

# Frequently Asked Questions

## Summer 2024 Rural Non-Congregate Feeding Option

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### OVERVIEW

#### 1. What is the 2024 Rural Non-Congregate Feeding Program?

The Consolidated Appropriations Act of 2023 authorized a permanent, non-congregate meal service through the Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) for rural areas with no congregate meal service. After implementing a Pilot Program in Summer 2023, TDA is now implementing a permanent rural non-congregate program in 2024 based on the Interim Final Rule published in the December 29, 2023 Federal Register:

<https://www.federalregister.gov/documents/2023/12/29/2023-28488/establishing-the-summer-ebt-program-and-rural-non-congregate-option-in-the-summer-meal-programs>.

Contracting Entities (CEs) with sites in rural areas are encouraged to apply to provide non-congregate feeding services should they recognize an appropriate need and feel they can meet the requirements described within these FAQs. CEs approved to operate non-congregate service in Summer 2024 must abide by the instructions provided in these FAQs and all other standard program regulations.

#### 2. What is an Interim Final Rule (IFR), and am I allowed to provide feedback on the Rule to USDA?

Because the Consolidated Appropriations Act required USDA to implement non-congregate service within one year from the act being signed, there was not enough time for USDA to issue a Proposed Rule, which would allow a period of public comment **prior** to permanent regulatory implementation. Instead, the published IFR goes into effect immediately but may be altered in the future based on comments received from Program operators, the general public, and State Agencies.

USDA invites interested persons to submit written comments on this IFR no later than April 29, 2024. Comments may be submitted in writing by one of the following methods:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the online instructions for submitting comments.



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- Mail: Send comments to Community Meals Policy Division, USDA Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314.

### 3. Who is eligible to participate in the Non-Congregate Feeding Program?

Participation in the Summer 2024 Non-Congregate Program is available to both SFSP and SSO operators based on the following criteria:

- CEs must be in good standing, meaning they are not seriously deficient in any Child Nutrition Program, have no outstanding corrective action, and have no outstanding debts to TDA.
- All CEs must have previous Child Nutrition Program experience before being approved to operate a non-congregate site.
- All sites must be in a rural area to be approved for non-congregate service ([refer below for more information on how rurality is established](#)). CEs should use the [Non-Congregate Eligibility Map](#)<sup>i</sup> to determine if a proposed site is in a county or census tract that is eligible for participation **prior** to submitting a request to provide non-congregate service.
- Any non-congregate site must be over 2 miles away from another congregate or non-congregate site. TDA will validate that requesting sites meet this proximity requirement prior to approving non-congregate service.
- All area eligible sites must be approved for **congregate** service via the standard application process **before** CEs can request to operate non-congregate service at that location.
- For conditional non-congregate sites operating in non-eligible areas, CEs must submit a standard site application and be conditionally approved prior to submitting the request to serve non-congregate meals ([see below for more information on conditional non-congregate sites](#)).



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- All sites requesting to serve non-congregate meals must fully complete the [Non-Congregate Request Form](#),<sup>ii</sup> including providing all procedures required per the requested flexibilities as described throughout these FAQs.

### **RURAL DESIGNATION & AREA ELIGIBILITY**

#### **4. How does TDA determine if a site is rural?**

TDA uses the following regulatory criteria (listed in 7 CFR 225.2 "Rural") to determine the rurality of an area:

- 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.
- 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.
- Any census tract classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Commuting Area codes.
- Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area.
- Any area of a State which is not part of an urban area as determined by the Secretary.
- Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create.

Additionally, to maximize rurality designations across the state, TDA has been approved to apply the standard used last year to determine rurality, based on definitions of "rural" and "urban" as explained in the [2019 Food Access Research Atlas Interactive Guide](#).<sup>iii</sup>



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TDA will apply all criteria above to identify rural areas on the mapping tool. Sites falling into those areas will be potentially eligible to serve non-congregate meals. Similar to area eligibility, a rural designation for a site is valid for five years and will be re-evaluated at that time.

Note that USDA will be examining additional criteria and continue to add to this list in subsequent years if additional sources of information are identified.

**5. Can non-congregate meals be provided in non-rural areas if Program access is limited because of lack of transportation, safety concerns, lack of a location to serve meals, or other similar reasons?**

No. Per regulation, non-congregate meal service is only allowed in rural areas.

**6. Can I serve non-congregate meals in rural areas that are not income area eligible as determined by the number of children in the area eligible for free or reduced-price meals?**

All open and closed enrolled sites must adhere to current area eligibility requirement. However, the Interim Final Rule has introduced a new site type – **conditional non-congregate site** – that will allow for non-congregate service in areas that are not considered low income. Only School Food Authorities (SFAs) in rural areas can apply to operate conditional non-congregate sites. This new site type must adhere to the following requirements:

- Only meals served to children with a free or reduced-price eligibility can be claimed for reimbursement. Non-congregate meals may be served to children who are not eligible for free or reduced-price meals in rural areas, but they may not be claimed for reimbursement.
- Sites must be able to obtain eligibility information for each participant. **In the application, districts must indicate the number of estimated children expected to receive free meals at each site.**
- Sites may charge for meals served to children categorized with a paid eligibility. If charging, SFAs must submit for each site Form H1506-A, *Additional Assurances*





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for Camps, Conditional Non-Congregate Sites, and Other Enrollment Programs that Charge Separately for Meals. This form, [located on the Summer Meals Administration/Forms page](#),<sup>iv</sup> allows the CE to enter the following assurances:

- Eligibility standards conform to the family size and income eligibility guidelines for reduced price school meals;
- There is a method in place to be used in accepting applications from families that ensures that households are permitted to apply on behalf of children who are members of households receiving SNAP, FDPIR, or TANF benefits;
- There is a method in place to be used for collecting payments from children who pay the full price of the meal while preventing the overt identification of children receiving a free meal;
- If a family appeals an eligibility determination, the child will continue to receive free meals until a decision is rendered; and
- There will be no overt identification of free meal recipients and no discrimination against any child on the basis of race, color, national origin, sex (including gender identity and sexual orientation), age, or disability.
- The SFA has hearing procedures that provide the following information and assurances:
  - Procedures must allow families to request a timely and convenient hearing easily, either orally or in writing.
  - Families can be assisted by an attorney or designated representative during the hearing.
  - Families can review documents supporting the decision being appealed, both before and during the hearing.
  - Families must receive adequate notice of the hearing's time and place.
  - Families can present evidence and arguments during the hearing.



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- Families can question and refute testimony and evidence, as well as cross-examine adverse witnesses.
- The hearing official must not have participated in the decision being appealed.
- Decisions must be based on evidence presented at the hearing.
- Families must receive written notification of the decision.
- A written record of the hearing, including evidence, testimony summary, decision, and reasons, must be maintained for three years.
- The written record must be available for examination by the family or representative upon request.

Note that in 2024, the option to operate a conditional non-congregate site in a non-eligible area is not available to Private Non-Profits (PNPs). [Refer below for specific application instructions for conditional non-congregate sites.](#)

### 7. Are there participant notification requirements for a conditional non-congregate site?

Yes. As with camps and closed enrolled sites, conditional non-congregate sites are required to notify participants or enrolled children of the availability of free meals and that a free meal application is needed to determine eligibility.

Income eligibility guidelines must be included with the notification, and all notices to participants and enrollees must include the Civil Rights nondiscrimination statement. TDA is developing a prototype template that can be used in Summer 2024.

### 8. Can I use child nutrition funds to procure and prepare non-reimbursable meals at conditional non-congregate sites?

No. Using unused reimbursement funds to cover the cost of ineligible children at conditional non-congregate sites is not an allowable cost. Regulations prohibit federal funds to be used for costs for meals, in excess of the number of meals eligible for



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reimbursement. Program sponsors operating a conditional non-congregate site should plan to allocate child nutrition funds only for meals that they estimate will be served to free or reduced-price students. Any cost of food served to non-Program participants paid for with program funds must be replenished back to the food service account using non-program funds, which could include money received from charging for meals.

### **NON-CONGREGATE FLEXIBILITIES AND REQUIREMENTS**

#### **9. What distribution models of non-congregate meal service are allowed?**

Grab-and-go (meals distributed at a single location) and home delivery are both allowable distribution models when operating a non-congregate service. However, only one service model is allowed per site. If wanting to serve grab-and-go while also distributing meals via home delivery, two site applications are required.

Both meal distribution methods allow for additional flexibilities, as follows:

- [Meal bundling \(10-day max for grab-and-go, 5-day max for home delivery\).](#)  
**NOTE:** TDA recommends a 5-day maximum due to food quality and expiration dates for milk and juice.
- [Bulk food component distribution](#)
- [Parent/guardian pick-up with no child present](#)
- [Hybrid congregate/non-congregate service](#)

Note that each of the above flexibilities, if requested, has associated regulations and requirements, both at time of application and implementation, that must be followed. Please familiarize yourself with all requirements as described within these FAQs before requesting specific flexibilities.



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### 10. Can I operate a mobile route (for example, along an established school bus route), at which grab-and-go meals are distributed at each stop? If so, does each stop need to be its own site?

Possibly, but recent guidance issued by USDA on March 27, 2024, has made operation of mobile routes more restrictive than in years past. In 2023 and during the pandemic, an approved mobile route providing grab-and-go meals at each stop (not home delivery) could operate as a single site, allowing for more frequent stops that did not have to adhere to proximity requirements. **Per new guidance, however, each stop along a mobile route must now be its own site, meaning a separate site application in TX-UNPS and a separate Non-Congregate Request Form will be required for each stop.** Each stop must adhere to all site administration and monitoring requirements per current regulation. **Additionally, if each site along the route is distributing grab-and-go meals, then those sites must meet the 2-mile proximity requirement.**

Note that sites opting into home delivery, in which meals are delivered to specific children at an individual home, can submit one site application to represent the entire home delivery route. [Refer below for more information about home delivery.](#)

### 11. What are the requirements for issuing meal bundles?

CEs may distribute a single day's worth of meals or meals for multiple days at a single distribution but must adhere to the daily maximum number of meals allowed (up to two meals, or one meal and one snack, in any combination except lunch and supper). The following parameters apply to multi-day issuance:

- CEs may distribute up to 10 days of **unitized, grab-and-go** meals at a time; however, if wishing to distribution more than 5 days at a time, CEs **must provide with their request form** a sample menu for the entire period that the meals will cover along with procedures for how to ensure food safety. TDA strongly discourages more than 5 days distribution due to the potential food quality deterioration.
- CEs delivering meals to individual homes or distributing food components in bulk **may not provide meals for more than 5 days of meals at a time and must**



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provide procedures at the time of application supporting how they will safely distribute those meals under these models.

- All CEs providing more than one day of meals at a time must provide procedures for mitigating the risk of serving duplicate meals.

CEs providing multi-day bundles must adjust the number of days per week it operates accordingly. For example, an open site wishing to serve three days of meals on one day and two meals on another could have the following schedule:

- On Monday, the site would distribute meals for Monday, Tuesday, and Wednesday
- On Thursday, the site would then distribute meals for Thursday and Friday.

All schedules must be documented in the [Non-Congregate Request form](#).<sup>v</sup>

### 12. What are some safeguards for mitigating the risk of serving duplicate meals?

Examples of methods to ensure that duplicate meals are not served include:

- Monitoring at the point of service.
- Sign-in sheets.
- Cross-referencing sign-in sheets, such as for a sponsor with multiple sites in close proximity.
- Using technology-based solutions, such as QR codes for sign-in sheets, or a registration system.
- Signage at the site warning participants not to take more than the allowable number of meals.
- Restricting meal service times to reasonable or shorter periods instead of extended or nearly all-day distribution times.



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- Coordination with other nearby sites to strategize days and times of service.

### 13. How does bulk food component distribution differ from unitized meal bundling?

While both methods allow for issuance of multiple meals at a single distribution, unitized meal bundling provides complete, prepared meals. Bulk food component distribution means one or more food component is distributed in larger amounts (for example, a gallon of milk or loaf of bread) with the intent that they can be assembled into individual reimbursable meals over a given period of time.

Bulk distribution of food components is only allowed in Summer 2024 under the following parameters:

- Sites are not permitted to distribute more than five days of food.
- At the time of application, CEs must provide procedures that demonstrate the following:
  - Meal packages must include a menu describing food items and portion sizes for each meal to be served with simple assembly directions for the meal. **A sample menu is required at the time of application.**
  - Participants must be provided with information that identifies the items that, when bundled together, meet the requirements of a reimbursable meal. **Sample instructions are required at the time of application.**
  - Packages include labeled food items requiring only adding water and warming to be served. While microwaving prepared food with room temperature water is acceptable, foods provided as ingredients for recipes that require chopping, mixing, or baking should not be provided as part of the meal service.
  - Extra food items are separated and labeled “not part of the reimbursable meal (if included).”
  - The packaging and distribution method meets applicable food safety regulations.



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### 14. If I am only distributing one component in bulk (for example, milk), am I required to meet all the requirements listed above for bulk food component distribution?

Yes, even if the majority of the meal is unitized, distributing any single component in bulk will limit meal distribution to five days, and sample instructions and food safety procedures must be submitted with your request.

### 15. Can meals be distributed to parents/guardians at non-congregate pickup locations?

Yes. Non-congregate meal service allows distribution of meals to parents or guardians to take home to their children. CEs opting to distribute meals to parents or guardians **must submit procedures with their non-congregate request form** that demonstrate:

- The methodology used to validate guardianship of a child.
- Any safeguards put in place to ensure duplicate meals are not distributed.

### 16. Could adults other than parents or guardians, with written permission on file from the household, pick-up meals on behalf of parents or guardians?

No, only parents or guardians may pick-up meals on behalf of their children. Other adults (i.e., proxies) may not pick up meals without the child(ren) present.

### 17. What are the guidelines for proper implementation of parent pickup?

Per TDA-established guidelines, when a parent or legal guardian arrives to pick up a meal without a child at a site, the parent or guardian must show proof of guardianship. Preferred methods of proof of guardianship include:

- Official Letter/email from a school listing the children enrolled at a school campus
- Student ID cards
- Individual student report cards



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- Attendance record from parent portal of the school website
- Birth certificate
- Official letter/email from facility or school listing children enrolled
- Other official ID cards (for example, IDs issued by a child care facility)

Operators must establish procedures to facilitate this process **and submit those procedures at the time of application.** (Example: Procedures could demonstrate how once enrollment and proof of guardianship are verified, the CE issues the parent/guardian a placard or rearview mirror hanger that shows the number of meals to be picked up).

### 18. Do the meal service time requirements in SFSP apply to non-congregate meal service?

While some meal service time requirements continue to apply, CEs offering bundled meals via a non-congregate meal service are exempt from serving breakfast in the morning and allowing one hour between the end of one meal service and the start of the next.

Meal service times still need to be established for each site in the CE's site application and should reflect the entire timeframe per meal type that those meals will be distributed on a given day. [Refer below for more information on how to document meal distribution times in the site application.](#)

If operating a hybrid congregate/non-congregate site, the sponsor must provide schedules of each service to ensure there is no overlap between the distribution or intended consumption days of congregate and non-congregate meal service. [See below for more information on allowable and unallowable hybrid service models.](#)





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### 19. Are CEs required to follow established meal patterns when serving non-congregate meals?

Yes. As with congregate meals, non-congregate meals must comply with the current meal pattern requirements for SFSP and SSO.

### 20. Can I operate a hybrid site that offers both congregate and non-congregate meals?

Yes, but only under very specific parameters. While sites can operate a hybrid model in which both congregate and non-congregate services occur, **those separate services (including intended days of consumption) cannot overlap, and all children must receive the same number and types of meals at each distribution.**

Allowable hybrid scenarios include:

- Congregate meals served Monday through Friday with an additional non-congregate bundle of weekend meals sent home with the child at Friday distribution.
- Congregate daily breakfast with non-congregate lunches sent home with the child each day.

**An unallowable scenario would be feeding congregate meals to summer school students daily while other children receive a multi-day bundle. This would be considered an overlap of congregate/non-congregate days of consumption.**

If a site wishes to distribute multiple days' worth of meals where summer school is occurring, the summer school children will only be permitted to pick up those same bundles rather than receive a daily congregate meal. Additionally, non-congregate sites with summer school students can offer daily non-congregate service at which the summer school children can receive a meal and eat onsite – while consumed in a congregate setting, those meals would be considered non-congregate as they are the same grab-and-go packaged meals being distributed to the community.



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21. If I am offering a congregate breakfast and lunch at the end of the week but then sending a non-congregate bundle of weekend meals with the children on the same day of congregate service, how do I document this in my Non-Congregate Request Form?

On days in which a congregate service is occurring, but non-congregate meals intended for the next day and beyond are also distributed, you would enter information into the Non-Congregate request form as follows:

1. For the day in question, select both congregate and non-congregate meals in the Non-Congregate Request form:

Thursday - NON-CONGREGATE meal service will occur.

Thursday - CONGREGATE meal service will occur.

2. Select the meal types that will be distributed for offsite consumption and the number of days for which the meals are provided. So for example, on Thursday afternoon, if you are sending a bundle of meals intended for Friday through Sunday, you would enter the information into the form as follows:

Thursday - Select NON-CONGREGATE meal types distributed: \*

Which meal(s) will be distributed on Thursday for non-congregate service?

Breakfast;  Lunch;  Snack;  Supper

Thursday - Enter number of days of NON-CONGREGATE meals distributed: \*

How many days' worth of meals will be distributed on Thursday for non-congregate service?

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3. Then select the type of meals distributed at **congregate** service on that day:

Thursday - Select CONGREGATE meal types distributed: \*

Which meal(s) will be served during Thursday **congregate** service?

Breakfast;  Lunch;  Snack;  Supper

4. **IMPORTANT:** The information entered thus far appears to show an overlap in service since it shows both non-congregate and congregate breakfasts and lunches being served on the same day. To indicate that the non-congregate meals are intended for subsequent days, you must provide clarifying information in the Meal Service Comment text box. See below for an example:

#### Meal Service Comment

If required, please enter any additional or clarifying information about the days and number of meals distributed as listed above.

For example, if days of distribution vary week to week, please provide a complete schedule of meal distribution days in the comment box below.

Congregate breakfast and lunch service will occur as normal on Thursday, but each child will receive on Thursday afternoon a bundle of three breakfasts and three lunches intended for Friday through Sunday.

**22. If I operate a hybrid congregate/non-congregate site, must I keep separate counts of the number of congregate meals and non-congregate meals?**

Yes, sites operating a hybrid site must keep separate counts for both congregate meals and non-congregate meals (remember that congregate and non-congregate meals should never be distributed at the same service per the previous question).

TDA expects that CEs must provide these separate meal counts to TDA monthly in Summer 2024. More guidance on how to submit separate meal counts, along with updated meal count forms, will be coming soon.



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### HOME DELIVERY GUIDANCE

#### 23. What are the requirements for initiating home meal delivery for a household?

CEs 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.

CEs must protect the confidentiality of participants and their households throughout the process. CEs that are not SFAs but are using SFA data to identify potential households must have a Memorandum of Understanding (MOU) with the SFA that explicitly allows the PNPs access to school data and demonstrates proper handling and safe storage of confidential student data.

When requesting to operate a home delivery service, CEs must provide the following documents and procedures to TDA:

- The site's means of obtaining parental consent.
- How the site will protect the privacy of household participants.
- The means for determining home eligibility.
  - Homes served must either be in the attendance zone of an area eligible school, or the child in the home qualifies for free or reduced priced meals.
- The means for ensuring food safety requirements are met.
- If using school data, a copy of the MOU between the site and the SFA.



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### **24. What should be included in the written parental consent required for home delivery?**

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 when obtaining written parental consent for home delivery. Parental consent information may include but is not limited to the following: home address, phone number, child(ren)'s name(s), child(ren)'s age(s), and language establishing both the presence of children in each household as well as the household's consent to receive meals.

### **25. How many days of meals can be delivered to a household at one time?**

Regulation only allows for a maximum of five days' worth of meals to be delivered at one time. If delivering five days of meals on Monday, the next eligible day of service would be Saturday if weekend service has been approved. If weekend service is not approved, the next eligible day of service is the following Monday.

### **26. Must all non-congregate home deliveries be located in a rural area?**

Yes. Non-congregate meal service may be operated only at sites designated as rural. A non-congregate home delivery "site" is the entire route for non-congregate home delivered meal service. Therefore, the entire route for non-congregate home deliveries must be within an area defined as rural.

### **27. 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. CEs that can prepare ready-to-eat meals and can deliver meals daily in a way that meets State or local food safety requirements may do so if participating households can also accept and safely store the meals. CEs must consider whether households have access to refrigeration, stoves, 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.



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The methodology for determining the safe distribution of non-shelf-stable meals must be documented in CE's procedures, which must be submitted to TDA prior to being approved to operate a home delivery model. For example, CEs may be able to collect information from households about their capabilities for storing food at the same time they are obtaining parental consent to deliver meals to the home.

### **28. For CEs serving non-congregate meals via home delivery, should each home be considered a site?**

No. Standard SFSP/SSO site requirements do not apply for individual homes where non-congregate meals are distributed. CEs should consider the 'site' the non-congregate meal service operation overall and document the origin of the route as the address on the site application.

**Note that this guidance does not apply to grab-and-go mobile routes. [See above for information about how to document sites along a mobile route, as this guidance has changed.](#)**

### **29. 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 if the CE 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 if the address has been verified. CEs must consider state and local food safety requirements and best practices when designing their meal service and include these considerations in the procedures they submit to TDA.

### **30. Is additional funding available for meal delivery?**

No. There is no additional federal reimbursement for home delivery or mobile meal delivery. However, expenses related to meal delivery, such as postage or delivery service fees, would be considered an allowable cost under the SFSP or SSO. Delivery costs could also be paid with non-program funds, such as State or local funds, or private donations.



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### APPLICATION AND REQUEST FORM REQUIREMENTS

#### 31. How do I get approved to operate an open or closed enrolled non-congregate site? (See next question for conditional non-congregate site application steps)

CEs wishing to establish open or closed enrolled non-congregate sites should first check the location of the proposed site on the [Non-Congregate Eligibility Map](#)<sup>vi</sup> to ensure that the site is located in a rural area and that it meets the 2-mile proximity requirements.

Next, the sites must be approved via TDA's standard application process. Once approved, the CE must submit **for each site** the [Non-Congregate Request Form](#),<sup>vii</sup> in which the following information is required:

- Specific details about the service, including method of distribution and requested flexibilities (ex. grab-and-go, home delivery, bulk food component distribution, parent pick-up), actual days of distribution, and number of days' worth of meals being bundled, as applicable.
- Supporting procedures for ensuring duplicate meals are not served and other procedures, depending on flexibilities requested, documenting how program integrity and food safety will be ensured under the requested flexibilities. See various questions above for more information on specific flexibilities and the documentation that must be submitted for each site at the time of application.

Note that requests to switch existing congregate sites to non-congregate sites must follow this process.

Once TDA has reviewed the information submitted and approved the request via email notification to the CE, the CE is free to begin non-congregate service. If denied, the site is still eligible to provide congregate service, should they meet congregate service requirements. **NOTE:** If the request is denied because it was incomplete or contained insufficient supporting documentation, the requestor may submit a new request with revised information.





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For the sites approved to serve non-congregate meals, TDA will update the site name in the TX-UNPS site application with an "NC" designation.

### **32. What are the application requirements if wishing to operate a conditional non-congregate site in a non-eligible area?**

The process will be similar to what was described in the previous question. However, when submitting a CE/site application in TX-UNPS, the CE must enter the site name as follows: NC\_CON\_[SiteName]. Because TX-UNPS is not currently configured to document this new site type, this naming designation is required to notify the TDA application processors that this is a request to operate a conditional non-congregate site. If that designation is not there, TDA will assume the site is requesting to operate a congregate service in a non-eligible area, and the application will be returned.

Once TDA has conducted the standard application review, if approvable, TDA will note that in the application and inform the applicant to submit the Non-Congregate Request Form. If the Non-Congregate Request Form is approved, TDA will approve the entire application.

If the Non-Congregate Request Form is not approved, the applicant will be notified that the site is not currently approvable, and the TX-UNPS application will be returned but not denied so that the applicant can address the issues that led to the denial of the non-congregate request.

### **33. How do I document the days of service in the TX-UNPS site application if I am distributing multiple days of meals once a week?**

The TX-UNPS site application should reflect the days that meals are intended to be consumed. Additionally, all meals should be counted and claimed based on the days that meals are intended to be consumed. In the Non-Congregate Request Form, CEs can identify the specific days of distribution and the intended days of consumption.





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### 34. How do I document the meal service times in the TX-UNPS site application if I am bundling meals together?

In the TX-UNPS site application:

1. If bundling meals, enter temporary, separate times for different meals (if serving breakfast and lunch, ensure the beginning of lunch is an hour after the end of breakfast).

**NOTE:** These times may not align with actual distribution times.

2. Once the site application has been approved or conditionally approved, submit your Non-Congregate Request Form, providing more details about days of distribution.
3. If the request form is approved, the application team will reach out to you to update the meal service times in TX-UNPS. If distributing breakfast and lunch at the same time, the site application should reflect the time that meals are being distributed (meaning the times will be the same for both breakfast and lunch).
4. Once the meal service times reflect the times of distribution, TDA will add the NC designation to the site name, and the site is now approved to serve non-congregate meals.

### 35. Do I have to submit a new non-congregate request form for sites approved to operate non-congregate service in Summer 2023?

Yes. New regulation in the Interim Final Rule requires prospective non-congregate operators to provide more procedural information than last year. Additionally, the flexibilities available this summer have changed. While the request process is more detailed than last year, TDA anticipates that sites approved this year will be able to operate next year under a streamlined request process for experienced non-congregate sites.



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### 36. Will my site application be denied based solely on wanting to serve non-congregate meals?

No. TDA will not deny a CE application based solely on the sponsor's intent to provide a non-congregate meal service. In fact, all open, closed enrolled, and camp site applications must be approved for congregate service before requesting to operate a non-congregate service. If the non-congregate service is denied due to a site's proximity to another congregate site, the CE is encouraged to offer congregate service at all open, closed enrolled, and camp sites.

For conditional non-congregate sites, while TDA will not approve a site to operate any service until the site can meet all standards required by this site type, TDA will not outright deny an application; the CE can revise procedures and adjust site specifications and location, if necessary, to meet the requirements.

### 37. Can my congregate site switch to non-congregate service in Summer 2024?

Possibly. Unlike the 2023 Pilot Program, in which TDA limited the number of sites that could switch, any existing congregate site may switch to a non-congregate service under the following conditions:

- The site must meet all proximity and good standing requirements [as described above](#).
- The CE must submit all documentation required in the Non-Congregate Request Form.
- The CE acknowledges that once the site switches to a non-congregate model, it is considered "new" per regulation, meaning that any SFSP site that switches must receive the pre-operational visit and first two weeks site visit required of all new sites.



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### **38. Are existing rural sites required to switch from congregate to non-congregate meal service?**

No. While the option is available, TDA and USDA understand the benefits of congregate meal service and accompanying activities and encourage CEs to continue to provide these opportunities when feasible.

## **MONITORING**

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

Yes. All existing monitoring requirements for TDA and CEs apply to non-congregate CEs and sites. This includes but is not limited to TDA pre-approval visits, CE-conducted pre-operational site visits, first two weeks site visits, site reviews, follow-up reviews, and meal preparation facility reviews.

### **40. How should CEs include non-congregate rural sites in the SFSP monitoring process?**

Just as they would for congregate SFSP meal sites, CEs must conduct a full review of food service operations at each non-congregate meal site at least once during the first four weeks of program operations. Taking into consideration the distance and time to monitor on-site operations, particularly in rural areas, the CE may conduct an initial first two weeks site visit (required for all new SFSP sites and all existing sites new to non-congregate service) and full meal service review at the same time.

A full site review of meal service for non-congregate sites may look different from a full site review of a congregate meal service, depending on the meal service model being used. A full site review of a non-congregate site includes reviewing the entire meal service time, which is the time established by the sponsor for a site to distribute meals. For example, with a home delivery meal service model, a full meal service review may include observing the meals being loaded into delivery vehicles and checking meal logs



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and delivery routes. The CE must also ride along with or follow the delivery driver along the distribution route to observe the meal delivery.

In the instance of a meal pickup model, such as grab-and-go, meal service review may also include observing the self-preparation of meals. In all non-congregate service models, the CE must ensure eligible children are receiving the proper number of meals that meet nutritional standards and are consistent with all applicable State and local health, safety, and sanitation standards.

### 41. How will TDA monitor grab-and-go sites?

TDA will verify onsite that the CE provides packaged meals that can be carried from the non-congregate site to the homes, and for CEs distributing meals to parents or guardians, that the CE is maintaining accountability and Program integrity via the methods described in the Non-Congregate Site Request Form.

As part of the meal service observation during the review, TDA will:

- Observe meal packaging;
- Observe meal pickup;
- Ensure meal pattern requirements are met;
- Proper implementation of bulk food component distribution, if applicable;
- Ensure meal pickup times are followed as stated on the site application;
- Ensure appropriate number of meals are distributed and counted;
- Ensure local health, food safety, and sanitation standards are followed; and
- Ensure the "And Justice for All" poster is properly displayed at pickup sites and civil rights requirements are met.



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### 42. How will TDA monitor home delivery sites?

For sites operating home delivery or mobile routes, a TDA Administrative Review Specialist will accompany or follow the route of the delivery to ensure that meals are delivered to eligible participants.

During reviews of home delivery sites, CEs are expected to provide the following documentation:

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

TDA may use records such as consent forms to verify meals are going to homes with children residing there and to ensure overall integrity of the Program.

As part of the meal service observation during the review, TDA will:

- Observe meal packaging, including the assembly of meals (if applicable);
- Observe meal delivery;
- Ensure meal pattern requirements are met;
- Proper implementation of bulk food component distribution, if applicable;
- Ensure appropriate number of meals are delivered and counted properly;
- Ensure local health, food safety, and sanitation standards are followed; and
- Ensure the "And Justice for All" poster is properly displayed on delivery vehicles and civil rights requirements are met.



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- Ensure household data is properly protected in accordance with the procedures submitted at the time of application.

### **43. What TDA monitoring requirements apply to SFAs that operate non-congregate rural sites under the Seamless Summer Option (SSO)?**

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

**Note:** TDA will prioritize non-congregate sites when making their site selection for review.

## **MISCELLANEOUS**

### **44. What are the requirements related to site caps for non-congregate meal services 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, TDA will ensure that sites have adequate facilities and capacity to prepare and/or distribute meals for the number of children they are approved to serve.

### **45. Can offer versus serve (OVS) be used in non-congregate settings?**

Yes. Only SFAs may use OVS and will indicate their intent within the site application. Non-SFA sponsoring organizations may not use OVS. When using OVS in a non-congregate setting, SFAs should consider the unique service situations of each site, as



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well as each site's ability to follow appropriate safety measures. All required meal components or food items must be offered, and all participants must have the opportunity to select a reimbursable meal. TDA encourages SFAs that wish to use OVS to think creatively about how to implement this flexibility while ensuring that all meal service requirements are met.

### **46. Are second meals reimbursable when operating a non-congregate meal service?**

No. CEs may only claim one meal, per child, per meal service for a non-congregate meal service.

### **47. What are the requirements for serving non-congregate meals related to meal modifications for participants with disabilities or other medical or special dietary needs?**

CEs are still required to provide meal modifications for participants with disabilities when serving non-congregate meals. When planning a non-congregate meal service, CEs should consider how individuals who require meal modifications will be identified and served appropriately. Individual substitutions may also be made at a CE's discretion for a child with a non-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.

### **48. Do CEs need to display the "And Justice for All" (AJFA) posters at pick up sites and for home delivery transportation?**

The AJFA poster must be prominently displayed (such as in a window) on all vehicles making door-to-door drop deliveries at homes, and in all pick up facilities and locations providing non-congregate meal service in rural areas.



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### 49. Are CEs required to collect racial/ethnic data at non-congregate sites?

Yes. All requirements pertaining to the collection of racial/ethnic data are in effect for this program. Please refer to TDA's SFSP Supplemental Handbook for the most recent guidance on this data collection.



Food and Nutrition Division



TEXAS DEPARTMENT OF AGRICULTURE  
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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
- (2) fax: (833) 256-1665 or (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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ii <https://experience.arcgis.com/experience/bcd93c1e55194e6091b108930afc4a9b/>

iii <https://app.smartsheet.com/b/publish?EQBCT=75aee51bac6b49bdbe1145cb89c89b39>

iii

<https://gisportal.ers.usda.gov/portal/apps/experiencebuilder/experience/?id=a53ebd7396cd4ac3a3ed09137676fd40>

iv <https://squaremeals.org/Programs/Summer-Meal-Programs/Administration-Forms>

v <https://app.smartsheet.com/b/publish?EQBCT=75aee51bac6b49bdbe1145cb89c89b39>

vii <https://experience.arcgis.com/experience/bcd93c1e55194e6091b108930afc4a9b/>

vii <https://app.smartsheet.com/b/publish?EQBCT=75aee51bac6b49bdbe1145cb89c89b39>



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