



Indiana SFSP Policy 2023-02

Non-Congregate Meal Service Policy for the SFSP and SSO

Purpose: To outline the United States Department of Agriculture (USDA) sponsor requirements and implementation guidelines for Non-Congregate (NC) Meal Service in Rural areas during the 2023 Summer Food Service Program (SFSP) operations.

Scope: Agencies and organizations that meet the USDA designation for “rural” and participate as sponsors in the Summer Food Service Program (SFSP) or Summer Seamless Option (SSO) in Indiana. The definition of ‘rural’ in the SFSP regulations (7 CFR 225.2) is: *(a) any area in a county which is not a part of a Metropolitan Statistical Area or; (b) any “pocket” within a Metropolitan Statistical Area which, at the option of the State agency and with FNS concurrence, is determined to be geographically isolated from urban areas.* The USDA Rural Designation Map will be used to determine if a proposed site is within a rural area: <http://www.fns.usda.gov/rural-designation>

Description: A lack of transportation, long distances and higher costs in rural areas have presented participation barriers for eligible children to receive free SFSP or SSO meals in a congregate setting. During the Coronavirus pandemic the USDA issued nationwide waivers providing flexibilities in the administration and delivery of SFSP and SSO meals, including the flexibility to provide meals in a non-congregate setting. On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023 establishing a permanent non-congregate meal service option for SFSP and SSO sponsors operating in rural areas.

The following policy is only effective for program year 2023.

Policy: SFSP and SSO sponsors meeting the following criteria may request to operate non-congregate meal service and submit a [Program Addendum/Service Agreement](#) which includes the Integrity Plan for Non-Congregate Meals. The Integrity Plan must be submitted to the state agency for approval and describe how regulatory compliance is ensured in all aspects of meal service. The plan must be approved by a state agency field specialist prior to the start of non-congregate site operations. No meals may be claimed until the plan and site application(s) in the CNPweb are approved.

Sponsor Eligibility: Returning SFSP and SSO Sponsors in good standing that have successfully operated program in the past;

Site Eligibility: As defined by regulations, rural non-congregate feeding sites must be located in an area in a county which is not a part of a Metropolitan Statistical Area as designated by the [USDA Rural Designation Map](#).

- For summer 2023, rural pocket designation will not be considered.
- Sponsors can submit rural pocket designation requests starting in summer 2024.

- Rural pockets are defined as areas within a Metropolitan Statistical Area which, at the option of the State agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

Meal Service Options: Rural non-congregate meal service may be provided for up to five consecutive days. No bulk food components other than milk are permitted. Food items must be unitized or provided in individual servings. A daily dated menu must be included with each non-congregate meal package if the service includes more than one meal.

- **Parent/Guardian Meal Pick-up Option**
Parents and guardians are permitted to pick up meals for all children ages 18 and under in their household without children being present.
- **Home Delivery Option**
Sponsors must obtain a written consent from all the households participating in a home delivery option. Sponsors must work with their local health department to ensure food safety and plan the menus in a manner that allows food to be left behind in case no one is at home.

Resources:

Indiana Department of Education, School and Community Nutrition Programs

Consolidated Appropriations Act, 2023 (the Act) ([PL 117-328](#))

Non-Congregate Meal Service Q & A and Sponsor Requirements

State Agency Approval of Rural Non-Congregate (NC) Meals

1. Where can sponsors provide non-congregate meals and how is eligibility determined?

Sponsors can provide non-congregate summer meals in rural areas that do not have congregate meal service. If the rural area meets the definition of an 'area in which poor economic conditions exist' (per Program regulations at 7 CFR 225.2), then meals for all participants age 18 and under may be claimed for reimbursement. If the rural area does not meet the definition of an 'area in which poor economic conditions exist,' only the meals served to participants who are eligible for free or reduced price meals under the National School Lunch Program (NSLP) or the School Breakfast Program (SBP) may be claimed.

2. Which sponsors are eligible to operate rural non-congregate meal service?

Summer Food Service Program (SFSP) and Summer Seamless Option (SSO) sponsors in good standing that have sites in areas that are determined to be "rural" by the [USDA Rural Designation Map](#). As per 7 CFR 225.6(b)(5), the state agency will give School Food Authorities (SFAs) priority consideration for operating non-congregate meal service sites. In addition, SFAs operating the NSLP Seamless Summer Option (SSO) may provide non-congregate meal service as described in this guidance. Non-congregate meals served under the SSO are reimbursed at the "free" rates prescribed by the Department of Agriculture (USDA) for school meals and snacks served through NSLP and SBP. If suppers are provided, they would be reimbursed at the NSLP free rate for lunches.

3. What type of sponsors are eligible to operate rural non-congregate meal service?

Sponsors eligible to operate non-congregate meal service include: Any service institution that meets the definition of sponsor in Program regulations (7 CFR 225.2), is eligible to apply to operate non-congregate meal service through their State agency. This includes:

- Public and private nonprofit school food authorities
- Units of local, municipal, county or State government
- Tribal Governments
- Private, non-profit organizations

4. Does the State Agency recommend in-person or non-congregate meal service?

Since the rural non-congregate option is not designed to replace congregate meal service, the State Agency recommends in-person meal service as there are benefits of congregate meal service, including the provision of hot entrees and multiple varieties of fresh fruits and vegetables, as well as enrichment activities. Sponsors are encouraged to continue to provide these opportunities when feasible.

5. When is the non-congregate meal service advisable?

- After summer programming has ended (i.e., summer school, recreation program, etc.) and it is no longer feasible to continue to offer summer meals in a congregate setting.
- When a rural area does not have a facility to use to operate a congregate site, non-congregate meals could be offered all summer.
- When a sponsor is unable to staff a congregate program but has enough resources to prepare and provide non-congregate meals once or twice a week.
- When all nearby meal sites are closed to community participation and there are no other means to host congregate sites.

6. Can a site provide a combination of non-congregate and congregate meal services?

Yes. Non-congregate meal service may be provided when congregate meal service is not available. For example:

- A site that only offers breakfast through a congregate meal service may be approved to provide lunch through non-congregate meal service.
- A congregate site that serves lunch and breakfast three days a week may be approved to provide non-congregate meals for days with no congregate service, including weekends.
- An open congregate site that operates academic summer school in the month of June, may be approved to provide non-congregate meals in July once the summer school has ended.

7. Can non-congregate meals be provided in non-rural areas due to a lack of transportation, a lack of location or other similar concerns?

Non-congregate meals cannot be provided in non-rural areas for reasons that include lack of transportation or space to gather, safety concerns, or other similar reasons.

8. What criteria is used to determine if non-congregate meal service is allowable in a particular rural area?

State agencies have the discretion to determine whether an area has no congregate meal service. The State Agency will follow the priority system required by Program regulations at 7 CFR 225.6(b)(5) when approving applicants proposing to serve children in the same area.

When determining if an area is served by a congregate site, the State agency will consider the following:

- Any physical conditions or other barriers.
- Limited capacity of a congregate 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
- Sites appealing to specific age groups or to children with unique dietary requirements.

Furthermore, the applicant sponsor must comply with the following requirements:

- The area the site proposes to serve is not or will not be served by a congregate meal service consistent with the requirement at 7 CFR 225.6(h)(1)(ii).
- Sponsors must implement safeguards to prevent overlap between meal services to reasonably ensure children are not receiving more than the maximum allowance of two SFSP meals per day at 7 CFR 225.16(b)(3).

9. What is the process to receive approval for non-congregate meal sites?

1. Send an email to summermeals@doe.in.gov and copy your assigned field specialist in this communication. Indicate your desire to serve non-congregate meals and list the site(s) you plan to operate.

2. Schedule a Technical Assistance (TA) meeting with the field specialist to discuss all the operational and logistical requirements.

3. Complete the [Integrity Plan for Non-congregate Meal Service](#) and submit it to your field specialist.

4. After the Integrity Plan has been reviewed and approved by the field specialist and the state agency determines the site meets all criteria, the new non-congregate (NC) site tab will be added in the CNPweb.

5. Notify the Health Department of the Non-Congregate Site (location, mealtimes, prep location, delivery method, etc.) and upload a copy of the Health Dept form to the CNPweb Checklist tab.

6. Complete the Site Information Sheet, paying special attention to the Meal Service section to correctly report operating dates, meal types and serving times. Include any other relevant information in the Comments (# 66) of the Site Information Sheet. Keep in mind that state agency staff must have full access to the meal preparation area throughout the meal distribution period. All distribution times must be accurately entered into CNPweb.

7. Prepare and submit non-congregate SFSP/SSO menu to your assigned field specialist prior to the application approval in the CNPweb.

A separate Site Application must be completed for each non-congregate meal service site.

10. Can Day and Residential Camps operate non-congregate meal service?

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

11. How many meals and what meal types are allowed?

Eligible sponsors and sites may provide up to two non-congregate meal services, in any combination other than lunch and supper, for any day of the week, in which congregate meal service is not available. This includes weekends.

12. For how many days is the meal distribution allowed at one time?

Sponsors may be approved for multi-day distribution of meals for up to a maximum of 5 days. Sponsors are encouraged to provide meals more frequently. When developing the non-congregate service plan, consider the guidance provided at the [USDA Offering Multiple Meals as part of Summer Non-Congregate Meal Service](#).

13. When is combining non-congregate and congregate meal services at the same site allowed?

Non-congregate meal service may be provided when congregate meal service is not available. For example:

- A rural site that only offers breakfast through a congregate meal service may be approved to provide a lunch through non-congregate meal service.
- A congregate rural site that serves lunch and breakfast three days a week may be approved to provide non-congregate meals for days with no congregate service, including weekends.
- A congregate rural site that ends programming may be approved to provide non-congregate meals on the last day for up to a five-day period following their last congregate meal service day (provided that the five days are included in the site's approved service period).

14. What are the training requirements for sponsors operating non-congregate meal service?

Staff operating non-congregate meal service sites are held to the same training expectations as staff operating congregate sites. All staff should receive training according to their job duties as well as civil rights. Ongoing communication between the sponsor and non-congregate meal site supervisor is expected.

15. May a non-congregate site operate in close proximity to a congregate site that is closed enrolled or a camp? Under some circumstances, yes. Non-congregate meal service can potentially be provided by sites that are in close proximity to congregate service sites, such as camps or other closed enrolled sites. However, sponsors must ensure that the congregate and non-congregate sites will not serve the same population of children for the same meal service on the same day.

16. Can existing rural sites switch from congregate to non-congregate meal service? Yes. However, the non-congregate option is not intended to replace congregate meal service. Congregate meal service is often accompanied by fun and educational activities; therefore, the state agency will prioritize those rural areas that the congregate SFSP cannot reliably reach.

17. May a sponsor choose to solely operate a non-congregate meal service? Yes, with State agency approval.

18. May a State agency prohibit a sponsor from operating a non-congregate meal service? State agencies may not deny a sponsor application based solely on the sponsor's intent to provide a non-congregate meal service. However, State agencies will determine whether individual sponsors are capable of providing non-congregate meal service in rural areas, in line with SFSP requirements. State agencies have the responsibility to deny sponsors that they determine:

- Are not financially and administratively capable of operating a non-congregate meal service.
- Proposed one or more service areas already sufficiently served through a congregate meal service; or
- Proposed one or more service areas that do not meet the requirements for non-congregate meal service.

If the State agency denies a sponsor's non-congregate meal service, the sponsor will be notified of its right to appeal under Program regulations at 7 CFR 225.13.

19. May a State agency deny a site that meets the eligibility criteria for operating a non-congregate meal service?

State agencies may not deny a site based solely on the sponsor's intent to provide a non-congregate meal service. Similar to Question # 18, state agencies may deny an otherwise eligible site based on concerns related to health, safety, and/or integrity.

20. If a sponsor offers non-congregate meal service in rural areas, are they still required to follow existing SFSP program requirements? Yes. All SFSP program requirements in regulations (7 CFR 225) and other related regulations and instructions apply to both congregate and non-congregate meal service, unless otherwise specified in this guidance.

Meal Service Options

21. What options of non-congregate meal service are allowed? Home delivery and meal pick-up options may be used for summer 2023.

Parent/Guardian Meal Pickup Option: This non-congregate meal service model is designed to provide packaged meals that are taken home for participants to eat later. Examples of meal pickup include “grab and go,” curbside service, or take-home backpacks. Meal pickup is available to all children when the pick-up site is in an area-eligible area, or to children who are eligible for free or reduced-price school meals when the pick-up site is in an area that is not area-eligible. Meals must be packaged and portioned to allow children to carry the food from the SFSP site to their home.

Home Delivery Option: This non-congregate meal service model is designed to deliver meals directly to homes. Delivery could be completed by delivery service or could be hand-delivered by the sponsor’s staff, volunteers, or others.

22. What are the requirements for initiating home meal delivery for a household? Sponsors eligible to home deliver meals are SFAs or non-SFAs with a Memorandum of Understanding (MOU) with an SFA to use the SFA’s student data as the basis for establishing their eligible population. Sponsors that are approved to provide a non-congregate meal service using the home delivery model must be able to identify and invite households of eligible children to participate in the meal delivery service and obtain written consent from the eligible child’s parent or guardian that the household wants to receive delivered meals.

Written consent could include hard copy, email, or other electronic means of communication. In addition, sponsors must confirm the household’s current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location. Finally, sponsors must protect the confidentiality of participants and their households throughout the process in accordance with confidentiality and disclosure provisions in the National School Lunch Act and SFSP regulations (7 CFR 225.15(f)-(l)). Part 5 of the Eligibility Manual for School Meals, provides specific guidance on applying the statutory and regulatory requirements, and is available online at: <https://www.fns.usda.gov/cn/eligibility-manual-school-meals>. Sponsors that are not SFAs must have MOUs on the proper handling and storage of student data with applicable SFAs that ensure consistency with the above stated confidentiality requirements. SFAs are not required to agree to enter into MOUs with requesting non-SFA sponsors.

23. Do sponsors need signed consent forms from parents/guardians before non-congregate meals are provided to children? Yes, consent forms are required for the home delivery model.

24. Do home-delivered meals need to be shelf-stable? Not necessarily. The type of meal offered will depend on the resources and capacity of the site. With State agency discretion, sponsors that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so if participating households are also able to accept and safely store the meals. Sponsors should consider whether households have access to refrigeration, microwaves, etc., when providing food that

requires cold storage or further preparation, such as reheating. The meals must also meet the SFSP or SSO meal pattern requirements.

25. For sponsors serving non-congregate meals via home meal delivery, should each stop (e.g., home) be considered a site? No. The SFSP site requirements, including site approval by the State agency, do not apply for individual homes or school bus route stops. The State agency will consider the 'site' the non-congregate meal service operation overall.

26. Does the child need to be present for home meal delivery? No. The child does not need to be present at the time of delivery, as long as the sponsor has obtained the household's written consent to deliver meals and has verified the current address. If the meals are shelf-stable, no one needs to be present, as long as the address has been verified. Sponsors should consider state and local food safety requirements and best practices when designing their meal service.

27. Is additional funding available for meal delivery? No. There is no additional federal reimbursement for home delivery or mobile meal delivery. Expenses such as delivery costs could be paid with other non-program funds, or private donations.

28. Are sponsors required to follow established meal patterns when serving non-congregate meals? Yes. Like congregate meals, non-congregate meals must comply with the current meal pattern requirements for SFSP or SSO. In addition, sponsors must submit their program menu as a part of their non-congregate meal service Integrity plan. As a reminder, the meal pattern requirements for SFSP and SSO are different. SSO meals follow the NSLP/SBP meal pattern requirements and include the requirement to meet weekly vegetable subgroups.

29. What are the requirements for serving non-congregate meals related to meal modifications for participants with disabilities or other medical or special dietary needs? States and sponsors are still required to provide meal modifications for participants with disabilities when serving non-congregate meals. When planning a non-congregate meal service, State agencies and program operators should consider how individuals who require meal modifications will be identified and served appropriately. Individual substitutions may also be made at a sponsor's discretion for a child with a non-disability medical or other special dietary need. Households should have a way of notifying the sponsor of the need for individual substitutions due to medical or other special dietary needs.

30. What are the requirements related to site caps for non-congregate meal service in rural areas? The site cap requirement remains for both congregate and non-congregate meal service. A site cap is established for all sites during the application and approval process. When evaluating a proposed food service site, sponsors must ensure that sites have adequate facilities and capacity to prepare and/or distribute meals for the number of children they are approved to serve. For non-congregate meal sites, site caps must be set to ensure that only one meal per child per meal service is prepared and distributed. Site caps may be adjusted and approved by the State agency as outlined in policy memorandum [SFSP 16-2015](#).

31. How many meals per child may be provided through non-congregate meal service? The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. Up to two meals, or one meal and one snack, per child, per day may be offered, in any combination except lunch and supper. Furthermore, sponsors and the

state agency are responsible for ensuring that participants have access to no more than two meals per eligible student per day.

Review of Sponsor Requirements for Non-Congregate Meal Service

32. Meal Pattern Requirements

Non-school sponsors must follow the SFSP meal pattern requirements. SFA SFSP sponsors may utilize the NSLP and SBP or SFSP meal pattern requirements. SSO sponsors are required to meet all the requirements of the NSLP and SBP meal patterns, including weekly vegetable subgroups. All documentation such as detailed menus with serving sizes, production records, CN labels, product formulation statements, invoices, etc., must be maintained to support that meal pattern requirements were met. SFA sponsors utilizing the NSLP/SBP meal pattern must meet grades 9-12 portion size requirements to ensure meal pattern requirements are met for older children.

33. Offer versus Serve

Due to the short SFSP season in Indiana and necessary training requirements for both sponsors and state agency staff, OVS will not be allowed for non-congregate meal service during the 2023 summer season.

34. Meal Service Times

Sponsors will need to establish meal service times (i.e., pick-up or distribution times) and enter that into the SFSP Site Info Sheet for IDOE approval. In an instance where a non-congregate site serves two meals, one meal service time should indicate the off-time (breakfast at 6am) while the other indicates the actual distribution time (lunch). Confirm distribution times in the General Comments section (see # 66) of the Site Information Sheet. Sponsors offering a non-congregate meal service are not required to allow one hour between the end of one meal service and the start of the next. Whenever there is a need to change the non-congregate site meal service times, sponsors must update the Site Info sheet and contact the field specialist.

35. 2nd Meals

No second meals are allowed to be served under non-congregate meal service options. Sponsors may only claim one meal, per child, per meal service for non-congregate meal service.

36. Monitoring Sites

Non-congregate sites are required to be monitored by the sponsor, following the same requirements used for congregate sites. Non-congregate Site Monitoring Forms will be posted under the Monitoring section of the [SFSP webpage](#).

37. Civil Rights

Non-congregate meal service must follow the same civil rights requirements as congregate meal service sites. All persons working or volunteering with the non-congregate meal service are required to receive civil rights training.

38. Notification to the Community – IDOE will issue a state-wide media release for all sponsors, however sponsors that operate open and restricted open sites should continue to announce the meal sites, dates of operation and times of meal services, including delivery and/or pick-up times.

39. “And Justice for All” (AJFA) Posters - The AJFA poster must be prominently displayed in places like a car window when making deliveries at homes, and in all pick up locations providing non-congregate meal service in rural areas. Sponsors must ensure that outreach strategies and meal service does not discriminate based on all protected classes as listed in the USDA Civil Rights statement.

40. Race and Ethnicity Data Collection – Race and Ethnicity data collection is required for non-congregate sites. Due to the nature of the service, it may not be possible to collect data from participants directly. In that case, sponsors may use school or county data.

41. Food Safety

Food safety is important for both service models. Sponsors must ensure food selections and packaging promote food safety and include instructions on at-home storage and preparation. As with congregate SFSP meal service, sponsors must ensure non-congregate meal packages meet State and local health and safety requirements.

42. Accurate Meal Counting

Non-congregate meals must be counted at the point of service, by type, using IDOE approved Non-Congregate Meal Count Forms that will be posted on the SFSP webpage.

43. Program Reimbursement

Non-congregate meals will be reimbursed at the same rate as congregate meals. There is no additional funding provided for non-congregate meal service. Each location serving non-congregate meals is required to have an approved site application. If a location serves both congregate and non-congregate meals, the location will need to have a separate Site Information Sheet for each operation. The meals will be reported on their respective site claims.

45. Financial Management

The budget submitted within the CNPweb sponsor application must include the cost of operations for non-congregate meal service. The cost of food, non-food supplies, food service labor, transportation of meals, etc., related to non-congregate meal service are allowable SFSP expenses. Sponsors are required to include these costs within the not-for-profit food service account and maintain expense documentation, just as it is required for congregate meals. As a reminder, [SFSP Reimbursement Rates](#) are higher than rates for Summer Seamless Option.

Reporting Requirements

46. What are the meal reporting requirements for non-congregate meals in the SFSP? Standard meal counting and reporting procedures apply to both congregate and non-congregate meal service. For Summer 2023, sponsors operating both congregate and non-congregate sites should maintain separate meal counts for non-congregate meals served by meal service. For this reason, non-congregate sites need to be set up as separate sites in the CNPweb.