



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

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SUBJECT: Implementation Guidance for the Rural Non-congregate Option Provisions of the Interim Final Rule, *Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs*

TO: Regional Directors
Child Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Implementation Guidance for the Rural Non-congregate Option Provisions of the Interim Final Rule, <i>Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs.</i>
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Date of Issuance:	January 12, 2024
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Summary:	The Consolidated Appropriations Act, 2023 (P.L. 117-328), established a permanent non-congregate summer meal service option for rural areas with no congregate meal service available. (1) This memorandum provides guidance on the administration and operation of non-congregate meal service from the Interim Final Rule, <i>Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs.</i> (2) This memorandum applies to State agencies administering, and local organizations operating, the Summer Food Service Program and National School Lunch Program Seamless Summer Option. (3) This document relates to requirements in section 13 of the Richard B. Russell National School Lunch Act (NSLA) [42 U.S.C. 1761], the Summer Food Service Program regulations in 7 CFR part 225, the National School Lunch Program regulations in 7 CFR part 210, and the School Breakfast Program regulations in 7 CFR part 220.

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023 (the Act) (P.L. 117-328). The Act amended section 13 of the Richard B. Russell National School Lunch Act, 42 USC 1761, to include the authorization of a permanent, rural non-congregate meal service through the Summer Food Service Program (SFSP) which the Food and Nutrition Service (FNS) is extending to the National School Lunch Program (NSLP) Seamless Summer Option (SSO). Per the statutory requirement, on December 29, 2023, FNS published an interim final rule, [Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs](#). This rulemaking, effective December 29, 2023, codified the permanent rural non-congregate summer meal service for both SFSP and SSO, as well as created the Summer Electronic Benefits Transfer for Children Program (Summer EBT). While non-congregate summer meal service for rural areas was initially implemented through FNS guidance during summer 2023, that guidance is superseded by the interim final rule.

This memorandum includes an attachment highlighting key information on the new regulatory requirements for non-congregate summer meal service in rural areas. The attachment:

- Reviews previously applicable regulatory requirements,
- Specifies previously applicable FNS guidance, (including summer 2023 initial implementation guidance), and
- Details the regulatory changes effected by the interim final rule.

FNS intends to issue additional guidance for implementation of the rural non-congregate summer meal service provisions, including Q&As.

FNS appreciates the exceptional efforts of State agencies and local Program operators working to meet the nutritional needs of participants during the summer months. SFSP and SSO rely on innovative and collaborative efforts to provide summer meals to children in need. We look forward to working with our program partners and other stakeholders to support administration and operation of the non-congregate meal service for rural communities.

State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

J MASKORNICK Digitally signed by J MASKORNICK
Date: 2024.01.12 17:43:08 -05'00'

J. Kevin Maskornick
Director
Community Meals Policy Division

Attachment: Rural non-congregate summer meal service provisions summary chart

Attachment - Implementation Guidance for the Rural Non-congregate Option Provisions of the Interim Final Rule
In addition to this memorandum, State agencies and program operators are encouraged to review the interim final rule preamble for a complete review of the amendatory changes throughout 7 CFR 210, 220, and 225.

Previous Regulations	Previous Guidance	New Regulations
<i>Definitions</i>		
<p>Site</p> <p>§ 225.2 defined “site” as a physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.</p>	<p>SFSP 01-2023, <i>Implementation Guidance: Summer 2023 Non-Congregate Meal Service in Rural Areas – Revised</i>, February 28, 2023, provided that State agencies and sponsors should consider the <i>site</i> as the non-congregate meal service operation overall for home delivery and not individual homes, school bus route stops, or mobile meal route stops.</p>	<p>Amends the definition of “site” in § 225.2 as 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.</p>
<p>Congregate Meal Service</p> <p>§ 225.2 did not include a definition of “congregate meal service.”</p>	<p>No guidance provided on this subject.</p>	<p>Adds to § 225.2 a definition of “congregate meal service” to mean a food service at which meals that are provided to children are consumed on site in a supervised setting.</p>

<p>Non-congregate Meal Service</p> <p>§ 225.2 did not include a definition of “non-congregate meal service.”</p>	<p>SFSP 01-2023 provided that sponsors can provide non-congregate summer meals in rural areas that do not have congregate meal service in Summer 2023.</p>	<p>Adds to § 225.2 a definition of “non-congregate meal service” to mean meals that are provided to children to consume off-site and must be operated at a site designated as "rural" and with no "congregate meal service."</p> <p>Adds § 225.16(b)(5) to include additional meal service requirements for non-congregate meals.</p>
<p>New Site</p> <p>§ 225.2 defined “new site” as a site which did not participate in the Program in the prior year, or, as determined by the State agency, a site which had experienced significant staff turnover from the prior year.</p>	<p>SFSP 07-2023, <i>Questions and Answers #2: Summer 2023 Non-Congregate Meal Service in Rural Areas</i>, April 20, 2023, provided that experienced sites that proposed to operate non-congregate meal service for the first time, including those sites switching from a congregate meal service model to a non-congregate model or to operating a hybrid of both congregate and non-congregate models, were considered “new” sites.</p>	<p>Amends the definition of “new site” in § 225.2 by adding “an experienced site that is proposing to operate a non-congregate meal service for the first time.”</p>
<p>Conditional Non-congregate Site</p> <p>§ 225.2 did not include a definition of “conditional non-congregate site.”</p> <p>§ 225.14(c)(3) required that, to be eligible to participate in the SFSP, applicant sponsors must conduct a regularly scheduled food service for children in areas in which poor</p>	<p>SFSP 01-2023, provided that sponsors may claim meals served to children who are eligible for free or reduced-price school meals even if the rural area does not meet the definition of “areas in which poor economic conditions exist.”</p>	<p>Adds to § 225.2 a definition of “conditional non-congregate site” to mean a site that 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.”</p>

<p>economic conditions exist or must qualify as a camp.</p> <p>§ 225.14(d) provided requirements for specific sponsor types, such as sponsors that operate camp sites, and states that those sponsor types must certify that they will collect information on children's Program eligibility to support their claim for reimbursement.</p> <p>§ 225.15(e) required sponsors operating the SFSP, including sponsors of open sites, camps, and closed enrolled sites, to annually announce the availability of free meals in the media serving the area from which the sponsor draws its attendance. Sponsors of camps and closed enrolled sites must notify participants of the availability of free meals and if a free meal application is needed.</p>		<p>Amends § 225.14(c)(3) to clarify that sponsors operating a conditional non-congregate site may provide a regularly scheduled food service for children in non-area eligible locations.</p> <p>Adds a new § 225.9(d)(11) that provides that sponsors of conditional non-congregate sites are reimbursed only for meals served to children whose eligibility for Program meals is documented.</p> <p>Adds a new § 225.14(d)(8) to clarify that if the sponsor operates a conditional non-congregate site, it must certify that it will collect information on participants' eligibility to support its claim for reimbursement.</p> <p>Amends § 225.15(e) to clarify that sponsors of conditional non-congregate sites must notify participants of the availability of free meals and if a free meal application is needed, as is required for sponsors of camps and closed enrolled sites. Program regulations at § 225.15(e) continue to apply to sponsors regardless of the meal service type provided.</p>
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<p>Site Supervisor</p> <p>§ 225.2 defined “site supervisor” as the individual on site for the duration of the meal service, who has been trained by the sponsor, and is responsible for all administrative and management activities at a site including but not limited to: maintaining documentation of meal deliveries, ensuring that all meals served are safe, and maintaining accurate point of service meal counts.</p>	<p>SFSP Site Supervisor’s Guide, 2017 update.¹ https://www.fns.usda.gov/sfsp/site-supervisor-guide outlines responsibilities of site supervisors.</p>	<p>Amends the definition of “site supervisor” in § 225.2 by adding that the individual is on site for the duration of the food service, unless the site is a non-congregate meal service site using delivery services.</p>
<p>Operating Costs</p> <p>§ 225.2 defined the term “operating costs” to mean the cost of operating a food service under the Program, including the: cost of obtaining food, labor directly involved in the preparation and service of food, cost of nonfood supplies, rental and use allowances for equipment and space, and cost of transporting children in rural areas to meal service sites in rural areas.</p>	<p>SFSP 11-2015, <i>Assessing Costs in the Food Service Program</i>, February 25, 2015¹, provides guidance on the process State agencies and sponsors should use when considering proposed uses of the nonprofit food service account funds for SFSP-related costs.</p> <p>SFSP 03-2023, <i>Guidance on Performance Standards, Budgets, and Management Plans in the Summer Food Service Program</i>, March 07, 2023¹, provided guidance on performance standards, budgets, and management plans in the SFSP.</p>	<p>Amends the definition of “operating costs” in § 225.2 by adding the cost of delivering non-congregate meals in rural areas as an allowable cost.</p>
<p>Good Standing</p> <p>§ 225.2 did not include a definition of “good standing”.</p>	<p>SFSP 07-2023, <i>Questions and Answers #2: Summer 2023 Non-Congregate Meal Service in Rural Areas</i>, April 20, 2023, provided that experienced sponsors must be considered in</p>	<p>Adds to § 225.2 a definition of “good standing” to mean the status of a program operator that meets its Program responsibilities, is current with its financial obligations, and, if applicable, has fully</p>

	<p>“good standing” under the Child Nutrition Program(s) which they currently operate.</p> <p>The SFSP Administration Guide, 2016 update¹ https://www.fns.usda.gov/sfsp/2016-administrative-guidance-sponsors states that a SFSP sponsor is in good standing if they successfully participated in the previous year with no serious deficiencies.</p>	<p>implemented all corrective actions within the required period of time.</p>
<p>Rural</p> <p>§ 225.2 defined “rural” as (a) any area in a county which is not a part of a Metropolitan Statistical Area (MSA) or (b) any “pocket” within a MSA which, at the option of the State agency and with Food and Nutrition Service Regional Office (FNSRO) concurrence, is determined to be geographically isolated from urban areas.</p>	<p>SFSP 01-2023 provided that the definition of “rural” in the SFSP had not changed and States should continue to designate rural areas as they have in prior summers.</p> <p>SFSP 07-2023 outlined additional data sources that States could use for identifying rural pockets within a Metropolitan Statistical Area (MSA) that would receive expedited review. FNS also considered other data sources to make a determination of whether an area is “geographically isolated from urban areas” on a case-by-case basis.</p> <p>SFSP 17-2015, <i>Rural Designations in the Summer Food Service Program – Revised</i>, April 21, 2015, clarified guidance on rural designations in SFSP.</p>	<p>Amends the definition of “rural” in § 225.2 by adding more datasets to define the term, as well as modifying the rural pocket designation process. The amended definition includes (1) Any area in a county not 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</p>

		<p>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 <i>approval</i>, is determined to be rural in character based on other data sources.</p> <p>Adds to § 225.6(g)(1)(iii) and 225.6(g)(2)(ii) to require new documentation of rural designation every 5 years, or earlier, if the State agency believes that an area’s rural status has changed significantly since the previous determination.</p> <p>Adds a new § 225.18(l) to provide that by January 1 each year, or as soon as is practicable, FNS will issue any necessary updates to approved data sources listed under the definition of “rural” in § 225.2 to be used for rural site designations in that program year.</p>
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<i>State agency responsibilities</i>		
<p>Department Notification</p> <p>§ 225.3(b) provided that by November 1 each year each State agency must notify USDA regarding the State’s intention to administer the Program in that fiscal year. Each State agency desiring to take part in the Program must enter into a written agreement with FNS for the administration of the Program.</p>	<p>Section 13(n)(1) of the NSLA was amended to establish that for summer 2023, each State intending to participate in the Program must notify the Secretary of its intent to administer the Program and submit for approval by April 1, 2023, a management and administration plan.</p> <p>Section 13(n)(2) of the NSLA was amended to establish that beginning in 2024, each State intending to participate in the Program must notify the Secretary by January 1.</p>	<p>Amends the regulatory deadline at § 225.3(b), requiring State agencies to notify the Department of their intent to administer the SFSP by January 1 of each fiscal year.</p>
<p>Program Management and Administration Plan (MAP)</p> <p>§ 225.4 required State agencies to submit a MAP for approval that must include a number of items, including the State’s administrative budget, an estimate of need for monies to pay for the cost of conducting health inspections, and the State’s plans for use of Program funds in the MAP.</p>	<p>Section 13(n)(1) of the NSLA was amended to require that, for summer 2023, each State agency had until April 1, 2023, to submit their MAP, which must include the State’s plan for using non-congregate meal service, if applicable, including plans to provide a reasonable opportunity to access meals across all areas of the State, in addition to the MAP requirements previously required under the NSLA.</p>	<p>Adds a new § 225.4(d)(9) and (10) to include non-congregate meal service requirements in the Management and Administration Plan (MAP), including the State’s plan to provide a reasonable opportunity for children to access meals across all areas of the State, and the State’s plan for Program delivery in areas that could benefit the most from non-congregate meals.</p> <p>Additional guidance on the SFSP MAP will be provided separately.</p>

<p>Priorities and Outreach Mandate</p> <p>§ 225.6(a)(2) required that, by February 1 of each fiscal year, each State agency must announce the purpose, eligibility criteria, and availability of the Program throughout the State, through appropriate means of communication. They also must identify priority outreach areas and target efforts in those areas.</p>	<p>Section 13(a)(13)(D) of the NSLA was amended to require State agencies to identify areas with no congregate meal service that could benefit the most from the provision of non-congregate meals and encourage participating service institutions in those areas to provide non-congregate meals as appropriate.</p>	<p>Amends § 225.6(a)(2) to require State agencies to identify areas with no congregate meal service that could benefit the most from the provision of non-congregate meals and encourage participating service institutions in those areas to provide non-congregate meals as appropriate.</p>
<p>Sponsor Applications and Site Information Sheets</p> <p>§ 225.6(g)(1) and (2) required that State agencies develop site information sheets for sponsors. It provided the minimum requirements that must be included in the site information sheets.</p>	<p>SFSP 07-2023 recommended that as part of the application process, State agencies ensure that Program sponsors approved to serve non-congregate meals were aware of the requirement to track and report separately, meals served in non-congregate settings. The guidance also recommended that State agencies ensure meal delivery times and meal pickup times were followed per applications.</p>	<p>Adds § 225.6(c)(2)(xi) and (3)(viii) to require that the application for all sponsors include procedures to document that meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child if the applicant sponsor is electing to use the non-congregate meal service options of multi-day meal issuance and parent or guardian meal pick-up.</p> <p>Amends § 225.6(g)(1)(iii) and 225.6(g)(2)(ii) to establish whether a site is rural, and that documentation supporting the rural designation is required at least once every 5 years as part of the site information sheet.</p> <p>Amends § 225.6(g)(1)(iv) and (2)(iii) to require sponsors to identify whether each</p>

		<p>meal service will be congregated or non-congregated on their site information sheet.</p> <p>Adds § 225.6(g)(1)(xiv) and (g)(2)(viii) to require Program sponsors who are operating conditional non-congregated sites to specify the number of children enrolled who meet the Program’s income standards.</p>
<p>Approving Sites and Determining Non-congregated Meal Service</p> <p>§ 225.6(h)(1) required State agencies to ensure the proposed food service site was located in an “area in which poor economic conditions exist,” or will serve specific groups of eligible children; the area which the site proposes to serve will not be served by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the same area for the same meal; the site is approved to serve no more than the number of children for which its facilities are adequate and; if it is a site proposed to operate during any unanticipated school closure, it is a non-school site.</p>	<p>SFSP 01-2023 provided specific requirements that the State agency must follow when approving Program sites to operate non-congregated meal service. Those requirements included:</p> <ul style="list-style-type: none"> • The proposed non-congregated meal service site must be in a rural area; • The proposed site would not be served by a congregated meal service; and • Children should not receive more than the maximum allowance of summer meals per day. <p>State agencies were also to consider:</p> <ul style="list-style-type: none"> • Any physical conditions or other barriers; • Capacity of a congregated site that prevents it from serving the community at large; • Sites serving the same children on different days, different weeks, or for different meals on the same day; and 	<p>Amends § 225.6(h)(1)(i) to include conditional non-congregated sites, in addition to camps, as site types that do not need to meet area eligibility requirements.</p> <p>Revises § 225.6(h)(2) to clarify the applicability of “site cap” regulations to both congregated and non-congregated meal services.</p> <p>Adds § 225.6(h)(3) and (4) to include site application approval requirements that State agencies must ensure when evaluating the proposed site which will provide a non-congregated meal service and determining an “area with no congregated meal service.”</p>

<p>§225.6(h)(2)(i), (ii), (iii), and (v) were specific to congregate meal service operations and required that each vended site must have an approved level for the maximum number of children's meals which may be served under the Program, which is commonly known as a "site cap."</p>	<ul style="list-style-type: none"> • Sites appealing to specific age groups or to children with unique dietary requirements. 	
<p>State-Sponsor Agreement</p> <p>§ 225.6(i) required that a sponsor approved for Program participation must enter into a written agreement with the State agency.</p>	<p>No guidance provided on this subject.</p>	<p>Amends § 225.6(i), (i)(4), (i)(7)(i) and (ii), and (i)(15) to clarify State-sponsor agreement requirements for sites that provide non-congregate meal service.</p>
<p>Termination for Convenience</p> <p>§ 225.6(i) allowed the State agency or sponsor to terminate the agreement at its convenience, for considerations unrelated to the sponsor's performance of Program responsibilities under the agreement.</p>	<p>No guidance provided on this subject.</p>	<p>Revises § 225.6(i) language to clarify that the State agency or sponsor may terminate the agreement at its convenience, upon mutual agreement, due to considerations unrelated to either party's performance of Program responsibilities under the agreement.</p>
<p>Corrective Action Procedures</p> <p>§ 225.11 required the State agency to improve Program performance through provisions including (b) investigations, (c) denial of applications and termination of sponsors, (d) meal service restrictions, (e) meal disallowances, (f) corrective action and termination of sites, and (g) technical assistance for improved meal service.</p>	<p>No guidance provided on this subject.</p>	<p>Amends § 225.11(c)(4)(iv) (simultaneous service of more than one meal to any child) and (viii) (excessive instances of off-site meal consumption) to state that they are specific to congregate meal service operations.</p> <p>Adds § 225.11(c)(4)(vi) stating that distributing more than the daily meal limit when multi-day service is used as a part of</p>

<p>§ 225.11(d) required the State agency to restrict sites to one meal service per day if they had certain program violations, with the exception of residential camps.</p>		<p>non-congregate meal service is considered a program violation.</p> <p>Amends § 225.11(d) to clarify that non-congregate meal service sites are exempt from the one meal service per day restriction.</p>
<p>Sponsor Eligibility</p> <p>§ 225.14 outlined requirements for sponsor participation. The requirements include application procedures, sponsor eligibility, and demonstration of administrative and financial ability to manage a food service effectively.</p> <p>§ 225.14(d) provided requirements that are specific to sponsor types, such as camps.</p>	<p>SFSP 01-2023 provided that State agencies may not deny a sponsor application based solely on the intent to provide a non-congregate meal service. However, State agencies could determine whether individual sponsors are capable of providing non-congregate meal service in rural areas, in line with SFSP requirements.</p> <p>SFSP 07-2023 instructed that sponsors must be considered in “good standing.”</p>	<p>No changes to §225.14(b), effectively allowing all service institutions listed under §225.14(b) to be eligible to sponsor the Program, including operating both congregate and non-congregate meal services.</p> <p>Adds § 225.6(b)(12) to require that the State agency must not deny a sponsor’s application based solely on the sponsor’s intent to provide a non-congregate meal service.</p> <p>Adds § 225.16(i) allowing multi-day meal issuance, parent/guardian meal pick-up, and bulk meal issuance to be used by all sponsors in good standing. A State agency may only limit these options on a case-by-case basis if the sponsor is found to not have the capability to operate or oversee non-congregate meal service at their site(s).</p>

<p>Pre-approval Visits</p> <p>§ 225.7(d) required State agencies to conduct pre-approval visits of sponsors and sites to assess the applicant sponsor or site’s potential for successful Program operations.</p>	<p>SFSP 07-2023 provided that 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).</p>	<p>Amends § 225.7(d) to allow pre-approval visits of sponsors which are a CACFP institution that had a review within the preceding 12 months and had no significant deficiencies to be conducted by the State agency at their discretion.</p> <p>Adds § 225.7(d)(4) to include that State agencies must develop a site selection process that considers site characteristics, including whether an existing site is new to non-congregate meal service operations. Characteristics that must be considered include, but are not limited to:</p> <ul style="list-style-type: none"> • Sites that did not participate in the program in the prior year; • Existing sites that are new to non-congregate meal service; and • Existing sites that exhibited operational problems in the prior year.
<p>Sponsor and Site Reviews</p> <p>§ 225.7(e)(4)(ii) provided that State agencies must annually review sponsors whose Program reimbursements, in the aggregate, account for at least one half of the total Program meal reimbursements in the State in the prior year.</p>	<p>SFSP 07-2023 provided that all existing monitoring requirements for State agencies and sponsors applied to non-congregate sponsors and sites. This included 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).</p>	<p>Removes § 225.7(e)(4)(ii) to allow State agencies the ability to target their resources on sponsors of all sizes and operational capacity, not primarily those that account for one half of the total Program meal reimbursements.</p> <p>Adds § 225.7(e)(4)(iv) to require State agencies to more frequently review</p>

<p>§ 225.7(e)(4)(v) required State agencies, as part of each sponsor review, to conduct reviews of at least 10 percent of each reviewed sponsor's sites, or one site, whichever number is greater.</p> <p>§ 225.7(e)(5) directed State agencies to develop criteria for site selection when selecting sites to meet the minimum number of sites required under paragraph (e)(4)(v).</p> <p>§ 225.7(j) required State agencies to develop and provide monitor review forms to all approved sponsors.</p> <p>§ 225.6(b)(6) required that the State agency must not approve any sponsor to operate more than 200 sites or to serve more than an average of 50,000 children per day. However, the State agency may approve exceptions if the applicant can demonstrate that it has the capability of managing a program larger than these limits.</p> <p>§ 225.16(c)(1)(iii) required meal service times to be approved by the State agency.</p>		<p>sponsors who require additional technical assistance.</p> <p>Amends § 225.7(e)(4)(v) to include non-congregate meal service in the 10 percent of sponsor's sites required to be reviewed.</p> <p>Amends § 225.7(e)(5) to include non-congregate meal service in site selection.</p> <p>Amends § 225.7(j) to include whether the meal service is congregate or non-congregate on the monitoring review form.</p> <p>Amends § 225.6(b)(6) to include the requirement that the State agency must have the capacity to conduct reviews of at least 10 percent of the sponsor's sites when the State agency approves a sponsor to operate more than 200 sites or to serve more than an average of 50,000 children per day.</p> <p>Amends § 225.16(c)(1)(iii) to clarify the approval of meal service times must be in accordance with the State agency or sponsor's capacity to monitor the full meal service during a review.</p>
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<i>Sponsor Responsibilities</i>		
<p>Identification and Determination of Eligible Children</p> <p>§ 225.15(f)(l) described methods for determining eligibility of children and disclosure of children’s eligibility information.</p>	<p>SFSP 01-2023 required that sponsors approved to provide non-congregate meal service through home delivery must be able to identify and invite households of eligible children to participate in the meal delivery service. The guidance also required that sponsors obtain written consent from the eligible child’s parent or guardian that the household wants meals delivered.</p> <p>Required non-SFA sponsors that planned to obtain individual children’s program eligibility information through free and reduced price school meal eligibility data to enter into a written agreement or Memorandum of Understanding (MOU) with an SFA.</p>	<p>Adds § 225.14(d)(6) and 225.16(b)(5)(i) to require sponsors operating a non-congregate meal service which delivers meals directly to children’s homes to obtain written parental consent prior to providing meals to the children.</p> <p>Adds § 225.14(d)(8) to establish the requirement that non-SFA sponsors must enter into a written agreement or MOU with the State agency or local SFA if they wish to receive student data for identification and eligibility determination purposes.</p>
<p>Meal Ordering and Second Meals</p> <p>§ 225.15(b)(4) allows sponsors to claim reimbursement for second meals which do 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.</p>	<p>SFSP 01-2023 provided that second meals could not be claimed at non-congregate meal sites.</p>	<p>Amends § 225.15(b)(4) to limit reimbursement of second meals to congregate meal service. State agencies must disallow claims if it is determined that a sponsor served second meals as part of a non-congregate meal service.</p>

<p>Parent or Guardian Meal Pick-Up</p> <p>§ 225.2 (meals) requires that meals are served to children. Meals served to other individuals could not be claimed for reimbursement.</p>	<p>SFSP 01-2023 provided that meals can be distributed to parents or guardians to take home to their children.</p> <p>SFSP 07-2023 provided that State agencies had discretion to establish statewide policies regarding parent or guardian meal pick-up.</p>	<p>Adds § 225.16(i)(2) to allow parent or guardian meal pick-up. Sponsors must have documented procedures to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed.</p> <p>Adds § 225.16(i) only allowing the State agency to limit the use of these options on a case-by-case basis (i.e., no statewide restrictions).</p>
<p>Multi-day Meal Issuance</p> <p>§ 225.6(i)(15) required Program meals to be served in a congregate setting and consumed by participants on site in order to be eligible for reimbursement.</p> <p>§ 225.16(b)(3) provides that a service institution may only serve up to two meals (or one snack and one meal) per day, per child (except for camps and migrant sites which may serve up to three meals (or two meals and one snack) per day, per child per § 225.16(b)(1) and (3)).</p>	<p>SFSP 01-2023 provided that at the State agency's discretion, sponsors can provide multi-day meal issuance.</p> <p>SFSP 07-2023 provided that State agencies had discretion to establish statewide policies regarding multi-day meal issuance.</p>	<p>Adds a new § 225.16(i)(1) which codifies the option to provide multi-day meal issuance. Sponsors electing this option must have procedures in place that document, to a reasonable extent, that the proper number of meals are distributed to each eligible child.</p> <p>Adds § 225.16(i) only allowing the State agency to limit the use of multi-day meal issuance on a case-by-case basis (i.e., no statewide restrictions).</p>

<p>Bulk Food Items</p> <p>Regulations did not address bulk food items.</p> <p>§ 225.6(l)(2)(i) provided that all meals prepared by a food service management company shall be unitized, with or without milk or juice, unless the State agency has approved a request for exceptions to the unitizing requirement for certain components of a meal.</p>	<p>SFSP 01-2023 provided that at State agency discretion, sponsors could provide bulk food items.</p> <p>SFSP 07-2023 provided additional guidance when using bulk food items as part of multi-day meal issuance. This guidance also provided that State agencies had discretion to establish statewide policies regarding bulk food items.</p>	<p>Adds § 225.16(i)(3) which allows the option to provide bulk meal items. Approved self-preparation sponsors may provide bulk food items that meet the minimum amounts of each food component of a reimbursable breakfast, lunch, supper, or snack. Sponsors electing this option must ensure that:</p> <ul style="list-style-type: none"> • Required food components for each reimbursable meal are served. • All 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. • Food preparation, such as heating or warming, is minimal. Sponsors may offer food items that require further preparation only with State agency and FNSRO approval. • 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. The State agency may establish a shorter or longer time period, which may not exceed the time period for which the sponsor is approved for multi-
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		<p>day meal issuance, on a case-by-case basis.</p> <p>Adds § 225.16(i) only allowing the State agency to limit the use of bulk food items on a case-by-case basis (i.e., no statewide restrictions).</p>
<p>Offer Versus Serve</p> <p>§ 225.16(f)(1)(ii) provides that school food authorities (SFAs) that are Program sponsors may permit a child to refuse one or more items that the child does not intend to eat. The reimbursements to SFAs for Program meals served under this “offer versus serve” (OVS) option must not be reduced because children choose not to take all components of the meals that are offered.</p>	<p>SFSP 01-2023 provided that only SFAs can use OVS for non-congregate meal service with State agency approval.</p>	<p>No changes were made to §225.16(f)(1)(ii), effectively allowing SFAs to use OVS when providing non-congregate meal service.</p>
<p>Meal Service Times</p> <p>§ 225.16(c) required meals served in the SFSP to follow specific time requirements. Meal service times must be established by sponsors for each site, included in the sponsor’s application, and approved by the State agency. Requirements also specify that breakfast be served at or close to the beginning of a child’s day; all sites except residential camps must start the next meal</p>	<p>SFSP 01-2023 provided that meal service times still needed to be established for each site, included in the sponsor’s application, and approved by the State agency. These requirements may be met through State agency approved pick-up schedules or delivery plans with designated times for distribution. The State agency must approve any changes in meal service times. In addition, sponsors offering a non-congregate meal service are not required to serve breakfast in</p>	<p>Adds § 225.16(b)(5)(iii) to establish that non-congregate meal service is subject to the requirements for establishing and following meal service times at § 225.16(c)(1), (4), and (5).</p> <p>Amends § 225.16(c)(2), (3) and (6) to clarify that non-congregate meal service is exempt from requiring that breakfast must be served at or close to the beginning of the child’s day, that one hour must elapse</p>

<p>service at least one hour after the end of the previous meal or snack; and meals served outside of the approved meal service times are not eligible for reimbursement. § 225.16(c) provided instructions for meals not prepared on site. Specifically, meal deliveries must arrive before the approved meal service time and meals must be delivered within one 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.</p>	<p>the morning or allow one hour between the end of one meal service and the start of the next.</p>	<p>between meal services, and that meals not prepared on site must be delivered within one hour of the approved meal service time for congregate meal service.</p>
<p>Off-Site Consumption of Food Items</p> <p>§ 225.16(h) allows sponsors to permit a child to take one fruit, vegetable, or grain item off-site for later consumption without prior State agency approval if all applicable State and local health, safety, and sanitation standards are met (also known as the “traveling apple” policy).</p>	<p>SFSP 05-2015 v.2, <i>Summer Meal Programs Meal Service Requirements Q&As - Revised</i>¹, January 12, 2015, provides that sponsors may allow a child to take one fruit, vegetable, or grain item offsite for later consumption without prior State agency approval provided this is in compliance with State and local health and sanitation codes.</p>	<p>Amends § 225.16(h) to clarify that the flexibility to allow children to take specific food items for off-site consumption only applies to congregate meal service.</p>
<p>Free Meal Policy Statement</p> <p>§ 225.6(f) requires that as part of the free meal policy statement, sponsors must submit a nondiscrimination statement of their policy for serving meals to children that includes a statement that meals served are free (except for camps).</p>	<p>No guidance provided on this subject.</p>	<p>Amends § 225.6(f) to clarify that sponsors operating conditional non-congregate sites are exempt from including a statement that meals served are free at all sites. In addition, the rule clarifies that sponsors operating conditional non-congregate sites that charge separately for meals must also include specific eligibility information in the policy statement, and that each sponsor of</p>

		a conditional non-congregate site must submit a copy of its hearing procedures with its application.
<p>Training</p> <p>§ 225.15(d)(1) requires sponsors to train its administrative and site personnel on all aspects of the Program, and not allow sites to operate until personnel have attended training. Training topics must include, at a minimum, Program purpose, site eligibility, recordkeeping, meal pattern requirements, and monitor duties.</p>	<p>SFSP 05-2017, <i>Summer Food Service Program Questions and Answers - Revised #2: Summer 2023 Non-Congregate Meal Service in Rural Areas</i>¹, December 1, 2016, provided that sponsors are required to provide appropriate training to supervisory staff and volunteers so that they understand that community children have equal access to services and facilities at the site.</p>	<p>Amends § 225.15(d)(1) to include congregate and non-congregate meal service operations as required components in the sponsor Program training sessions for its administrative and site personnel prior to the operation of a site's first meal service.</p>
<p>Site Visits</p> <p>§ 225.15(d)(2) requires sponsors to visit each of their sites at least once during the first two weeks of program operations.</p>	<p>SFSP 07-2023 provided that 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).</p>	<p>Amends § 225.15(d)(2) to add pre-operational site visits for new sites and those that experienced operational problems in the previous year, including existing sites switching to non-congregate meal service, to be conducted by the sponsor prior to a site operating the Program.</p> <p>Moves the § 225.15(d)(2) first two week site visit requirement to (d)(3) and amends it to include all existing sites that are new to non-congregate meal service as sites needing a site visit conducted by the sponsor within the first two weeks of Program operations.</p>

<i>Miscellaneous</i>		
<p>Coordinated Services Plan</p> <p>No previous regulations for a Coordinated Services Plan.</p>	<p>No guidance provided on this subject.</p>	<p>Adds § 225.3(e) which requires States to submit a Coordinated Services Plan. The plan must include the following information:</p> <ul style="list-style-type: none"> • A description of the roles and responsibilities of each State administering agency, and, as applicable, any other agencies, Indian Tribal Organizations, or public or private organizations which will be involved in administering SFSP and Summer EBT; • A description of how the State agency and any other organizations included in the plan will coordinate outreach and programmatic activities to maximize the reach of SFSP and Summer EBT (and SSO if appropriate); • Metrics to assess Program reach and coverage; and • The State agency’s plans to partner with other Federal, State, Tribal, or local programs to aid participants in accessing all Federal, State, Tribal, or local programs for which they are eligible.

		Initial plans must be submitted to FNS no later than January 1, 2025. States must submit annual updates when significant changes are made to the plan, and otherwise no less than every 3 years.
<p>Collection of Summer Meals Site Location Data</p> <p>Section 26(d) of the NSLA mandated that the USDA enter into a contract to establish and maintain an information clearinghouse (named “USDA National Hunger Clearinghouse”) of groups that assist low-income individuals or communities regarding nutrition assistance programs or other assistance. The Summer Meals for Kids Site Finder is an outgrowth of this project.</p>	<p>USDA Summer Meals for Kids Site Finder. https://www.fns.usda.gov/meals4kids. A tool created for families to find directions to nearby open meal sites, as well as their hours of operation and contact information.</p>	<p>Adds § 225.8(e) to require States agencies to submit a list of open site locations and their operational details via the Summer Food Site Locator form (FNS-905) by June 30 of each year, or a later date approved by the FNSRO, and provide a minimum of two updates during the summer operational period. However, State agencies are encouraged to submit weekly updates if there are any changes to the State agency’s data, to ensure families have the most up-to-date site information. This requirement will not go into effect until one year after publication of the rule (i.e., Summer 2025 operational period).</p>

<p>National School Lunch Program Seamless Summer Option (SSO)</p> <p>§ 210.2 did not include a definition of “Seamless Summer Option.”</p> <p>§ 210.18(e)(3)(ii) requires that State agencies must review at least one SSO site if the school food authority selected for review operates.</p>	<p>SP 09-2017, <i>2017 Edition of Questions and Answers for the National School Lunch Program’s Seamless Summer Option</i>, December 1, 2016¹, includes guidance and clarification on operating the Seamless Summer Option.</p> <p>SFSP 01-2023 provided that school food authorities operating SSO can provide non-congregate meal service as described in guidance.</p>	<p>Adds to §§ 210.2 and 220.2 a definition of “Seamless Summer Option” to mean the meal service alternative authorized by Section 13(a)(8) of the Richard B. Russell National School Lunch Act, 42 USC 1761(a)(8), under which public or nonprofit school food authorities participating in the National School Lunch Program or School Breakfast Program may offer meals at no cost to children during the traditional summer vacation periods and, for year-round schools, vacation periods longer than 10 school days.</p> <p>Adds § 220.23 to provide that a school food authority participating in SSO, and which is approved to offer a non-congregate meal service, must comply with the provisions specified in § 210.34 of this chapter.</p> <p>Amends §§ 210.18(e) and 210.34(a) to extend the non-congregate service option to SSO and require that State agencies conduct at least two site reviews of a school food authority (SFA) that chooses to operate both congregate and non-congregate meal service through SSO.</p>
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