks, recreation centers, or apartments must be monitored in the same way as a congregate mobile meal route. This means that each stop is considered its own site and will need to have separate monitoring sheets, approved meal service times, approved level of meals, etc.

45. *Can sponsors conduct training while on-site for their pre-operational visit?*

Yes. Sponsors should first conduct the pre-operational visit on-site and then conduct a training on-site if the site has been determined to have the proper facilities to operate the SFSP. However, the State agency will still need to approve the site prior to operation.

46. *Is a sponsor's monitor required to ride along with a driver when reviewing a non-congregate home delivery route?*

A home delivery non-congregate mobile meal route is considered one site. The sponsor's monitor must conduct a full review of the entire route and should consider the number of homes on the route when monitoring. This may be done by riding along with the delivery driver or via their own transportation and following the delivery vehicle along the route. The sponsor monitor may also conduct their monitoring visits of a non-congregate home delivery route at separate times as long as regulations at 7 CFR 225.15(d)(3) and 7 CFR 225.15(d)(4) are met and conducted within the appropriate timeframes. For example, if a non-congregate home delivery route is six hours in its entirety, the monitor may follow along one day for three hours and then follow along another day for the remaining three hours.

As a reminder, the sponsor must conduct an initial site visit per 7 CFR 225.15(d)(3) in the first two weeks of site operations. Additionally, sponsor monitors must conduct a full review of food service operations at each site at least once during the first four weeks of Program operations per 7 CFR 225.15(d)(4).

47. *When sponsors are monitoring a non-congregate meal service site, what information must be included on the review form?*

State agencies must develop and provide monitor review forms to all approved sponsors. In addition to the current requirements, sponsor monitors must also indicate whether the meal service is congregate or non-congregate. A best practice would also include the mode of meal distribution on the review form. For example, a sponsor may want to indicate whether the meal service was a parent/guardian pick-up, multi-day issuance, unitized meals, etc.

State Agency Monitoring

48. Are State agencies required to conduct pre-approval visits for CACFP institutions applying to participate in the SFSP?

If a sponsor is an SFA or CACFP institution and was reviewed by the State agency under their respective programs during the preceding 12 months and had no significant deficiencies noted in that review, a pre-approval visit may be conducted at the discretion of the State agency (7 CFR 225.7(d)(2)).

49. When State agencies are determining which sites should be included in the 10% of sites to visit, as part of their required monitoring of sponsors at 225.7(e)(4)(v), must they select a non-congregate site when they are only required to visit one site and the sponsor operates both congregate and non-congregate sites?

State agencies have discretion when determining which sites to visit. State agencies must develop criteria for site selection to ensure they meet the minimum number of sites required. To the maximum extent possible, State agencies should select sites that reflect the sponsor's entire population of sites per regulations at 7 CFR 225.7(e)(5). The characteristics of sites should include the type of meal service such as congregate or non-congregate. If the site is non-congregate, the meal distribution method being used such as meal pick-up, home delivery, and other methods should also be considered (7 CFR 225.7(e)(5)(i)(H)). Additional criteria to select sites may be determined by the State agency per 7 CFR 225.7(e)(5)(ii).

Reporting

50. What are the State reporting requirements for the Summer Meals Site Finder tool for summer 2024?

For summer 2024, State agencies can choose to report information for the Site Finder on form FNS-905. USDA encourages State agencies to report information on both congregate and non-congregate SFSP sites. As with summer 2023, FNS asks that State agencies report non-congregate information in the FNS-905's "Address 2" and "Comments" fields. New reporting requirements at 7 CFR 225.8(e) will go into effect in the summer of 2025.

51. Will congregate sites be distinguished from non-congregate sites on the Summer Meals Site Finder in summer 2024?

Yes, the site finder map will distinguish between summer sites that offer traditional congregate meals and those that provide non-congregate meal service. FNS will not report home delivery information on the map.

52. How should State agencies report 2024 information on the FNS-905 to support separate display of congregate and non-congregate sites on the Summer Meals Site Finder?

Similar to summer 2023, State agencies should report site information and operational details in the FNS-905's "Comments" or "Site Address2" fields. Site information should include traditional congregate service, non-congregate pick-up, and non-congregate delivery. Operational details should include a site's start and end dates, days of operation, and meal service times. In addition, State agencies should report data on separate rows for sites that offer both congregate and non-congregate meal service operations. This information will help Summer Meals Site Finder users find the sites that offer the services that they are looking for.

53. How should State agencies complete the FNS-418 and the FNS-10 forms to reflect the non-congregate meal service option?

For summer 2024, State agencies must submit the FNS-418 and the FNS-10 as regularly scheduled and report the total number of meals in the applicable fields on the form. Non-congregate and congregate meals should be reported together. All non-congregate meals served through the SFSP should be claimed at reimbursement rates for Rural or Self-prep sites. All non-congregate meals served under the SSO are reimbursed at the "free" rates prescribed by FNS for the NSLP, and for the SBP; supper meals are reimbursed at the NSLP's free lunch rate.

54. Will FNS collect data on non-congregate meal service?

Yes. Collecting data on non-congregate meal service will help FNS understand the scale and scope of this new meal service option. This data will help ensure the necessary financial and technical resources are available to support the expansion of the SFSP and SSO into rural areas, which in some cases may not have previously been served by these programs.

For summer 2024, sponsors and SFAs operating both congregate and non-congregate sites must maintain separate meal counts for non-congregate meals served, by meal service. FNS recommends that, as part of the sponsor and SFA application and approval process, State agencies ensure each sponsor or SFA approved to serve non-congregate meals is aware of the requirement to track and report separately meals served in non-congregate settings.

For each summer month (May-September), States must provide sponsor, site, and meal count data related to non-congregate meal service, by program (SFSP and SSO). States should prepare to provide to FNS the following information for both the SFSP and the SSO within 90-days of the end of each month:

Total sponsors or SFAs operating only rural non-congregate sites,
 Total sponsors or SFAs operating both rural non-congregate sites and congregate sites,
 Total sites serving only non-congregate meals,
 Total sites serving both non-congregate and congregate meals,
 Total non-congregate meals, by meal service (breakfast, lunch/supper, snack).

FNS will issue further guidance on how to provide this information soon.

Management and Administration Plan (MAP)

55. State agencies must include information in their MAP ensuring reasonable opportunity for eligible children to access Program meals across all areas of the State. How can the State agency determine this before sponsors submit their applications to participate?

State agencies can use a mapping tool such as the FNS Capacity Builder (<https://www.fns.usda.gov/sfsp/capacitybuilder>) to determine whether the area in question is being served by the Program. The Capacity Builder Map allows users to visualize “layers” of information, such as underserved areas, and identify locations for new sites. Users can find their nearest potential community partners such as multi-family housing units, libraries, faith-based institutions, military bases, schools and more. The Capacity Builder is a powerful tool for State agencies and sponsors to evaluate the previous summer’s performance as well as plan for the next summer. Beyond this resource, State agencies are encouraged to collaborate with other entities across the State such as local governments, schools, and non-profit organizations to help assess where additional summer meals may be needed.

56. What are some strategies that State agencies can implement in their MAP to demonstrate that they are “providing reasonable opportunities to access meals across all areas of the State?”

In an effort to demonstrate reasonable access across all areas, State agencies can employ several strategies such as:

- Including screenshots of FNS mapping tools in the MAP to show existing site coverage across the State;

- Documenting collaboration with child hunger advocates that has helped to make Program administration more effective; and
- Explaining how children in remote areas of the State would be able to get the assistance needed to access summer meals.

General/Miscellaneous

57. Are costs incurred for staff, fuel, and other expenses related to home delivery considered allowable expenses?

Yes, expenses incurred for home delivery are allowable costs. Regulations at 7 CFR 225.2, “Operating Costs,” state that operational costs include the cost of delivering non-congregate meals in rural areas.

58. Are State agencies allowed to require SFAs to operate non-congregate meal service through the SSO versus the SFSP?

No, the State agency may not restrict SFAs to operate non-congregate meal service through only the SSO, or vice versa. State agencies should evaluate SFAs on a case-by-case basis under the Program for which the SFA applies to operate.

59. Are there any Department of Transportation (DOT) or Federal Transit Administration (FTA) programs or partnerships for rural transit information or meal delivery?

Both the DOT and FTA have had successful partnerships to help communities. The DOT hosts a Thriving Communities Program (<https://www.transportation.gov/grants/dot-navigator/thriving-communities-program>), while the FTA allows the incidental use of its vehicles for meal delivery services for the SFSP (<https://www.transit.dot.gov/regulations-and-programs/access/ccam/about/transportation-coordination>).

Also, the National Center for Mobility Management (NCMM) developed a national transit database using data from DOT, FTA, the National Rural Transit Assistance Program, and other organizations to create a list of transit agencies and organizations that provide transportation services to communities across the country (<https://nationalcenterformobilitymanagement.org/community-transportation-database/>). This may be a good resource for State agencies and sponsors to tap into for meal deliveries or other meal site access issues.

FNS encourages State agencies and sponsors to explore the NCMM Community Transportation Map and Database to find service and contact information of local transportation providers, as well as to explore programs available through DOT and FTA to assist with meal delivery services.

60. *What is the Coordinated Service Plan (CSP) and when does it go into effect?*

Program regulations at 7 CFR 225.3(e) outline that each State in which both the SFSP and the Summer EBT Program are administered is required to submit to FNS (and update at least every three years thereafter) a single Coordinated Services Plan (CSP). Initial plans must be submitted to FNS no later than January 1, 2025. The plan must include the following information:

- A description of the roles and responsibilities of each State administering agency, and, as applicable, any other agencies, Indian Tribal Organizations, or public or private organizations which will be involved in administering SFSP and Summer EBT;
- A description of how the State agency and any other organizations included in the plan will coordinate outreach and programmatic activities to maximize the reach of SFSP and Summer EBT (and SSO if appropriate);
- Metrics to assess Program reach and coverage; and
- The State agency's plans to partner with other Federal, State, Tribal, or local programs to aid participants in accessing all Federal, State, Tribal, or local programs for which they are eligible.

Additional guidance regarding the CSP is forthcoming.

61. *How is the annual January 1 deadline for the State agency to notify the Department of their intent to operate the Program captured?*

Per program regulations at 7 CFR 225.3, a State agency wanting to take part in the SFSP must enter into a written agreement with FNS for the administration of the Program. The written agreement captures the intent to operate the program and is required to be signed and dated by January 1. FNS considers State agencies with existing permanent agreements to administer the Program in compliance with this requirement.