



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

Purpose

This memorandum provides further 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, April 17, 2023.

Specific updates to this version include, but are not limited to:

- Updated resources to determine if a site is located in a rural pocket
- Updates to participant (child) eligibility requirements for home delivery
- Further guidance on bulk distribution of food items including the distinction between bulk items and multi-day meal issuance
- Notification that experienced sponsors must be in good standing to be approved to operate non-congregate service
- Guidance and requirements regarding sponsors' monitoring of non-congregate meal service sites.

Legal Authority

SFSP 01-2023, SP 05-2023

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 is available in Summer 2023 and Summer Electronic Benefits Transfer for Children Program will be available in summer 2024. The Act requires FNS to promulgate regulations to carry out these two changes. Regulations for these policy changes will be promulgated in advance of summer 2024. On February 28, 2023, USDA issued the memorandum, [Implementation Guidance: Summer 2023 Non-Congregate Meal Services in Rural Areas](#), and on April 20, 2023, the memorandum, [Questions and Answers #2: Summer 2023 Non-Congregate Meal Service in Rural Areas](#). Both memoranda, provided guidance and instructions for State agencies and SFSP operators on how to implement SFSP rural non-congregate meal service during summer 2023.

Program Requirements

Rural Non-Congregate Meal Site Eligibility Criteria

As per USDA guidance, 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'; **and**

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

Criteria 1: Determining a Site's Rural Status

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. 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.

Rural Pockets Located in Non-Rural Areas

A site may still be eligible if it is located in a rural pocket within an area that is non-rural as designated on the Rural Designation Map. As such, sponsors, for all proposed sites, that are not designated as rural per the Rural Designation Map, may consult the following resources:

- **Rural-Urban Commuting Area (RUCA) Codes 4 through 10** as a baseline for identifying a rural pocket within a Metropolitan Statistical Area (MSA). In total there are 10 codes, which offer a straightforward classification of metropolitan and non-metropolitan areas based on the size and direction of primary commuting flows. Federal Agencies, including USDA's Rural Development agency, use the RUCA codes to assess rurality, and it is generally accepted that non-metro areas and census tracts in MSAs designated with codes **4 through 10** may be considered 'rural.'

More information on the RUCA codes and classifications can be found here: [RUCA Codes](#)

- **NCES Locale Classifications** issued by the National Center of Education Statistics (NCES). For locations that fall under NCES Locale Classifications 41, 42, and 43 may be designated as areas located within 'rural pockets'.

For information on NCES Locale Classifications and a mapping tool, please view the following link: [NCES Locale Mapping Tool](#)

Additional Resources for Proposed Sites Not Designated as Rural by FNS' Rural Mapping Tool

- **Rural-Urban Continuum Codes (RUCC) 4 through 9.** Developed by Economic Research Service (ERS), the 2013 Rural-Urban Continuum Codes form a classification approach that distinguishes metropolitan counties by the population size of their metro area, and non-metropolitan counties by degree of urbanization and adjacency to a metro area. The official OMB metro and non-metro categories have been subdivided into three metro and six nonmetro categories. Each county in the U.S., municipio in Puerto Rico, and Census Bureau-designated county-equivalent area of the Virgin Islands/other inhabited island territories of the U.S. is assigned one of the 9 codes.

More information on the RUCC codes and classifications can be found here: [RUCC Codes](#)

- **Urban Influence Codes (UIC) 3 through 12.** The UIC were developed by ERS to capture differences in economic opportunities among counties. The UIC are based on OMB's delineation of Metropolitan (metro) and Micropolitan (micro) statistical areas; micropolitan areas are further classified by adjacency and non-core non-metro counties are classified by adjacency and population of the county's largest town.

More information on the RUCC codes and classifications can be found here: [UIC Codes](#)

- **No Kid Hungry Non-Congregate Summer Meals Rural Eligibility Map** issued by Share Our Strength includes three datasets, including the RUCA, so that sponsors can easily visualize requests. The No Kid Hungry Non-Congregate Summer Meals Rural Eligibility Map will show whether an area meets or potentially meets USDA's definition of rural for the purpose of qualifying to provide non-congregate summer meals in FY 2023. To view this map, sponsors must click the "Layers" button on the primary map toolbar, select the layers called "USDA FNS Rural Designations" and "Potential Rural Pockets," and deselect all other map layers.

More information on the No Kid Hungry map and full instructions on how to use the tool can be found here: [No Kid Hungry Non-Congregate Summer Meals Rural Eligibility Map](#).

If a site is located in an area that has been designated as rural according to any of the above resources/tools, DECAL will send a recommendation that the site be approved as rural to the Southeast Regional Office (SERO) for review and approval as per the USDA memorandum, *Implementation Guidance: Summer 2023 Non-Congregate Meal Service in Rural Areas*.

Sponsors may provide to DECAL different resources/tools supporting that an area is 'rural'; however, recommendations using the specific tools named above as a basis for a 'rural' determination will take first priority in the recommendation process.

If a proposed meal site is not located in an area designated as 'rural' by USDA's Rural Designation Map or approved by SERO as being located in a rural pocket within an area that is non-rural as designated on the Rural Designation Map, DECAL will deny the site's eligibility for non-congregate meal service flexibilities.

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

In addition to the requirement that a proposed site be located in a rural area in order to be approved for non-congregate flexibilities, the site must also be in an area where no congregate meal service is available to participants. To determine if the site is in an area where there is no congregate meal service, DECAL will first review the site's location with regards to its proximity to any other approved SFSP meal service site. DECAL will determine if there is another approved SFSP site within ¼ mile of the proposed non-congregate site. If there is indeed a site nearby, DECAL will determine if the nearby site will be providing 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 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.

State Agency Rural Non-Congregate Meal Service Approval

A site must be approved by DECAL as a site in a rural area where no congregate meal service is available in order for that site to utilize non-congregate meal service flexibilities. Sites serving non-congregate meals that do not have DECAL approval will be issued a finding resulting in a meal reclaim.

Experienced sponsors must be considered 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 service if, to the satisfaction of the State agency, *all* appropriate corrective actions to prevent recurrence of the deficiencies has been taken as outlined in 7 CFR 225.6(b)(9).

In addition, State agencies have the responsibility to deny sponsor's request to serve 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.

A State agency's denial of a sponsor's non-congregate meal service is appealable under 7 CFR 225.13.

Site Types Not Eligible to Participate in Non-Congregate Meal Services

Camps cannot offer non-congregate meal services if congregate meal services are available. As defined in 7 CFR 225.2, camps must provide a regularly scheduled food service as part of an organized program for enrolled children; such programming is generally understood to be congregate in nature.

Site Eligibility to Participate in the SFSP

Just as with any other proposed meal service site, sites that meet the criteria to be approved for non-congregate flexibilities, must still meet site eligibility requirements. If the rural area meets the definition of an 'area in which poor economic conditions exist' (per Program regulations at 7 CFR 225.2), then 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 (NLSLP) or the School Breakfast

Program (SBP) may be claimed.

Upon application to participate in the SFSP, sponsors would be 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.

Non-Congregate Meal Service Models

Two types of meal service models are available to sites that have been approved to utilize non-congregate flexibilities. Those service models are meal pick-up and home delivery.

Meal Pick-up Meal Service Model

- **Participant (Child) Pick-Up**

This non-congregate meal service model 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 in an area that is not area-eligible. Meals must be packaged and portioned 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.

- **Parent/Guardian Pick-Up**

Sponsors that have been approved to operate non-congregate meal service in rural areas may distribute meals to parents or guardians to take home to their children. Please note that parents/guardians cannot pick up meals for other parents'/guardians' children. As such, 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 participants, and that duplicate meals are not distributed to any participant.

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

- Ask the parent/guardian to present form 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 by collecting the parent and/or guardian name, number of participants in the household, and names of participant's in the household.

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. If upon DECAL review, it is found that the sponsor's verification process is insufficient to ensure that meals are only distributed to parents or guardians of eligible participants, and that duplicate meals are not distributed to any participant, or that no verification process has been put into place by the sponsor, findings will be issued that may result

in a disallowance of meals.

Home Delivery Meal Service Model

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

Participant (Child) Eligibility Requirements for Home Delivery

School Food Authority (SFA) sponsors and non-SFA Sponsors must establish eligibility of the participants to whom meals will be delivered. For non-SFA sponsors, participant eligibility must be established in one of the two following ways:

- A written Memorandum of Understanding (MOU) with an SFA to use the SFA's student data to establish the eligibility of the participants. A non-SFA sponsor that wants to use NSLP/SBP student data to identify eligible children for participation in the home delivery model must have MOUs on the proper handling and storage of student data with applicable SFAs that ensure consistency with confidentiality and disclosure provisions in the National School Lunch Act and SFSP regulations (7 CFR 225.15(f)(l)). SFAs are not required to agree to enter into MOUs with requesting non-SFA sponsors; **or**
- Income Eligibility Statements (IES forms) completed by parents and/or guardians. DECAL approved IES forms can be found [here](#). Sponsors must adhere to confidentiality and disclosure provisions as set forth in SFSP regulations (7 CFR 225.15(f)(l)). All collected IES forms must be maintained at the sponsor's office and provided to upon DECAL request.

SFA sponsors are also limited to the use of individual participant school data or IES forms to establish participant eligibility for the home delivery of SFSP meals.

Only participants' households that qualify as free or reduced 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 secure an MOU with an SFA or failure to obtain and maintain IES forms to support participant eligibility;
- The delivery of meals to participants' households that do not qualify as free or reduced; and/or
- Failure to adhere to all other home delivery meal service model requirements.

In addition, those sponsors utilizing the home delivery meal service model 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. 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).

It is important to note that individual home locations (actual addresses) for which meals are to be delivered under the home delivery meal service model must be designated as 'rural' per Criteria #1 under the Rural Non-Congregate Meal Site Eligibility Criteria section of this memorandum.

Additional Requirements for the Home Delivery Meal Service Model

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 SFAs student data as the basis for establishing eligible population;
- 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 models. 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.

Multi-Day and Bulk Meal Distribution

Multi-day meal distribution is an available meal distribution method for SFSP sponsors that are eligible for rural non-congregate meal service flexibilities. This distribution method may be used with either the meal pick-up or home delivery meal service models. The distribution must only be conducted for the allowable number of reimbursable meals for up to a 10-calendar day period.

Please note that sponsors who opt to conduct multi-day distribution must submit and attach delivery schedules within the sponsor's application during the application process.

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

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:

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

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 program operators wish to use retail packages. Program operators 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 model, 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.

Rural Non-Congregate Meal Service and Site Applications

Sponsors who wish to seek approval for sites for rural non-congregate meal services must indicate as such within the sites' applications in ATLAS. If the proposed site is in a rural area where no congregate meal services are available to participants and is then approved for rural non-congregate meal services, DECAL will request the sponsor provide information on which meal service model will be utilized (participant pick-up, parent/guardian pick-up, or home delivery) at the approved sites, in addition to whether multi-day distribution will be utilized. This information will be notated by DECAL within the site's application.

Please note that for those sponsors utilizing the home delivery meal service model, 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, as stated earlier, home delivery schedules with meal delivery address locations are required to be submitted during the application process.

Meal Service Times

As per USDA guidance, meal service times still required to be established for each site and included within each site's ATLAS application for rural non-congregate meal service sites. Meal service time requirements continue to apply per 7 CFR 225.16(c); however, sponsors offering non-congregate meal services are not required to serve breakfast in the morning or allow one hour between the end of one meal service and the start of the next. In addition, multiple meal types may be served to participants at the same time, serving both a lunch and a PM Snack, for example.

Monitoring of Non-Congregate Meal Service Sites

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

Sponsors must conduct a full review of food service operations at each non-congregate meal site at least once during the first four weeks of program operations. Taking into consideration the distance and time it takes to monitor on-site operations, particularly in rural areas, the sponsor may conduct the two week site visit and full meal service review at the same time, but this visit must occur within the first two weeks of operation.

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 model being used. A full site review of a non-congregate site includes reviewing the entire meal service time, which is the time established by the sponsor for a site to distribute meals.

For example, with a home delivery meal service model, 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 service models, the sponsor must ensure eligible children are receiving the proper number of meals that meet nutritional standards and are consistent with all applicable State and local health, safety, and sanitation standards.

New SFSP Sites and Monitoring

SFSP sites which have switched from a congregate feeding model to non-congregate in summer 2023 are considered “new” sites, including sites switching to operating a hybrid of both congregate and non-congregate (e.g., congregate breakfast and non-congregate lunch).

As outlined at 7 CFR 225.15(d)(2), sponsors must visit all new sites at least once during the first two weeks of program operations. This means sponsors must visit all existing sites switching from congregate to non-congregate in summer 2023.

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 their State agency to operate non-congregate meal service without a waiver during the school year when an unanticipated school closure occurs. In all other circumstances, State agencies must continue to rely on the established National School Lunch Act Section 12(l) waiver process to allow non-congregate meal service for sponsors experiencing an unanticipated school closure as outlined above.

Recordkeeping 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 recent change which allows 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 utilizing rural non-congregate meal service flexibilities. 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 documenting all SFSP expenses
- Documentation supporting site eligibility

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.

FAQ Guidance Available

Nutrition Services has developed question and answer guidance (FAQs) on the implementation of rural non-congregate meal services. This guidance can be found [here](#).

Comments

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

