



## Questions and Answers #2: Summer 2023 Non-Congregate Meal Service in Rural Areas

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### Purpose

This memorandum is the second set of questions and answers on the rural non-congregate summer meals option established through the Consolidated Appropriations Act, 2023 (the Act) (P.L. 117-328); and provides further guidance on the administration and operation of non-congregate meal service in rural areas during summer2023 for the Summer Food Service Program and National School Lunch Program Seamless Summer Option.

### Legal Authority

SFSP 07-2023

### Background

The Consolidated Appropriations Act, 2023 (the Act) (P.L. 117-328) authorized 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. The first memorandum in this series, [SFSP 01-2023, SP 05-2023 Implementation Guidance: Summer 2023 Non-Congregate Meal Service in Rural Areas – Revised](#), was published on February 28, 2023, and is available at <https://www.fns.usda.gov/sfsp/implementation-guidance-summer-2023-non-congregate-meal-service-rural-areas>.

### Program Requirements

This memorandum reflects additional feedback and questions received from State and local partners following the publication of the first memorandum. The following operational topics are addressed in this guidance:

- State Agency Approval of Non-Congregate Meal Service
- Sponsor, Site, and Participant Eligibility
- Meal Service
- Monitoring
- Reporting
- 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.

## Comments

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

### Questions and Answers

#### I. State Agency Approval of Non-Congregate Meal Service

##### **1. Are State agencies allowed to establish statewide policies around rural non-congregate operations (e.g., parent/guardian pick-up, bulk meal distribution)?**

Yes. State agencies have the discretion to establish statewide policies regarding aspects of rural non-congregate operations, including the potential use of parent/guardian meal pick-up or bulk meal distribution. Based on experience gained and lessons learned from non-congregate meal service during the COVID-19 pandemic, FNS has determined that State agencies are best positioned to determine how rural non-congregate meal service may be conducted to best provide access to eligible children while maintaining program accountability in summer 2023. Information on the parameters of non-congregate meal service flexibilities in the State should be clearly outlined in the State agency's Management and Administration Plan (MAP) submission.

##### **2. May rural sites that offered congregate meal service in prior summers be approved by the State agency to operate non-congregate meal service in Summer 2023?**

Yes. While FNS supports the benefits of congregate meal service and the enrichment activities that are often offered in conjunction with meals, non-congregate meal service may be appropriate and preferable in some situations. For example, a previous congregate site may be able to serve more children through a non-congregate model. FNS encourages State agencies to consider the specific circumstances of the sponsor and site when reviewing requests for non-congregate meal service and to approve all such requests that meet program eligibility requirements.

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

For clarification purposes, FNS will refer to bulk items in the non-congregate meal service as specific food items provided in a larger quantity than required for a single meal service. For example, a loaf of bread and a package of luncheon meat may be distributed as bulk items instead of being pre-assembled into individual sandwiches. A unitized meal is a meal that is individually portioned, packaged, and served

as a unit; beverages such as milk or juice may be packaged separately, but served with the unitized meal.

FNS will refer to multi-day meal issuance in the non-congregate meal service when multiple days of meals are provided on one day, whether unitized or comprised of bulk items. For example, a sponsor may provide 5 days of meals every Monday. Unitized meals served in this fashion would be provided in five distinctly packaged units or sets of menu items. Bulk items, while not unitized in this fashion, must still be able to be portioned into specific quantities in line with the applicable meal pattern requirements, to preserve the quality of the intended menu items and/or meals.

#### **4. Can State agencies opt out of the non-congregate meal service option for summer 2023?**

While State agencies have discretion regarding the scope of implementation in summer 2023, FNS strongly encourages States to consider the unique needs of the rural population and how non-congregate meal service can reach those children who might not otherwise have access to meals through the SFSP or SSO.

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

#### **5. Does a sponsor need to be in 'good standing' to operate a non-congregate meal service?**

Yes. In order to participate, experienced sponsors must be considered in 'good standing' under the Child Nutrition Program(s) which they currently operate. 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).

#### **6. Are new sponsors allowed to operate a non-congregate meal service?**

Yes, new sponsors may be allowed to operate a rural non-congregate meal service with State agency approval.

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

Yes. Tribal governments and authorities interested in operating a non-congregate meal service are encouraged to work with State agencies administering the SFSP to determine where and how non-congregate meal service can best operate. For more detailed information on Tribal eligibility, please refer to the policy memorandum CACFP 18-2012, SFSP 14-2012: Tribal Participation in the CACFP and the SFSP, published July 14, 2012, at <https://www.fns.usda.gov/cn/tribal-participation-cacfp-and-sfsp>.

#### **8. Is the rural non-congregate meal service option available during unanticipated school closures?**

Yes. 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. In addition, the State agency must continue to use the

priority system when approving sponsors to operate sites that propose to serve the same area, or the same enrolled children as outlined in 7 CFR 225.6(b)(5).

Please note, only sponsors that meet these requirements and are approved to offer non-congregate meal service as authorized in the Act 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.

### **9. What data sources can State agencies use to help identify rural pockets within a Metropolitan Statistical Area (MSA)?**

States may use the following for identifying a rural pocket within a Metropolitan Statistical Area (MSA). States may submit rural pocket concurrence requests to their Regional Office to receive an expedited review using the below dataset.

States may use the Rural-Urban Commuting Area (RUCA) Codes 4 through 10 as a baseline for identifying a rural pocket within a Metropolitan Statistical Area (MSA). The RUCA codes were first developed by USDA Economic Research Service (ERS) and the Federal Office of Rural Health Policy in collaboration with the WWAMI Rural Health Research Center to provide a detailed and flexible approach to delineating sub-county components of rural and urban areas. These codes are based on the same assumptions used by the Office of Management and Budget (OMB) to define county-level metropolitan and micropolitan areas. In total there are 10 codes, which offer a straightforward classification of metropolitan and nonmetropolitan areas based on the size and direction of primary commuting flows. Other 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 on ERS' website: <https://www.ers.usda.gov/data-products/rural-urban-commuting-area-codes/>.

### **10. Are other data sources besides RUCA allowable?**

FNS may consider other data sources to make a determination of whether an area is 'geographically isolated from urban areas' on a case-by-case basis. States should continue to work with their Regional Office to identify rural pockets and obtain concurrence. It may be that county level measures such as those listed below reflect rural pockets that are not already identified by RUCA codes. States may also consider these codes for their geographically isolated assessment.

- 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 nonmetropolitan counties by degree of urbanization and adjacency to a metro area. The official OMB metro and nonmetro 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.

- 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 noncore nonmetro counties are classified by adjacency and population of the county's largest town.

In addition, similar to existing area eligibility policy for sites serving American Indian and Alaska Native children<sup>1</sup>, State agencies may permit rural pocket designation for proposed site(s) located on a Tribal reservation, on trust land, or in an Alaska Native village by submitting documentation from a Tribal authority which certifies that the proposed site is located in a rural pocket. These designations must be submitted to the FNS Regional Office but will receive expedited review for Regional Office concurrence. This policy supports the expansion of access to SFSP and SSO to American Indian and Alaska Native children.

### **III. Meal Service**

#### **11. How many meals may program operators serve at one time?**

The Consolidated Appropriations Act, 2023 (P.L. 117-328), allows for the distribution of up to 10 days of meals at one time. In considering a sponsor's proposed multi-day meal issuance plans, State agencies should consider both the benefits of multi-day issuance and the need to maintain the food safety, service, and integrity standards of the Program. State agencies also have the discretion to limit the number of meals a sponsor distributes at once. Meals provided through multi-day meal service should not require more than minimal preparation by children and families; specifically, non-congregate meals should not require cooking, chopping, or other preparation requiring equipment or cooking skills. SFSP and/or NSLP and School Breakfast Program (SBP) regulations and meal pattern requirements still apply when offering non-congregate meals, whether through home delivery or meal pick-up.

#### **12. How is the home delivery model for non-congregate meal service different from the mobile meal model operated by some summer sponsors during the past several years?**

Under the home delivery model for rural non-congregate meal service, SFSP site requirements do not apply since individual homes are not considered sites.

The mobile meal model follows the definition of "site" outlined in 7 CFR 225.2. The mobile meal model is a type of congregate service that involves a sponsor delivering meals to an area, using a route with stops at approved sites in the community. The meal service is supervised, and all meals are consumed at the site, on the bus, or near the drop-off location as outlined in [SP 02-2014, SFSP 02-2014: Mobile Feeding Options in Summer Feeding Programs](#).

#### **13. How can a non-SFA sponsor identify eligible children in a non-area eligible area?**

A non-SFA sponsor may use the household application procedures outlined in 7 CFR 225.15(f) to identify eligible children in non-area eligible areas and/or to obtain household information for participation. A non-SFA sponsor that wants to use NSLP/SBP student data to identify eligible children in non-area eligible areas and/or for participation in the home delivery model must have a Memorandum of Understanding (MOU) with an SFA to use the student data for those purposes. Sponsors are responsible for the proper handling and storage of student data with applicable SFAs in accordance with

confidentiality and disclosure provisions in the National School Lunch Act and SFSP regulations (7 CFR 225.15(f)(l)).

#### **IV. Monitoring**

##### **General**

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

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

##### **State Agency monitoring**

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

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

#### **16. How can State agencies monitor non-congregate meal service models?**

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

##### **Home Delivery**

As part of the State agency's review of the sponsor, all sponsors using the home delivery model should:

- Provide evidence of written consent from the eligible child's parent or guardian that the household wants to receive delivered meals;
- Provide a record of how many children are eligible to receive meals in the home and how many meals were provided in each meal delivery; and
- If applicable, provide a copy of the MOU between the sponsor and the SFA for use of household eligibility information.

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

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

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

### **Meal Pickup**

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

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

- Observe meal packaging;
- Observe meal pickup;
- Ensure meal pattern requirements are met (unitized or bulk);
- Ensure meal pickup times are followed as stated on the application approved by the Stateagency;
- Ensure appropriate number of meals are distributed;
- Ensure local health, food safety, and sanitation standards are followed;
- Ensure 'And Justice for All' poster is properly displayed at pickup sites and civil rightsrequirements are met; and
- Ensure compliance with other State agency requirements as outlined at 7 CFR 225.7 or 7CFR 210 and 220.

### **Bulk Meal Distribution**

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

- Required food components in the proper minimum amounts for each reimbursable meal arebeing 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.

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

### **17. How should State agencies monitor sites operating a multi-day meal distribution?**

State agencies may allow multiday meal pick-up in non-congregate rural settings. A maximum of 10 meals per 10 calendar days may be distributed at one-time, per meal type; this must also coincide with how often the site is operating a State agency-approved meal service. State agencies should confirm that sponsors have a system in place to ensure that the proper number of meals are distributed to each eligible child. State agencies should consider the meal service dates when determining the number of meals that can be distributed. For example, if a non-congregate rural site is operating once every five days for lunch meal service, a multi-day meal distribution may include up to five lunches.

### **18. How should a State agency monitor an SFSP sponsor that operates both congregate and non-congregate sites?**

As outlined above, monitoring requirements at 7 CFR 225.7 apply to both congregate and non-congregate meal service models, which include conducting sponsor and site reviews, review of food service operations, and meal claim validation. When reviewing an SFSP sponsor that operates both congregate and non-congregate sites, the State agency should prioritize selecting non-congregate sites as part of their review.

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

## **SFSP Sponsor Monitoring**

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

Just as they would for congregate meal sites per 7 CFR 225.15(d)(3), sponsors must conduct a full review of food service operations at each non-congregate meal site at least once during the first four weeks of program operations. Taking into consideration the distance and time it takes to monitor on-site operations, particularly in rural areas, the sponsor may conduct an initial site visit and full meal service review at the same time, but within the first two weeks of operation. If sponsors need to conduct additional reviews after the initial site visit and full meal service review have been completed on-site, and



if no further on-site observation is needed, the State agency may establish off-site monitoring criteria. For further information on monitoring activities that can be conducted off-site, see [SFSP 06-2023 Oversight and Monitoring of the Summer Food Service Program - Guidance on On-site and Off-site Strategies and Options](#).

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

The purpose of a full site review of food service operations is to ensure the site is operating as described in the approved site application. A full site review of meal service for non-congregate sites may look different than a full site review of a congregate meal service, depending on the meal 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.

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

Yes. Sites which are switching 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. However, USDA understands the benefits of congregate meal service and encourages the continuation of congregate meal service when feasible.

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

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

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

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

The State agency must review, at a minimum, one site if the SFA selected for a School Meal Programs

administrative review operates SSO. This review can take place at any site within the reviewed SFA the summer before or after the school year in which the administrative review is scheduled. State agencies should prioritize non-congregate sites when making their site selection for review.

## **V. Reporting**

### **24. How should States complete the FNS-418 and the FNS-10 forms to reflect the non-congregate meal service option?**

For summer 2023, State agencies must submit the FNS-418 and the FNS-10 on the regular schedule and report the total number of meals in the applicable fields on the form. Non-congregate and congregate meals should be reported together. All non-congregate meals served through the SFSP should be claimed at reimbursement rates for Rural or Self-prep sites. All non-congregate meals served under the SSO are reimbursed at the "free" rates prescribed by the USDA for the NSLP, and for the SBP; supper meals are reimbursed at the NSLP's free lunch rate.

### **25. Will FNS collect data on non-congregate meal service?**

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

For summer 2023, sponsors and SFAs operating both congregate and non-congregate sites must maintain separate meal counts for non-congregate meals served, by meal service. FNS recommends that, as part of the sponsor and SFA application and approval process, State agencies ensure each sponsor or SFA approved to serve non-congregate meals is aware of the requirement to track and report separately meals served in non-congregate settings.

For each summer month (May-September), States must provide sponsor, site, and meal count data related to non-congregate meal service, by program (SFSP and SSO). States should prepare to provide to FNS the following information for both the SFSP and the SSO within 60-days of the end of each month:

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

FNS will issue further guidance on how to provide this information in the coming months.

### **26. What are the meal reporting requirements for non-congregate meals in the SFSP and SSO beyond summer 2023?**

As a new, permanent program option, FNS expects data collection and reporting for non-congregate meal service will become a routine part of reporting, beyond summer 2023. At a minimum, we anticipate that congregate and non-congregate meals will need to be tracked and reported separately to FNS. Additional information about reporting requirements after summer 2023 will be provided to State

agencies as soon as possible.

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

*This guidance supersedes SP 05-2023, SFSP 01-2023, question 35.*

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

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

**VI. General/Miscellaneous**

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

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