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January 13, 2025

### MEMORANDUM

**TO:** Summer Food Service Program (SFSP) Sponsors

**FROM:** Aimee F. Beam, MS, RD   
Director, Nutrition Programs

**RE:** **2025 Operational Memo #3**  
**Non-Congregate Meal Service in Rural Areas: Questions and Answers #3**

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On January 10, 2025, the United States Department of Agriculture (USDA) released policy memorandum SFSP 03-2025, SP 08-2025, providing guidance on non-congregate meal service in rural areas.

The memo is attached for your reference.

Please contact our office with any questions at 302-857-3356.

Attachment: SFSP 03-2025, SP 08-2025 Non-Congregate Meal Service in Rural Areas: Questions and Answers #3

cc: Nutrition Team



Date: January 10, 2025

Memo code: SFSP 03-2025, SP 08-2025

Subject: Non-Congregate Meal Service in Rural Areas: Questions and Answers #3

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

This memorandum is the third set of questions and answers on the rural non-congregate summer meals option established through the Consolidated Appropriations Act, 2023 (the Act) ([PL 117-328](#)), and codified through the interim final rule (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 provide State agencies and program operators with additional clarification on rural non-congregate requirements and guidance to enhance program integrity. 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 second memorandum in this series, [SFSP 08-2024, SP 15-2024, Non-Congregate Meal Service in Rural Areas Questions and Answers #2](#), March 27, 2024, addresses additional implementation topics based on feedback received by State agencies and program stakeholders. The following operational topics are addressed in this guidance:

- Meal Service and Meal Quality;
- Civil Rights Requirements;
- Monitoring and Program Integrity; 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. 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 (FNSRO).

Sincerely,

J  
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J. Kevin Maskornick  
Director  
Community Meals Policy Division

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JESSICA  
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## Meal Service and Meal Quality

### ***1. What items, in addition to the food, must be included with bulk meals or multi-day issuance meal packages?***

Per 7 CFR 225.16(i)(3), in addition to the required food components in the proper minimum amounts for each reimbursable meal being served, bulk meal or multi-day issuance meal packages must include a menu with portion sizes which clearly identifies the food items that make up a reimbursable meal, and preparation directions. Bulk food items provided must require minimal preparation. Bulk meal components being provided as ingredients for recipes that require further preparation such as chopping, mixing, baking, etc., may only be offered with State agency and FNSRO approval.

In addition, sponsors must ensure compliance with all civil rights requirements when operating non-congregate meal services through home delivery or mobile meal service routes. This includes properly displaying the "And Justice for All" poster, and/or a printed copy of FNS' Nondiscrimination Statement enclosed with the meals (e.g., in the box, bag, or other container). For additional details on meeting these civil rights requirements, refer to questions 6 and 7 in the Civil Rights Requirements section of this document.

### ***2. Does offering only one meal component in bulk still limit the number of meals that may be distributed using bulk meal components to the maximum of 5 days' worth of meals?***

Yes. A sponsor electing to use the bulk meal component flexibility, even if they are only offering one component in bulk, would be limited to distributing a maximum of 5 days' worth of meals unless the State agency has approved otherwise.

### ***3. May a sponsor distribute up to 10 days' worth of meals when electing to use bulk meal components if no more than 5 days' worth of meals are comprised of bulk components?***

Maybe. The State agency may approve this arrangement at their discretion, and on a case-by-case basis only. According to Program regulations at 7 CFR 225.16(i), the State agency can approve the distribution of meals for up to 10 days. This could include a combination of unitized meals and meals made up of bulk components. When reviewing application requests, the State agency should consider both food safety and Program integrity. They must also ensure the sponsor has proper procedures in place and the ability to follow the guidelines outlined at 7 CFR 225.16(i)(3) to effectively combine bulk meal component distribution with multi-day meal issuance.

***4. Is it permissible for sponsors to obtain parental consent for home delivery on the day of delivery?***

Yes, it is permissible for sponsors to obtain parental consent for home deliveries on the day of delivery, as long as the sponsor obtains parental consent before or at the time that the meals are delivered to the home. However, this should be reserved for specific, limited situations. For instance, if meals are being delivered to a multi-housing unit and families see the delivery and express interest in receiving meals for their children, the sponsor can ask for parental consent on the spot and provide a meal that day. However, sponsors should avoid preparing extra meals and relying on same-day or on-the-spot parental consent for home deliveries in most cases, as it could lead to food waste.

When obtaining parental consent, sponsors must confirm that children are in the household and that the adult household member signing the form agrees to having meals delivered to the home. This helps to maintain Program integrity and better ensures a positive relationship with the community. FNS emphasizes that this practice should be reserved for specific situations and should not be used in a manner that habitually impacts operations. As a reminder, the State agency reserves the right to take corrective action and disallow all meals observed to be in violation of the requirements at 7 CFR 225.14(d)(6) and 7 CFR 225.16(b)(5)(i).

***5. Can sponsors claim non-congregate meals for everyone in line to pick-up meals if it is after the approved meal service time?***

As a general rule, sites must operate within approved meal service times regardless of whether they are offering non-congregate or congregate meal service. If meal service runs over on a certain day due to unanticipated events such as inclement weather, late deliveries, or traffic delays, all the participants that are in line to receive meals should be provided with meals. However, additional participants should not be allowed to get into the line past the end of the meal service time. State agencies have the discretion to allow meals served outside of the approved meal service time to be claimed for reimbursement. In such cases, the State agency has the discretion to require supporting documentation.

If meal service runs longer than the approved meal service time repeatedly, sponsors must adjust operations to ensure meal services are completed within the approved meal service times or request approval from the State agency to change the meal service times.

In reviewing such requests, the State agency should assess whether the sponsor has the administrative capability and procedures in place to manage a non-congregate meal service. State agencies should work with sponsors to establish meal service times that meet the needs of the community while also complying with Program requirements.

FNS encourages State agencies to provide technical assistance or additional training to help sponsors successfully implement non-congregate meal service within approved meal service times.

### **Civil Rights Requirements**

#### ***6. Is the FNS Nondiscrimination Statement (NDS) required for parental consent forms that are used for home delivery?***

Yes. All sponsors and their sites are required to include the appropriate FNS NDS, and instructions for filing a discrimination complaint, in their public release and in any Program information directed to parents of participants and potential participants, as per 7 CFR 225.6(d)(2)(ii), 7 CFR 225.6(e)(2)(iv)(G), 7 CFR part 15, and FNS instruction 113-1. This includes parental consent forms, if a sponsor chooses to use consent forms to fulfill the requirement to obtain consent for home deliveries (7 CFR 225.14(d)(6) and 7 CFR 225.16(b)(5)(i)).

The Agency's NDS is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>. To view the FNS NDS in other languages, please visit <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>, scroll to the "NDS Translations" drop down menus for the desired language, and click on the PDF in the row of the desired language under the "All Other Programs NDS" column.

#### ***7. How can sponsors fulfill the requirement to display "And Justice For All" (AJFA) posters at non-congregate meal sites when providing meals via home delivery?***

FNS previously published guidance in question 32 of SFSP 07-2024, SP 13-2024, *Non-Congregate Meal Service in Rural Areas Questions and Answers* (available at: <https://www.fns.usda.gov/sfsp/non-congregate-qa>) stating that the AJFA poster is to be prominently displayed at all non-congregate meal sites, including on all vehicles making door-to-door drop deliveries at homes, and in all pick-up facilities and locations providing non-congregate meal service in rural areas.

However, based on feedback from State agencies and sponsoring organizations, FNS recognizes that posting the AJFA signage at non-congregate meal sites may pose a significant operational challenge when providing home delivery of non-congregate meals. Therefore, sponsors may alternatively satisfy this requirement by including a printed copy of FNS' Nondiscrimination Statement (NDS), in a language the participant can understand, in the box, bag, or other container along with the meals. In order to appropriately meet the public notification requirement, which includes advising participants of their program rights and responsibilities and program discrimination complaints, the full NDS must be used.

The printed FNS NDS must be included with meals each time meals are delivered. The NDS may be printed as a standalone document, or may be included as part of other printed documents that sponsors may choose to include in the meal delivery, such as menus, newsletters, etc. If the sponsor chooses to require that the parent must sign a consent or opt-in form with each meal delivery, and this form appropriately includes the FNS NDS, then this parent consent form with the NDS is sufficient to satisfy this requirement. If the sponsor does not require that a parent consent form is signed with each delivery (e.g. only once at the beginning of the summer), the FNS NDS must be included with each meal delivery if the AFJA signage is not posted on the delivery vehicle.

Please note that only the current FNS NDS may be used when included with home-delivered meals, and that AJFA signage may not be used for this purpose. Additionally, please note that AJFA signage posted at sponsor sites (that are not meal sites) is not acceptable in fulfilling this requirement.

### **Monitoring and Program Integrity**

#### ***8. How can State agencies and sponsors ensure non-congregate meals are held at proper temperatures on home delivery and mobile routes?***

Sponsors approved to serve non-congregate meals in the SFSP must have adequate food preparation and holding facilities and the capacity to meet State and local health, safety, and sanitation requirements per 7 CFR 225.16(b)(5). When approving sponsors that will serve non-congregate meals through home delivery or mobile routes, State agencies should determine the method sponsors, and their sites, will use to ensure food is held at required temperatures for the duration of the home delivery or mobile route. These methods can include, but are not limited to, refrigerated trucks, coolers with ice, or other methods to ensure food is held at safe holding temperatures for service. State agencies can also require sponsors and their sites to implement additional procedures, such as temperature logs, to ensure food is held properly for the duration of the home delivery or mobile route. During sponsor and site reviews, State agencies should observe processes and review available documentation to ensure food safety standards are met.

#### ***9. How should the State agency monitor daily meal counts of non-congregate meal sites?***

Meal counts are required at each site, regardless of the type of meal service, and may be collected via a meal count form or via electronic platform. State agencies are responsible for conducting meal claim validations during sponsor and site reviews per 7 CFR 225.7(e)(6). This is the same for both congregate and non-congregate meal services. State agencies should use the on-site review process to confirm observed meal counts align with meal claims.

The goal of monitoring meal counting and claiming is to ensure that each sponsor has a process in place to collect and report accurate counts of reimbursable meals distributed by each site. This includes ensuring the claims are correctly consolidated and reported by the sponsor to yield an accurate claim for reimbursement. State agencies must review sponsor procedures for tracking and collecting daily site meal counts during the application process and are responsible for providing the sponsor with a corrective action plan, and any potential fiscal action, when a site is in violation of point-of-service meal counting and/or record keeping requirements.

***10. Do sponsors have to conduct pre-operational visits of rural non-congregate sites?***

Yes. Sponsors must conduct pre-operational visits of new sites, sites that experienced operational problems the previous year, and existing sites that are new to non-congregate meal service per 7 CFR 225.15(d)(2). The intent of these site visits is to determine the sites' capacity to provide non-congregate meal service for the anticipated number of children. To decrease administrative burden, a sponsor may conduct training for site supervisors at the time of the pre-operational visit.

***11. How can State agencies ensure program integrity when reviewing site caps for rural non-congregate meal service?***

Consistent with how site caps are reviewed for congregate meal service, State agencies are responsible for reviewing and approving site caps and should develop policies and procedures for assessing site caps for rural non-congregate meal service during the application process. States must confirm that the site caps reflect eligible children residing in the targeted rural community.

Additionally, on-site monitoring can uncover concerns with compliance regarding site caps not captured in the application. If during a monitoring visit, inconsistencies are found related to site caps that were previously approved, State agencies should provide technical assistance to the sponsoring organization, to ensure the site cap is corrected to accurately reflect the number of meals served to eligible children and then verify that the specified corrective action has been taken through a follow-up visit or some other manner. 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 as stated at 7 CFR 225.16(i).



**12. How should State agencies ensure program integrity when reviewing a sponsor's request to operate non-congregate sites in close proximity to another site?**

States should carefully evaluate requests from sponsors seeking to operate non-congregate sites in close proximity to another site. Program regulations at 7 CFR 225.16(b)(3) prohibit sponsors from claiming reimbursement for more than two meals, or one meal and one snack per child per day unless the site is a camp or serves children of migrant families. To ensure program integrity, State agencies should evaluate the population of children in the rural area that the proposed site intends to serve. This would help ensure that the additional site is necessary and that there is no overlap in meal service. If the State agency determines that there is an intent to serve more than the maximum number of meals per day to the same child by placing sites in close proximity, the State must deny or request revisions to the site application. This applies whether the sites serve the same meals or complementary sets of meals. States must not, for example, approve the operation of one non-congregate site that serves breakfast and lunch if the same population of children benefits from a nearby non-congregate site that serves supper and a snack. The coordinated operation of sites that serve complementary sets of meals and snacks runs counter to the maximum meal restriction in 7 CFR 225.16(b)(3).

Additionally, State agencies should review and, if needed, update existing site proximity practices to ensure they are appropriate for rural, non-congregate meal service operations. Site proximity approval should address unique challenges posed by rural areas. By conducting thorough evaluations and tailoring proximity practices to account for rural community needs, State agencies can ensure that non-congregate meal services are both effective and align with Program integrity requirements. For best practices for addressing site proximity, see policy memorandum SFSP 15-2023, *Best Practices for Determining Proximity of Sites in the Summer Food Service Program*, September 28, 2023, <https://www.fns.usda.gov/sfsp/best-practices-determining-site-proximity>.

**General/Miscellaneous**

**13. What information does FNS consider insufficient for justifying a rural pocket request?**

The intent of rural non-congregate meal service is to increase access to summer meals for children living in rural areas. FNS will not consider rural pocket requests based solely on factors that are independent of rurality measures such as:

- Cost;
- Convenience;
- Area eligibility;
- Economic conditions;
- Food deserts;
- Poverty; and
- Capacity concerns of the sponsor or State agency.

***14. Can state administrative funds (SAF) be requested to support the implementation and administration of additional statewide requirements and integrity safeguards as part of the State's plan to use non-congregate meal service?***

Yes. SAF resources may be used for the implementation, administration, and expansion of SFSP non-congregate meal service in rural areas, provided such expenses are detailed in the approved State Program management and administration plan (MAP). USDA encourages State agencies to implement additional safeguards to ensure food safety, maintain Program integrity, and support access to nutritious, high-quality meals. For example, State agencies could use SAF to develop and incorporate additional monitoring measures related to the use of non-congregate meal service to further ensure program integrity. If the State agency includes information in their MAP reflecting expansion from the preceding fiscal year and justifying funding needs for additional statewide requirements and integrity safeguards, certain expenditures, such as employee salaries and supervision and technical assistance to sponsors, are allowable and must be requested in the MAP (7 CFR 225.5(a)).

As a reminder, the use of SAF funding must be reasonable, allocable, and necessary to benefit SFSP, and these funds cannot be transferred for use in any other Child Nutrition Program (CNP). For more details on rural non-congregate meal service operations and SAF funding, refer to 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, <https://www.fns.usda.gov/sfsp/rural-non-congregate-guidance-plan-admin-funds>.

***15. Can sponsors use a registration process to estimate the number of meals needed at open sites operating non-congregate meal service?***

Yes. Sponsors may use a registration process to estimate the number of meals needed for non-congregate meal service at open sites. This helps sponsors plan and prepare enough meals for families in the community to pick up. A registration process also helps to further strengthen program integrity by ensuring meals are being served to eligible children. However, sponsors should plan to serve families who arrive without registering to ensure all children in the community have access to meals. Sponsors should also be transparent with the community that meals are served on a first-come, first-serve basis, and are not limited to families who registered. State agencies are responsible for reviewing and approving projected service levels and should assess the registration data from sponsors along with other data sources such as child population data from the Census to ensure estimated service levels are reasonable for the targeted rural community when completing reviews.