

# **Non-Congregate Meal Service in the Summer Food Service Program (SFSP) Summer 2024**

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# Non-Congregate Meal Service

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- Non-congregate meal service is a permanent option for rural sites when no congregate meal service is available.
- There are different options for area eligible vs. non-area eligible sites.

# Guidance and Memos

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- [Interim Final Rule: Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs](#)
- [SFSP 07-2024, SP 13-2024 Non-Congregate Meal Service in Rural Areas Questions and Answers](#)
- [SFSP 08-2024, SP 15-2024 Non-Congregate Meal Service in Rural Areas: Questions and Answers #2](#)

# Congregate Meal Service

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- Per 7 CFR 225.2 Congregate meal service means a food service at which meals that are provided to children are consumed on a site in a supervised setting.
- Per 7 CFR 225.6(i)(15), for approved congregate meal service, maintain children on site while meals are consumed. Sponsors may allow a child to take one fruit, vegetable, or grain item off-site for later consumption if the requirements in 225.16(h) are met.
- The intention of the non-congregate meal service option is not to replace congregate meal service, but to help ensure that children in rural settings have access to meals.

# In “Good Standing”

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- 7 CFR 225.2 “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.
- Sponsors must be in good standing to offer non-congregate meal service.

# Urban vs. Rural

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- [USDA Rural Designation Map](#)
- [SFSP 04-2024, SP 06-2024 Rural Designations in the Summer Meal Programs- Revised](#)
- Sites can also be determined rural if it is located in a “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 as per “7 CFR 225.2 Definitions *Rural*.”
- For non-congregate meals service, these additionally determined sites may only provide grab and go meals, not household delivery.

# Definition of Rural

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- Per 7 CFR 225.2 Definitions, *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.

# No Congregate Meal Service

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- No congregate meal service due to:
  - Lack of transportation for households
  - Lack of space
  - Lack of staff
  - Safety concerns
  - Other
- All reasons will require an explanation.



# Sites New to Non-Congregate Meal Service are New Sites

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- Sites new to non-congregate meal service, even existing congregate sites, are considered new sites for the purposes of monitoring and must conduct a [SFSP Pre-Operational Review Form](#) and [SFSP First Two Weeks Review Form](#).

# Area Eligible Non-Congregate

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- Includes Open, Restricted Open, and Closed-Enrolled sites.
- Sites established as area eligible via past year census data may only offer non-congregate meals via grab and go, not household delivery.

# Non-Area Eligible Closed-Enrolled Sites

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- Closed-enrolled sites in non-area eligible locations are those where 50% or more of the children enrolled in the site are eligible for free or reduced-price meals

# Non-Area Eligible Non-Congregate - Conditional Non-Congregate Site

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- Per 7 CFR 225.2 “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,” as defined in this section.
- Reimbursement is only received for meals served to free and reduced-price eligible children. Must maintain confidentiality and anonymity and prevent overt identification of benefit statuses.
- May serve up to two meals/snacks per day.

# Models of Non-Congregate Meal Service

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- Grab and Go
- Household Delivery

# Bus Stop Delivery no longer an option

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- As of summer 2024, based on question 10 of the [most recent guidance](#), bus stop delivery is no longer an option.
- Each stop must be registered as a separate grab and go site with its own site application.

# Household Delivery

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- Household delivery is allowed for School Food Authority (SFA)-sponsors or if there is no SFA-sponsor operating in that area, for non-SFA sponsors.
- Written permission from the household must be obtained. Written consent could include hard copy, email, or other electronic means of communication. Sponsors must confirm the household's current contact information and the number of eligible children in the household.
- For open, restricted open, and area-eligible closed-enrolled sites, delivery is only allowed within area eligible locations.

# Non-SFA Sponsors and Household Delivery

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- Per question 14 of the [guidance](#), non-SFA sponsors that would like to deliver meals to free and reduced-eligible students only in non-area eligible locations and would like to use school data to identify the eligible children, need to have a Memorandum of Understanding (MOU) on file with the SFA to share this data. This is inline with the confidentiality and disclosure requirements addressed on page 88 of the [USDA Eligibility Manual](#).



# Offer vs. Serve (OVS)

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- Per question 26 of the [guidance](#), in some cases OVS can be used in a non-congregate setting.
- However, non-SFA sponsors cannot use OVS for non-congregate meal service.

# Implementation Options

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- Parent/Guardian Pick Up
- Multi-Day Meal Service
- Bulk Meals
- Per 7 CFR 225.16(i), these options are at the case-by-case discretion of the State agency and are not subject to appeal.

# Parent/Guardian Pick-Up

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- Parents/guardians can pick up meals on behalf of their children without the children present.
- Per question 25 of the [most recent guidance](#), only parents or guardians may pick up meals on behalf of their children.
- Last summer, adults could pick up meals on behalf of parents/guardians without the children present, if the sponsor had written permission on file from the household to allow it. However, this year, that is only allowed the children are present.

# Multi-Day Meal Service

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- More than one day of meals provided at a time.
- May provide up to 10-days at a time.

# Bulk Meals

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- Bulk meals are non-unitized, grocery-style meals.
- Menus must be provided and clearly indicate the food items and portion sizes for each reimbursable meal.
- Food preparation, such as heating or warming, must be minimal.
- They can be provided for up to a 5-day calendar period or up to 10-days, at State agency discretion, on a case-by-case basis.

# Bulk Meal Restriction

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- Per question 40 of the [most recent guidance](#), vended sites (sites that contract with a Food Service Management Company (FSMC) for meal service) may not use the bulk meals flexibility.

# Food Safety

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- Per question 9 of the [guidance](#), as with congregate meal service, sponsors must ensure non-congregate meal service meets State and local health and safety requirements.
- Sponsors should ensure food selections and packaging promote food safety.
- Sponsors should also include instructions on at-home storage and preparation, when applicable.

# Days and Times

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- Meal service time restrictions do not apply, including the requirement that one hour must elapse between the end of one meal service and the beginning of another meal service.
- No changes to the meal pattern can be made, so adequate serving sizes must be provided, including the required amount of milk.
- USDA does not have the ability to grant waiver requests that alter the meal pattern requirements.



# Days of Operation

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- In the “Projected Number of Days The Site Will Serve Meals Each Month” calendar section, report the number of days of meals. If doing multi-day meal service or bulk meals, report the number of days' worth of meals provided, not the number of days meals were distributed.

# Integrity Plan

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- There must be a system in place to ensure **only one meal, per meal type, per day, per child.**
- This can be accomplished through signage at the pickup site, information provided with the meals, on the program website or social media, in the form of newsletter or email communication.
- We request that you spread the message in as many ways as possible.

# Integrity Plan Continued

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- If meals are served without children present, they must include a statement indicating meals are to be consumed by children, 18 and under.
- Informational sheets must contain the short non-discrimination statement, “This institution is an equal opportunity provider.”

# Meal Counting

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- Sponsors operating non-congregate meal service must track meal counts as such.
- If doing both congregate and non-congregate meal service, must track those meal counts separately.

# Claim for Reimbursement

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- To reiterate, if your site provided more than one day of meals at a time or bulk meals, the “Total Number of Days Food Served” section must report the number of days worth of meals provided, not the number of days meals were distributed.
- For example, if you distribute five days of meals ever Monday in June 2024, you would report 20 days of food served, not 4, even though there are only 4 Mondays in June.

# Claim for Reimbursement Continued

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- There will be a space in the claim for reimbursement to indicate how many of the meals reported by meal type are non-congregate. Sites that are approved as non-congregate only sites, meaning they answered “Yes” to the question “Is the site only providing non-congregate meals?” in the Site Type and Eligibility tab of the SFSP Site Application, should report the same number of meals in the “Meals Served to Children” section and “Non-Congregate Meals” section. The Non-Congregate section is not tied to the reimbursement received.
- Per 7 CFR 225.15(b)(4), second meals may not be served as part of non-congregate meal service.

# Non-Congregate and Congregate Meal Service at the Same Site

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Per question 8 of the [guidance](#), sites could:

- Offer congregate breakfast meal service and provide non-congregate lunch meal service.
- Offer congregate breakfast and lunch meal service Monday-Friday and provide non-congregate weekend meals for Saturday and Sunday.
- A congregate site that operates in the month of July, may be approved to provide non-congregate meals for the 10-day period following their last congregate meal service day.

# Non-Congregate and Congregate Meal Service at the Same Location

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- Could allow for an open, non-congregate site and a closed-enrolled congregate site for enrolled programming, such as an enrichment program, to be at the same location, if registered as separate sites with separate site applications and have an integrity plan in place to ensure households do not receive meals for the same day from the sites.
- In this situation, the closed-enrolled site could serve meals every day and the open site could do different meal combinations, such as multiple days of breakfast and lunch at a time.



# Open, Non-Congregate Site

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- If an enrichment program wants to get meals and then eat them somewhere at the same location, that is fine.
- Note, all meals served count as non-congregate, so second meals are not allowed.
- Could still potentially do multiple days of meals for the weekend if no programming is taking place as discussed previously and addressed in question 8 of the [guidance](#).

# Civil Rights

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- Must still provide meal modifications to accommodate disabilities when doing non-congregate meals.
- Per question 32 of the [guidance](#), the “And Justice for All” non-discrimination poster must be prominently displayed in all grab and go locations and in all vehicles (such as in the window) making deliveries.

# SFSP Application Packet

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- In the [Harvest Child Nutrition System](#), in the SFSP Application Packet, in the Site Application, there is a “Non-Congregate” tab.
- The [Summer 2024 SFSP Application Packet Overview](#) includes instructions for completing this tab.
- Per question 6 of the [guidance](#), if the State agency denies a sponsor’s non-congregate meal service, appeal rights, [SFSP Appeals Process](#), must be provided.

# Monitoring

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- Per question 39 of the [guidance](#):
- If delivering meals, observe meals being loaded into delivery vehicles, check meal logs and delivery routes, ride along or follow the delivery driver to observe the meal delivery.
- If offering grab and go, observe preparation and distribution of meals.
- [SFSP Non-Congregate Meal Service Review Form](#)  
This form is the non-congregate version of the Site Review and must be completed within the first four weeks of operation.

# Administrative Reviews

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- If you operate non-congregate meal service, it is likely that site will be chosen for review.
- Per question 35 of the of the [guidance](#):
- For household delivery, the State agency must review written consent documents and observe meal delivery.
- For grab and go, the State agency must observe meal pickup.

# Training

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- In order to operate non-congregate meal service, at least one representative from the sponsor must participate in this Non-Congregate Meals in SFSP 2024 training, prior to serving meals.
- Document training with sign-in sheets or certificates.
- This webinar will be recorded and available for later viewing.
- The recording can be accessed via the [registration link](#).
- [Child Nutrition Certificate Request Form](#)

# Interim Final Rule Comments

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- The USDA would like comments on the [Interim Final Rule](#).
- Written comments must be submitted on or before April 29<sup>th</sup>, 2024.
- The State agency will submit comments and sponsors are encouraged to submit comments.

# Submitting Written Comments

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- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail: Send comments to Community Meals Policy Division, USDA Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314.
- All written comments submitted in response to this interim final rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. USDA will make the written comments publicly available on the Internet via <https://www.regulations.gov>.



# Questions?

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**fax:**

(833) 256-1665 or (202) 690-7442; or

**email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

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