



Rural Non-Congregate Meal Services in the Summer Food Service Program

Purpose

This memorandum provides guidance and clarity on non-congregate meal service flexibilities that are available for SFSP sites in rural areas that do not have congregate meal services. This memorandum supersedes DECAL Policy, Rural Non-Congregate Meal Services in the Summer Food Service Program, May 17, 2023.

Legal Authority

7 CFR 225; Interim Final Rule: Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meals Programs; SFSP 03-2024; SFSP 04-2024

Definitions

“Areas in which poor economic conditions exist” means (1) The attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program; (2) A geographic area where, based on the most recent census data available or information provided from a department of welfare or zoning commission, at least 50 percent of the children residing in that area are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program; (3) A geographic area where a site demonstrates, based on other approved sources, that at least 50 percent of the children enrolled at the site are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program; or (4) A closed enrolled site in which at least 50 percent of the enrolled children at the site are eligible for free or reduced-price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with § 225.15(f).

“Conditional non-congregate site” means a site which qualifies for Program participation because it

conducts 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”.

“**Congregate meal service**” means a food service at which meals that are provided to children are consumed on site in a supervised setting.

“**Experienced site**” means a site which, as determined by the State agency, has successfully participated in the Program in the prior year.

“**FNSRO**” means the appropriate FNS Regional Office.

“**Good Standing**” means the status of a program operator that meets its Program responsibilities, is current with its financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time.

“**Guardian**” means (1) A legal guardian of a minor, where the guardian has power over the minor the same as a parent, standing in the place of the parent per O.C.G.A. 29-2-21(a); (2) A state-regulated foster parent; or (3) An adult who maintains a caregiver relationship with a child on the day of meal service. These adults can be relatives or other adults who provide supervisory care for a children on the meal service day. The child does not need to share a residence with the guardian; however, the guardian must provide supervisory care for the child at the child’s residence or the guardian’s residence on the meal service day.

“**Income standards**” means the family-size and income standards prescribed annually by the Secretary of Agriculture for determining eligibility for reduced-price meals under the National School Lunch Program and the School Breakfast Program.

“**Meal service day**” means any day a meal is to be picked up from a SFSP site for delivery to a SFSP child participant.

“**New Site**” means a site which did not participate in the Program in the prior year, an experienced site that is proposing to operate a non-congregate meal service for the first time, or, as determined by the State agency, a site which has experienced significant staff turnover from the prior year.

“**Non-congregate meal service**” means a food service at which meals are provided for children to consume all of the components off site. Non-congregate meal service must only be operated at sites designated as “Rural” with no “Congregate meal service,” as determined in § 225.6(h)(3) and (4).

“**Rural**” means: (1) Any area in a county which is not a part of a Metropolitan Statistical Area based on the Office of Management and Budget’s Delineations of Metropolitan Statistical Areas; (2) Any area in a county classified as a non-metropolitan area based on USDA Economic Research Service’s Rural-Urban Continuum Codes and Urban Influence Codes; (3) Any census tract classified as a non-metropolitan area based on USDA Economic Research Service’s Rural-Urban Commuting Area codes; (4) Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area; (5) Any area of a State which is not part of an urban area as determined by the Secretary; (6) Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create; or (7) Any “pocket” within a Metropolitan Statistical Area which, at the option of the State agency and with FNSRO approval, is determined to be rural in character based on other data sources.

“School food authority (SFA)” means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools. In addition, for the purpose of determining the applicability of food service management company registration and bid procedure requirements, “school food authority” also means any college or university which participates in the Program.

“Self-preparation sponsor” means a sponsor which prepares the meals that will be served at its site(s) and does not contract with a food service management company for unitized meals, with or without milk, or for management services.

“Site” means the place where a child receives a program meal. A site may be 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. However, a child’s residence is not considered a non-congregate meal site for Program monitoring purposes.

“Sponsor” means a public or private nonprofit school food authority, a public or private nonprofit residential summer camp, a unit of local, municipal, county or State government, a public or private nonprofit college or university currently participating in the NYSP, or a private nonprofit organization which develops a special summer or other school vacation program providing food service similar to that made available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. Sponsors are referred to in the Act as “service institutions”.

“Unanticipated school closure” means any period from October through April (or any time of the year in an area with a continuous school calendar) during which children who are not in school due to a natural disaster, building repair, court order, labor-management disputes, or, when approved by the State agency, similar cause, may be served meals at non-school sites through the Summer Food Service Program.

Background

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023 (the Act) ([P.L. 117-328](#)). The Act included significant policy changes for Child Nutrition programming, including the authorization of a permanent, non-congregate meal service through the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) for rural areas with no congregate meal service and the Summer Electronic Benefits Transfer for Children Program (Section 502 of the Act). The non-congregate model for rural areas was available in Summer 2023. The Act required FNS to promulgate regulations to carry out these two changes.

On December 29, 2023, the Interim Final Rule (IFR) entitled “Establishing the Summer Electronic Benefits Transfer Program and Rural Non-congregate Option in the Summer Meal Programs” was posted and available for public inspection. The IFR amends the SFSP and the SSO regulations to codify the flexibility for rural program operators to provide non-congregate meal service in the SFSP and SSO. The IFR can be found at <https://www.fns.usda.gov/summer/fr-122923>.

Program Requirements

Rural Non-Congregate Meal Site Eligibility

As per Federal regulation, in order for a meal service site to be eligible and approved for rural non-congregate meal service flexibilities, the site's location must meet the following criteria:

Criteria 1: The site must be located in an area designated as 'rural';

Criteria 2: The site must be located where there is no congregate meal service available to SFSP participants.

Criteria 3: The site meets the definition of an 'area in which poor economic conditions exist' as per Program regulations at 7 CFR 225.2.

Criteria 1: Determining a Site's Rural Status

Prior to the IFR, the previous Program definition of rural was based solely on the Office of Management and Budget's (OMB) standards for delineating core-based statistical areas (CBSA), specifically metropolitan statistical areas (MSA). Through the IFR, FNS expanded the definition of rural to include several recognized Federal definitions and classifications to more effectively identify rural populations and territories within metropolitan areas and geographical areas below the county level. These Federal definitions and classifications now include Rural-Urban Continuum Codes (RUCC), Urban Influence Codes (UIC), Rural Urban Commuting Area Codes (RUCA), and the National Center for Education Statistics (NCES). Please see DECAL Memorandum, [Rural Designations in the Summer Meals Programs – Revised](#) for further information.

In order for a sponsor to determine if a proposed SFSP site would be considered rural, sponsors must reference [FNS' Rural Designation Map](#). The Rural Designation Map is a tool developed by FNS to assist State agencies and sponsors in determining the rural statuses of proposed sites. This tool was recently updated to include the additional Federal definitions and classifications mentioned above. If the site is designated as rural per the Rural Designation Map, the site would meet the first criteria required for non-congregate meal service flexibilities. Per 7 CFR 225.6(g), once established, the rural status designation is effective for a period of 5 years from the date of determination. If a State agency determines that an area's rural status has changed significantly since the previous determination, a State agency may require a redetermination prior to the end of the 5 year period.

It is important to note that the definition of 'rural' as per 7 CFR 225.2 also includes the following:

- Any area of a State which is not part of an urban area as determined by the Secretary of Agriculture;
- Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create; or
- Any "pocket" within a Metropolitan Statistical Area (MSA) which, at the option of the State agency and with FNSRO approval, is determined to be rural in character based on other data sources. Sponsors may provide DECAL different data sources supporting that an area is in a 'rural pocket'; however, final approval of the site's rural status will be made by the FNSRO.

Criteria 2: An Area with No Congregate Meal Service Available to Children

In addition to the requirement that a proposed site be located in a rural area, per 7 CFR 225.6(h)(3)(iii), the site must not serve an area where children would receive the same meal at an approved congregate meal site, unless it can be demonstrated to the satisfaction of the State agency that the site will serve a different group of children who may not be otherwise served. Sponsors applying for rural non-congregate meal services must determine if the site is in an area where there is no congregate meal service, specifically the sponsor should determine if there is another approved SFSP site within ¼ mile of the proposed non-congregate site; and if any sites within that specified area are serving congregate meals.

However, if the nearby site is a closed enrolled site, a camp, or has barriers that would prevent participants from accessing those congregate meals (e.g., participants would have to cross a busy highway to access a congregate meal site), then the proposed site may be approved for non-congregate meal service. If it is found that the proposed site is within an area for which participants do have access to congregate meals, the sponsor's request to participate in non-congregate flexibilities will be denied.

Criteria 3: Meeting the definition of an 'area in which poor economic conditions exist' as per Program regulations at 7 CFR 225.2.

Just as with any other proposed meal service site, rural non-congregate sites must meet site eligibility requirements. If the rural area meets the definition of an 'area in which poor economic conditions exist' (noted in the Definition section above), meals for all children may be claimed for reimbursement. If the rural area does not meet the definition of an 'area in which poor economic conditions exist,' only the meals served to children who are eligible for free or reduced-price meals under the National School Lunch Program (NLSP), or the School Breakfast Program (SBP) may be claimed.

Upon application to participate in the SFSP, sponsors are required to advise of how eligibility will be established for each site to include those sites that are rural non-congregate. Sponsors are also required to maintain documentation supporting the eligibility for all of their sites.

Conditional Non-Congregate Sites

A site that meets the definition of 'rural' (Criteria #1), is in an area where no congregate meal services are available (Criteria #2) but is not located in an area in which poor economic conditions exist (Criteria #3), may be approved to serve non-congregate meals, if Program eligibility is established for each child who will be served SFSP meals. Per 7 CFR 225.2, these sites are known as conditional non-congregate sites. Conditional non-congregate sites must establish each child's eligibility for the Program and may only be reimbursed for meals served to those children who meet eligibility standards as per 7 CFR 225.16(b)(5)(iv) and 7 CFR 225.9(d)(11).

Individual Child Eligibility Requirements for Conditional Non-Congregate Sites

Children who meet eligibility standards are those children who are eligible for free or reduced-price meals according to the income guidelines for the NSLP and SBP. Conditional non-congregate sites may establish individual child eligibility by one of the two following methods:

- Individual Eligibility Information from School Data. A non-SFA sponsor that wishes to use NSLP/SBP individual student data to identify eligible children for participation at a conditional

non-congregate site must secure a Memorandum of Understanding (MOU) or written statement with the State agency or SFA, per 7 CFR 225.14(d)(8). In addition, per 7 CFR 225.15(k)(1), an MOU or written agreement must be in place prior to disclosing children's free and reduced-price meal eligibility information and should include information similar to disclosure notification details found in 7 CFR 225.15(k)(2). Sponsors are responsible for the proper handling and storage of student data with applicable SFAs in accordance with confidentiality and disclosure provisions in 7 CFR 225.15(f) through (l); or

- Income Eligibility Statements (IES forms) completed by parents and/or guardians. Per 7 CFR 225.15(f), the IES form or Household Application is used to determine the free or reduced-price meal statuses of individual children. IES forms can be found on DECAL's website [here](#). Sponsors must adhere to confidentiality and disclosure provisions as set forth in 7 CFR 225.15(f) through (l) when requesting and collecting IES forms.

To reiterate, for conditional non-congregate sites, only those meals served to children who are eligible for free or reduced-price meals can be submitted for SFSP reimbursement. The following will result in a finding and potential meal disallowance with regard to conditional non-congregate sites:

- Failure to maintain individual eligibility school data or IES forms to support each child's eligibility;
- Claiming meals served to children that do not qualify for free or reduced-price meals; and/or
- Failure to adhere to all other conditional non-congregate site requirements.

Charging Non-Eligible Children for Meals at Conditional Non-Congregate Sites

Regulations at 7 CFR 225.6(i)(4) and 7 CFR 225.6(i)(7)(ii) allow sponsors of conditional non-congregate sites to charge children who do not qualify for free or reduced-price meals for SFSP meals. Those children who do meet income standards, meaning those who are eligible for free or reduced-price meals, must not be charged for the receipt of SFSP meals.

Per 7 CFR 225.6(f)(1)(iii), sponsors of conditional non-congregate sites that charge non-eligible children for SFSP meals must advise DECAL, via a pricing policy statement, of the following:

- A statement that the eligibility standards conform to the Secretary's family size and income standards for reduced-price school meals;
- A description of the method to be used in accepting applications from families for Program meals that ensures that households are permitted to apply on behalf of children who are members of households receiving SNAP, FDPIR, or TANF benefits using the categorical eligibility procedures described in § 225.15(f);
- A description of the method to be used for collecting payments from children who pay the full price of the meal while preventing the overt identification of children receiving a free meal;
- An assurance that the sponsor will establish hearing procedures for families requesting to appeal a denial of an application for free meals.
- An assurance that, if a family requests a hearing, the child will continue to receive free meals until a decision is rendered; and
- An assurance that there will be no overt identification of free meal recipients and no discrimination against any child on the basis of race, color, national origin, sex (including

gender identity and sexual orientation), age, or disability.

In addition, per 7 CFR 225.6(f)(2), each sponsor of a conditional non-congregate site that charges non-eligible children for SFSP meals must establish hearing procedures. At a minimum the hearing procedures must include:

- A simple, publicly announced method will be used for a family to make an oral or written request for a hearing;
- The family will have the opportunity to be assisted or represented by an attorney or other person (designated representative);
- The family or designated representative will have an opportunity to examine the documents and records supporting the decision being appealed, both before and during the hearing;
- The hearing will be reasonably prompt and convenient for the family or designated representative;
- Adequate notice will be given to the family or designated representative of the time and place of the hearing;
- The family or designated representative will have an opportunity to present oral or documented evidence and arguments supporting its position;
- The family or designated representative will have an opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
- The hearing will be conducted and the decision made by a hearing official who did not participate in the action being appealed;
- The decision will be based on the oral and documentary evidence presented at the hearing and made a part of the record;
- The family or designated representative will be notified in writing of the decision;
- A written record will be prepared for each hearing, which includes the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision, and a copy of the notice sent to the family or designated representative; and
- The written record will be maintained for a period of three years following the conclusion of the hearing and will be available for examination by the family or designated representative at any reasonable time and place.

Application and Recordkeeping Requirements for Conditional Non-Congregate Sites

The following are SFSP application and recordkeeping requirements for conditional non-congregate sites:

- Certification Statement – Per 7 CFR 225.14(d)(7), sponsors operating conditional non-congregate sites must certify that they will collect information to determine children's Program eligibility to support its claim for reimbursement. This certification statement found [here](#) must be completed and submitted to DECAL at the time of completing the SFSP application.
- Enrollment Disclosure – Per 7 CFR 225.6(g)(1)(xiv) and 7 CFR 225.6(g)(2)(viii), for conditional non-congregate sites, the number of children enrolled who meet the Program's income standards should be disclosed at the time of the SFSP application. 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.

- Pricing Policy Statement – Per 7 CFR 225.6(f)(1)(iii), sponsors of conditional non-congregate sites must advise DECAL of its pricing policy when charging non-eligible children for the receipt of SFSP meals. Sponsors of conditional non-congregate sites that charge for meals must complete DECAL's Pricing Policy Statement found [here](#) and submit this statement at the time of the SFSP application.
- Hearing Procedures – Per 7 CFR 225.6(f)(2), each sponsor of conditional non-congregate sites that charge non-eligible children for meals must submit, to DECAL, a copy of its hearing procedures at the time of the SFSP application.

Sites Operating both Congregate and Rural Non-Congregate Meal Services

As mentioned prior, one of the criteria for participating in rural non-congregate meal services is that the site will not serve an area where children would receive the same meal at an approved congregate meal site. Federal regulation at 7 CFR 225.6(h)(4) provides further guidance for sites that may wish to operate both congregate and non-congregate meal services. The proposed site must only conduct a non-congregate meal service (e.g., breakfast, snack, lunch, supper) when the site is not providing that same meal service in a congregate setting. The sponsor must also have an organized and supervised system which prevents overlap between meal services. This system must also ensure that children are not receiving more than the daily maximum allowances of meals required in 7 CFR 225.16(b)(3).

Examples of how a site could operate both congregate and non-congregate meal services are:

- A site offering congregate breakfast meals and providing non-congregate lunch meals. Note: A non-congregate meal must be provided after a child receives and consumes their congregate meal. For example, it would not be acceptable to provide a non-congregate lunch and a congregate breakfast simultaneously. The site should serve the non-congregate lunch as the children are leaving a congregate breakfast.
- A site offering congregate meals Monday through Friday but providing non-congregate meals on Saturday and Sunday.

Non-Congregate Meal Service Delivery Methods

Two types of meal service delivery methods are available to sites that have been approved to operate as rural non-congregate. Those meal service delivery methods are meal pick-up at a site location and home delivery.

Meal Pick-Up at a Site Location

This non-congregate meal service delivery method is designed to provide packaged meals that 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 in an area-eligible area, or to children who are eligible for free or reduced-price school meals when the pick-up site is conditional non-congregate. Meals should be packaged in a manner to allow children to carry the food from the SFSP site to their home. Children can only pick up meals for themselves and cannot pick up meals for other children, including siblings.

Home Delivery

Home delivery is a non-congregate meal service delivery method designed to deliver meals directly to homes of eligible children. Delivery could be completed by mail, delivery service, or hand-delivered.

Eligibility of Homes

Sponsors may use area eligibility to determine if a home is eligible to receive home delivered SFSP meals. Homes located in area eligible locations do not need to document individual eligibility to be reimbursed for home-delivered meals. For information regarding area eligibility, please see DECAL memorandum [Area Eligibility in Child Nutrition Programs](#).

For households that are not area eligible, sponsors must establish eligibility of each child to whom meals will be delivered. Participant eligibility must be established in one of the two following methods:

- Individual Eligibility Information from School Data. A non-SFA sponsor that wishes to use NSLP/SBP individual student data to identify eligible children for participation in home delivery must secure an MOU or written statement with the State agency or SFA per 7 CFR 225.14(d)(8). In addition, per 7 CFR 225.15(k)(1), an MOU or written agreement must be in place prior to disclosing children's free and reduced-price meal eligibility information and include information similar to disclosure notification details found in 7 CFR 225.15(k)(2). Sponsors are responsible for the proper handling and storage of student data with applicable SFAs in accordance with confidentiality and disclosure provisions in 7 CFR 225.15(f) through (l); or
- Income Eligibility Statements (IES forms) completed by parents and/or guardians. Per 7 CFR 225.15(f), the IES form or Household Application is used to determine the free or reduced-price meal statuses of individual children. IES forms can be found on DECAL's website [here](#). Sponsors must adhere to confidentiality and disclosure provisions as set forth in 7 CFR 225.15(f) through (l) when requesting and collecting IES forms.

For those households that are not area eligible, only participants' households that qualify for free or reduced-price meals as per school data obtained via an SFA or by IES forms are eligible to receive home delivered SFSP meals. As such, the following will result in a finding and potential disallowance of meals delivered to homes:

- Failure to maintain individual eligibility school data or IES forms to support each child's eligibility (if home is not located in an area eligible location);
- The delivery of meals to children's households that do not qualify for free or reduced-price meals (if home is not located in an area eligible location); and/or
- Failure to adhere to all other home delivery meal service model requirements.

Additional Requirements for the Home Delivery Meal Service Model

For all homes which receive delivered meals, sponsors utilizing the home delivery meal service method are required to:

- Identify and invite households of only eligible children to participate in the meal delivery service;

- Obtain and maintain written consent from the eligible participant's parent or guardian that the household wants to receive delivered meals. Written consent could include hard copy documentation, emails, or other electronic means of communication. As per 7 CFR 225.14(d)(6), sponsors must obtain written parental consent prior to providing meals to children. Written consent documentation must be maintained and made available upon request.
- Confirm and maintain documentation supporting the household's current contact information, the number of eligible children in the household, and how many meals are delivered to each home;
- Not exceed the maximum number of meals per child per day;
- Protect the confidentiality of participants and their households throughout the process in accordance with confidentiality and disclosure provisions in the National School Lunch Act and 7 CFR 225.15(f)-(l).

Please note that for those sponsors utilizing the home delivery meal service method, each home or stop would not be considered a separate site requiring a separate site application. As per USDA guidance, the home delivery route, as a whole, would be considered the 'site' for the purposes of site requirements and the site application in ATLAS; however, individual home locations (actual addresses) for which meals are to be delivered under the home delivery method must be designated as 'rural' under the Rural Non-Congregate Meal Site Eligibility Criteria section of this memorandum.

The following documentation must be submitted and attached within a sponsor's application during the application process when sponsors elect to utilize the home delivery meal service model:

- If applicable, the MOU with an SFA to use the SFA's student data as the basis for establishing child eligibility;
- A Home Delivery Certification Statement which certifies that the sponsor will adhere to home delivery meal service model requirements. The Home Delivery Certification Statement can be found [here](#); and
- Delivery schedules with meal delivery address locations.

Food safety is important for all meal service delivery methods. Sponsors should ensure food selections and packaging promote food safety. Sponsors should also include instructions on at-home storage and preparation. As with congregate SFSP meal service, sponsors must ensure non-congregate meal packages meet State and local health and safety requirements. It is also important to note that like congregate meals, all non-congregate meals must comply with meal pattern requirements for SFSP.

Non-Congregate Meal Service Options

Parent and Guardian Pick-Up

Sponsors that have been approved to operate non-congregate meal services in rural areas may distribute meals to parents or guardians to take home to their children. **Guardians are defined as the adults listed in the Definition section of this memorandum.** The following adults would not meet the definition of 'guardian' and cannot pick up meals on behalf of other parents' and guardians' children.

1. An adult that is not providing supervisory care for a child on the meal service day. Examples of adults that would not be considered guardians are as follows:

- a. An adult who picks up meals at a SFSP site to deliver to neighboring children when the adult is not providing supervisory care for those children; or
 - b. A grandparent who picks up meals for a grandchild and delivers those meals to a grandchild's home where a parent or other adult caregiver is providing supervisory care for the child on that day.
2. Childcare providers of formally enrolled children. The following would be prohibited from picking up and distributing meals to groups of enrolled children:
 - a. A DECAL licensed day care home provider who provides care for enrolled children.
 - b. A DECAL licensed childcare center that provides care for enrolled children.
 - c. An informal care provider that is registered with the Childcare and Parent Services (CAPS) program.
3. Childcare providers of related or unrelated groups of children for which parents agree to the care. The following examples would be prohibited from picking up and distributing meals to groups of related or unrelated children:
 - a. A camp with or without a DECAL exemption;
 - b. Vacation bible schools;
 - c. Summer tutoring services; or
 - d. Athletic/auxiliary summer training events and/or recreational sports activities (e.g., football, cheerleading, and band camps, and recreation league sport teams).

As adults that are not parents or do not meet the definition of 'guardian' as defined in the Definition section of this memorandum cannot pick up meals for other parents'/guardians' children, sponsors opting to distribute meals to parents or guardians must maintain accountability and program integrity. This includes implementing verification processes to ensure that meals are only distributed to parents or guardians of eligible children, and that duplicate meals are not distributed to any child as per 7 CFR 225.16(i)(2).

DECAL recommends that sites implement one of the two following verification processes:

- Ask the parent/guardian to present forms of valid child or adult identification (ID). Valid forms of ID may include, but are not limited to, school identification card, participant's passport, government-issued child identification card, or any document proving parent/guardian identity and relationship to the child or adult, such as an adoption decree; doctor, clinic, or hospital record; religious record; or day care center record; or
- A daily parent/guardian pickup roster used to collect the parent and/or guardian name, number of participants in the household, and names of participants in the household. For adults that meet the definition of 'guardian' but are not legal guardians of minors or state-regulated foster parents, sponsors should collect the guardian's name and the names of the participants for which the guardian is providing supervisory care.

Sponsors are not required to implement either of the two above recommended verification processes; however, if sponsors do not utilize either of the recommendations, sponsors must develop a verification process of their own. Sponsors must complete and submit at the time of the site application the Parent/

Guardian Pick Up Procedures Statement found [here](#) where the sponsor will advise of its verification process.

Multi-Day Meal Distribution

Multi-day meal distribution is an available meal distribution method for SFSP sponsors that are eligible for rural non-congregate meal services. This distribution option may be used with either the meal pick-up or home delivery meal service methods. The distribution must only be conducted for the allowable number of reimbursable meals for up to a 10-calendar day period per 7 CFR 225.6(h)(3)(v) and 7 CFR 225.16(i)(1).

Sponsors electing this option must have documented procedures, submitted with their application, that will ensure that the proper number of meals are distributed to each eligible child, per 7 CFR 225.16(i)(1). It should also be noted, a non-congregate meal service operation distributing more than the daily meal limit when multi-day meal service is used is a serious deficiency included within 7 CFR 225.11(c)(4).

With multi-day meal distribution, sponsors may provide multiple unitized meals to participants or provide food items in bulk. Bulk food items in the non-congregate meal service would be considered specific food items provided in 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 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.

Bulk Distribution of Food Items

Per 7 CFR 225.16(i)(3), approved self-preparation sponsors may provide bulk food items; and if electing to distribute food items in bulk, sponsors must meet the safety, service, and integrity standards of the SFSP.

State agencies and sponsors are required to ensure the following with regard to bulk meal distribution per 7 CFR 225.16(i)(3):

- **Food preparation must not require cooking and/or baking.** Food preparation, such as heating or warming, is minimal. Sponsors may offer food items that require further preparation only with State agency and FNS approval;
- Required food components in the proper minimum amounts for each reimbursable meal are being served;
- 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; 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.

Sponsors should follow the USDA guidance, [Offering Multiple Meals as Part of Summer Non-Congregate Meal Service](#). The guidance advises of the following (not an exhaustive list):

- Offer foods that:

- Are pre-prepared and do not require cooking and chopping; and fruits and vegetables that are washed, cut, and ready to eat.
 - Require minimal preparation before they are served to children;
 - Are accompanied by menus and instructions on the service or preparation of the meals.
 - Do not require pots, pans, large refrigerators, knives, or other items to prepare or store them.
 - Do not require the addition of water, cooking in water, or washing before eating
 - Are pre-washed or pre-cooked, accompanied with food safety instructions.
- The amount of foods needed to meet meal pattern requirements does not always equate to common can and container sizes available on the retail market. In these instances, more food than what is required would need to be provided if sponsors wish to use retail packages. Sponsors would need to round up and provide the next full-size container.
 - Distributing multiple days' worth of meals may present food quality challenges. Sponsors should consider the following:
 - For sandwiches and wraps, package bread separately from sandwich fillings and provide instructions on how parents, guardians, and older children can assemble the sandwiches at mealtime.
 - For pre-made salads, package dressings separately from salad greens and provide instructions on how to dress the salad at home.
 - Frozen foods, which require minimal preparation other than heating, may be provided as part of meals if they meet meal pattern requirements. Providing foods in a frozen state may present a safe way to offer perishable foods for consumption later in the week (for example, 4 or 5 days after distribution).

Sponsors that are considering distributing meals for multiple days, whether by multiple unitized meals or bulk food item distribution, should also keep in mind the following:

- If utilizing meal pick-up meal service methods, are participants capable of transporting multiple meals?
- Will households be able to safely store multiple meals or bulk food items? Do most households have the refrigeration or freezer storage space available for multiple days' worth of meals?

Documenting Multi-Day Meal Distribution

To document meals served via Multi-Day Meal Distribution, including bulk distribution, sponsors must use DECAL's Daily Meal Count Form (Att. 18) or Daily Meal Count Form (Att. 18A, *for mobile feeding only*) to record the number of meals served. Each day's meals that were served and included in the multi-day distribution should be recorded on a separate Daily Meal Count Form. A separate Daily Meal Count form must also be used for each meal type served (e.g., breakfast and lunch).

Sponsors may use an alternate meal count form but only with prior approval from DECAL. Requests to use alternate forms must be submitted to the sponsor's assigned Technical Assistance Coordinator. Use

of alternate forms without DECAL's approval could result in a meal reclaim or disallowed costs for the period covered by the records at issue. The Alternate Approval Letter and the alternate forms must be maintained on file and made available upon request. Please see [DECAL SFSP Policy #5, Recordkeeping Requirements for All Sponsors and Sponsored Facilities Participating in the SFSP](#) for additional information on the use of alternate forms.

State Agency Rural Non-Congregate Meal Service Approval

A site must be approved by DECAL to participate in rural non-congregate meal services. Sites serving non-congregate meals that do not have DECAL approval will be issued a finding resulting in a meal reclaim. In addition, sponsors must be in 'good standing' under the Child Nutrition Program(s) which they currently operate to be approved to operate non-congregate meal services. Sponsors that have experienced serious deficiencies in prior years may be approved to operate non-congregate meal services, if, to the satisfaction of the State agency, the sponsor has taken appropriate corrective actions to prevent recurrence of the deficiencies as per 7 CFR 225.6(b)(9).

The IFR advises there are no restrictions on the providing of a non-congregate meal service based on sponsor type; and per 7 CFR 225.6(b)(12), a State agency must not deny a sponsor's application based solely on the sponsor's intent to provide a non-congregate meal service; however, a State agency does have the responsibility of ensuring sponsors and sites meet the requirements for participating in the SFSP, in addition to, those requirements pertaining to rural non-congregate meals. If it is determined that a sponsor is not financially and administratively capable of operating a non-congregate meal service; proposed one or more service areas already sufficiently served through a congregate meal service; or proposed one or more service areas that do not meet the requirements for non-congregate meal service, the sponsor's request for a proposed site to operate rural non-congregate meal services may be denied. A State agency's denial of a sponsor's non-congregate meal service is appealable under 7 CFR 225.13; however, per 7 CFR 225.16(i) a State agency's decision to prohibit a sponsor from using multi-day meal issuance, parent/guardian pick-up of meals, and service of bulk meal components is not an appealable action.

Second Meals

Per 7 CFR 225.15(b)(4), sponsors may claim reimbursement for a number of second meals which does not exceed 2 percent of the number of first meals served to children for each meal type (i.e., breakfasts, lunches, snacks, or suppers) during the claiming period for congregate meals served. Second meals must be served only after all participating children at the site's congregate meal service have been served a meal.

However, second meals may not be served as part of a non-congregate meal service. Reimbursement of second meals is limited to congregate meal services. State agencies are required to disallow claims if it determines sponsors served second meals as part of a non-congregate meal service.

Meal Service Time Requirements for Rural Non-Congregate Sites

Per 7 CFR 225.16(b)(5)(iii), sponsors of sites that are approved to provide non-congregate meals in rural areas with no congregate meal service must comply with meal service time requirements; however, not all meal service time requirements pertaining to SFSP are required of rural non-congregate sites.

Approved rural non-congregate meal service sites must adhere to the following meal service time requirements per 7 CFR 225.16(c):

- Meal service times must be established by sponsors for each site, included in the sponsor's application, and approved by the State agency;
- Meals served outside the approved meal service time are not eligible for reimbursement and may be approved for reimbursement by the State agency only if an unanticipated event, outside the sponsor's control, occurs. The State agency may request documentation to support approval of meals claimed when an unanticipated event occurs; and
- The State agency must approve any permanent or planned changes in meal service times.

The following SFSP meal service time requirements are not applicable to approved rural non-congregate sites per 7 CFR 225.16(c):

- Breakfast meals must be served at or close to the beginning of a child's day. Three component meals served after a lunch or supper meal service are not eligible for reimbursement as a breakfast;
- Meal services must start at least one hour after the end of the previous meal or snack;
- Meal deliveries must arrive before the approved meal service time; and
- Meals must be delivered within an hour of the start of the meal service if the site does not have adequate storage to hold hot or cold meals at the temperatures required by the State or local health regulations.

Sponsor Training and Monitoring of Rural Non-Congregate Sites

Training

7 CFR 225.15(d)(1) advises that each sponsor must hold SFSP training sessions for its administrative and site personnel and must not allow a site to operate until personnel have attended a training session. In addition to the topics of site eligibility, recordkeeping, meal pattern requirements and monitoring duties, sponsors must train staff on congregate and non-congregate meal services.

Pre-Operational Visits

Sponsors must conduct pre-operation visits for new sites and sites that experienced operational problems the previous year to determine that sites have the capacity to provide meal service for the anticipated number of children in attendance and the capability to conduct the proposed meal service. Per 7 CFR 225.15(d)(2), sponsors must also conduct pre-operational visits at existing sites that are new to non-congregate meal service.

First Two-Week Visits

Sponsors must visit each of their sites at least once during the first two weeks of site operations. In cases where the site operates for seven calendar days or fewer, the visit must be conducted during the period of operation. These visits must be conducted for all new sites, sites that have had operational problems in the prior year and any other sites that a State agency has determined need a visit. Sponsors must also conduct a two-week monitoring visit for all existing sites that are new to providing non-congregate meal services, per 7 CFR 225.15(d)(3)(ii).

Full Review of Food Service Operation Visits

Sponsors must conduct a full review of food service operations at each congregate and non-congregate meal site at least once during the first four weeks of program operations. Sponsors may conduct a full review of food service operations at the same time they are conducting a two-week visit, per 7 CFR 225.15(d)(4).

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 service delivery method 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 for a site to distribute meals.

For example, with 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 a meal pickup model, such as grab-and-go, meal service review may also include observing the self-preparation of meals. In all non-congregate services, 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.

Sponsors are required to document visits using the following DECAL approved forms:

- [Pre-Operational Visit Form \(Attachment L-1\)](#)
- [Site Visit Form \(Attachment L-2\)](#)
- [Site Review Form \(Attachment L-3\)](#)
- [Optional Combined Site Visit and Review Form \(Attachment L-4\)](#)

Unanticipated School Closures

The rural non-congregate meal service authorized in the Consolidated Appropriations Act, 2023 ([P.L. 117-328](#)), may be available for non-congregate meal service 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.

Only sponsors that meet these requirements and are approved to offer non-congregate meal service may be approved by the 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 as outlined above.

Recordkeeping and Application Requirements

Sponsors and SFAs operating both congregate and non-congregate sites must maintain separate meal counts for non-congregate meals served, by meal service type (i.e., breakfast, lunch, AM/PM snack, supper) via the Daily Meal Count Form (Att. 18) or Daily Meal Count Form (Att. 18A, *for mobile feeding only*).

Despite the regulatory allowance for non-congregate meal services in rural areas with no congregate meal services, recordkeeping requirements regarding the SFSP remain the same. [DECAL SFSP Policy #5, Recordkeeping Requirements for All Sponsors and Sponsored Facilities Participating in the SFSP](#), applies to all sponsors and sites, including those sponsors and sites conducting rural non-congregate meal services. Sponsors and sites must maintain and make available upon request all SFSP supporting documentation, to include but not limited to:

- Delivery and pick-up receipts;
- Delivery schedules;
- Documentation to support sufficient milk purchases;
- Meal count records/meal count consolidation records/daily meal count records;
- Financial records;
- Purchase receipts/invoices supporting all SFSP expenses;
- Documentation supporting site eligibility; and
- Individual child eligibility documentation supporting claims for reimbursement, such as individual school data or IES forms, when applicable.

As advised in DECAL SFSP Policy #5, failure to maintain Program records in accordance with Federal regulations, DECAL policy, and/or guidance shall result in a review finding, as well as a meal reclaim for the period covered by the records in question, a cost disallowance for the period covered by the records in question, and/or the institution being declared Seriously Deficient.

At the time of SFSP application submittal, the following must be provided when requesting a site be approved to serve rural non-congregate meals (not an exhaustive list):

- Documentation supporting the site's 'rural' status;
- Certification statement that individual eligibility information will be collected, if operating a conditional non-congregate site;
- An MOU or written agreement with an SFA, if a site uses school data to support individual child eligibility;
- Disclosure of the number of enrolled eligible children, if operating as a conditional non-congregate site.
- A Pricing Policy Statement if operating a conditional non-congregate site and charging for meals served to non-eligible children;
- A copy of the sponsor's hearing procedures if operating a conditional non-congregate site that charges for meals served to non-eligible children;
- A Home Delivery Statement, if operating home delivery;

- Delivery schedules with meal delivery address locations, if delivering meals to eligible children's homes.
- A Parent/Guardian Procedures Statement, if operating parent/guardian pick-up;
- Documented procedures that ensure that the proper number of meals are distributed to each eligible child if participating in multi-day distribution.

Additional Information on Applying for Rural Non-Congregate meals

Nutrition Services has developed a guide on the rural non-congregate application and approval process. This guide can be found [here](#).

Comments

For questions concerning this memorandum, please contact the Policy Administrator at (404) 651-8193.