

Webinar for State Agencies: Rural Non-Congregate Summer Meal Service Interim Final Rule

January 8, 2024



Housekeeping

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- Enter your questions into Q and A box.
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USDA Summer Nutrition Programs

USDA's goal across all summer nutrition programs is simple: Connect children with nutritious food during the summer months to help them grow and thrive.



Congregate Meals



Non-congregate Meals



Summer EBT

Agenda

- Consolidated Appropriations Act, 2023
- Background and Definitions
- Non-Congregate Meal Service Options
- Meal Service Requirements
- Seamless Summer Option
- State Agency Responsibilities
- Sponsor Responsibilities
- Coordinated Service Plans
- Monitoring and Integrity
- Questions and Answers





Food and Nutrition Service
U.S. DEPARTMENT OF AGRICULTURE

Background and Definitions



Consolidated Appropriations Act, 2023

The Consolidated Appropriations Act, 2023 (P.L. 117-328), December 29, 2022, authorized:

- A rural non-congregate meal service option in the Summer Food Service Program (SFSP)
- A permanent Summer Electronic Benefits Transfer (Summer EBT) Program
- Interim final regulations (IFR) to be issued by December 2023

IFR available at: <https://www.fns.usda.gov/summer/fr-122923>



Revised Definition of Site

Old Definition of Site:

Site means a physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.

Revised Definition of Site:

Site means 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 site.

New Site

- **New site** means a site which did not participate in the Program in the prior year, **an experienced site that is proposing to operate a non-congregate meal service for the first time**, or, as determined by the State agency, a site which has experienced significant staff turnover from the prior year.
- Sites switching from congregate meal service to non-congregate in summer 2024, are considered **new** sites
- Sites switching from congregate meal service to operating a hybrid site (operating congregate and non-congregate meal service at the same site) are considered **new** sites.

Congregate Meal Service vs. Non-Congregate Meal Service

Congregate Meal Service:

Congregate meal service means a food service at which meals that are provided to children are **consumed on site** in a supervised setting.

Non-congregate Meal Service:

Non-congregate meal service means a food service at which meals are provided for children to **consume all of the components off site**. Non-congregate meal service must only be operated at sites designated as “rural” with **no congregate meal service**.



No Congregate Meal Service

Determining No Congregate Meal Service

- **No specific definition** for no congregate meal service.
- State agencies have the **discretion** to determine whether an area has no congregate meal service.
- State agencies should **consider factors** including, but not limited to:
 - Any **physical conditions** or other barriers;
 - **Limited capacity** of a congregate site;
 - Sites serving the same children on **different days, different weeks**, or for **different meals** on the same day; and
 - Sites appealing to **specific groups**.

Good Standing

- **Good standing** means the status of a Program operator that meets its **Program responsibilities**, is current with its **financial obligations**, and, if applicable, has fully implemented all **corrective actions** within the required time.
- Sponsors must be considered in *good standing* to operate a non-congregate meal service.

Conditional Non-Congregate Site

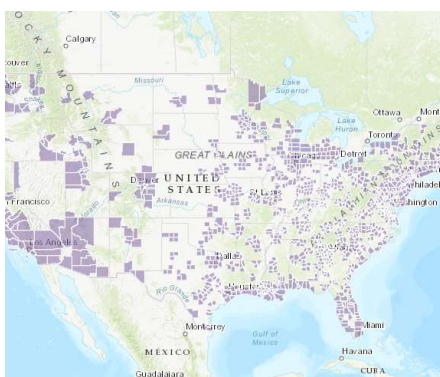
Conditional non-congregate site means a site that qualifies for Program participation because:

- 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, as defined in the same section.



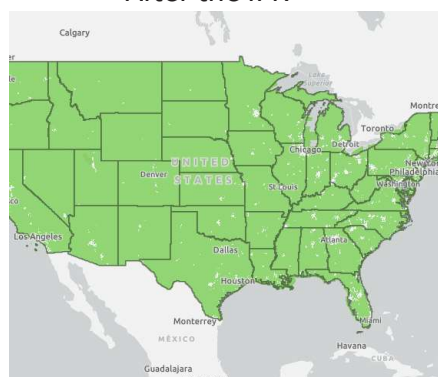
FNS Rural Designation Map

Before the IFR



Unshaded = Rural; Purple = Urban

After the IFR



Green = Rural; White = Urban

Rural Definition

Rural means:

- (1) Any area in a county which is not a part of a Metropolitan Statistical Area based on the Office of Management and Budget's Delineations of Metropolitan Statistical Areas;
- (2) Any area in a county classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Continuum Codes (RUCC) and Urban Influence Codes (UIC);
- (3) Any census tract classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Commuting Area codes (RUCA);

Continued on next slide

Rural Definition (cont'd)

Rural means:

- (4) Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area;
- (5) Any area of a State which is not part of an urban area as determined by the Secretary;
- (6) Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create;

Rural Pockets

Rural means:

(7) Any “pocket” within a Metropolitan Statistical Area which, at the option of the State agency and with **FNSRO approval**, is determined to be **rural in character based on other data sources**.



Annual Update to Rural Data

- There will be an **annual update** to the approved rural data sets.
- **By January 1 of each year**, FNS will issue any necessary updates to approved data sources listed under the definition of “rural” to be used for rural site designations in that Program year.
- FNS will make this information available and referenceable in a simplified format (e.g. rural map).

Rural Designation and Necessary Documentation

- Both **new sites and experienced sites** must document in their site information sheets whether the site is rural or non-rural.
- A statement alone is not enough. **Documentation supporting the site's rural designation is required.** Documentation could include:
 - a screenshot of the FNS rural map (with the date), or
 - other evidence of approved dataset(s).
- This supporting documentation requirement must demonstrate the site is rural **based on the approved data sources** found in the definition of rural.

Duration Period

- A rural designation is **effective** for a period of **5 years**.
- **New documentation** is required every 5 years to redetermine the site's rural status.
- If the State agency determines that an **area's rural status has changed significantly** since the last designation, then it can require a redetermination earlier.



Non-Congregate Meal Service Flexibilities

Meal Service Flexibility Restrictions

- State agencies **may no longer** create statewide bans on the following flexibilities:
 - Multi-day meal issuance;
 - Parent/guardian pick-up; or
 - Bulk food items.
- State agencies retain discretion to restrict the availability of these service options on a **case-by-case basis**.

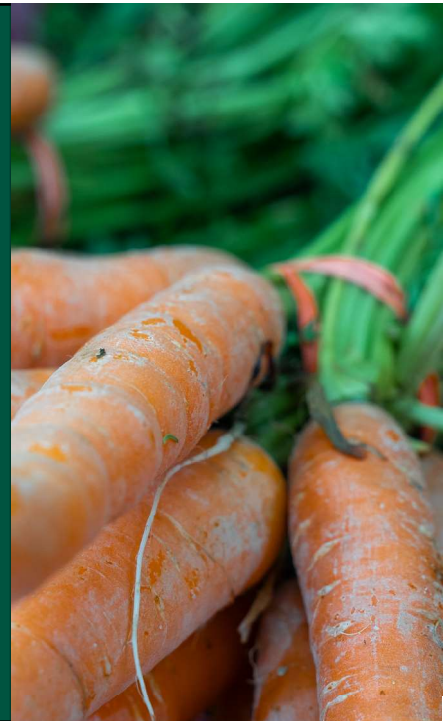
Multi-Day Meal Issuance

- Approved sponsors may distribute up to the allowable number of reimbursable meals that would be provided over a **10-calendar day** period.
- The State agency may establish a shorter time period, on a case-by-case basis.
- Sponsors electing this option **must have procedures** in place that document, to a reasonable extent, the proper number of meals are distributed to each eligible child.



Parent/Guardian Meal Pick-up

Sponsors in **good standing** may allow parents or guardians to pick up Program meals on behalf of eligible children. Sponsors electing this option **must have documented procedures** in place to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child.



Parent/Guardian Meal Pick-Up

USDA will seek public comments on:

- **Effective approaches** for **balancing integrity and access** priorities.
- Successful and **recommended procedures** for ensuring that meals are only distributed to parents or guardians of eligible children.
- **Criteria, standards**, or other requirements to **ensure consistency** in the approval of documented procedures to be implemented by sponsors.



Bulk Food Items

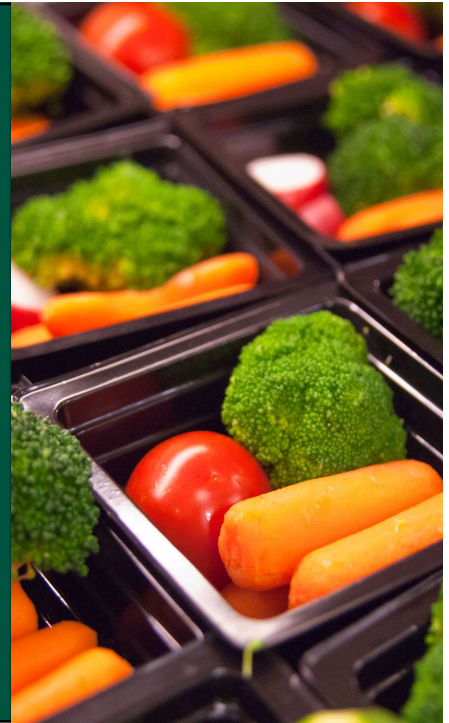
- Self-prep sponsors approved to operate non-congregate meal service have the option to provide bulk foods that meet the meal pattern requirements for each meal service type with added safeguards to ensure Program integrity and the health and safety of children.
- The maximum number of reimbursable meals provided to a child should not exceed the number of meals that could be provided over **a 5-calendar day period***.

*Up to a 10-calendar day period on a case-by-case basis



Offer Versus Serve

Only SFA sponsors, who are experienced with OVS in NSLP, may utilize OVS in their non-congregate meal service.



Meal Service Requirements

Prevent Meal Duplication

- State agencies 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**.
- Sponsors opting to distribute meals to parents or guardians on behalf of their children must **ensure through documented procedures** that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child.
- Refer to **existing site proximity guidance**:
 - SFSP 15-2023: Best Practices for Determining Proximity Sites in SFSP (<https://www.fns.usda.gov/sfsp/best-practices-determining-site-proximity>)

Sponsor Eligibility

- Sponsor eligibility for non-congregate meal service is **the same** as sponsor eligibility for congregate meal service.
- **All service institutions** listed in Program regulations are eligible to sponsor the Program and therefore eligible to operate non-congregate meal service:
 - SFAs, residential summer camps, local, county, or State government, and private non-profits.
- **Additional requirements** for non-congregate meal service:
 - If the sponsor operates a non-congregate meal service that will deliver meals directly to a child's residence, it **must obtain written parental consent prior to providing meals to children in that household**.
 - If the sponsor operates a conditional non-congregate site, it must certify that it will collect information to determine children's Program eligibility to support its claim for reimbursement.

Participant Eligibility

Individual participant eligibility for non-congregate meal service is **the same** as individual participant eligibility for congregate meal service.

Individual participant eligibility for free or reduced price school meals may be determined by using individual eligibility determinations **through school data or household application.**

Site Eligibility

- Sites that will offer **non-congregate meal service** must:
 - **Be rural**;
 - **Not serve** an area where children would receive the same meal at an approved congregate meal site, unless it is demonstrated that meal duplication will be avoided;
 - **Serve an area** in which poor economic conditions exist or is approved for reimbursement only for meals served free to enrolled children who meet the Program's eligibility standards; and
 - **Distribute** no more than the allowable number of reimbursable meals that would be provided over a 10-calendar day period.
- Sites that will offer **both congregate and non-congregate meal service** (aka “hybrid” sites) must do all of the above, plus:
 - **Only conduct** a non-congregate meal service when the site is not providing a congregate meal service; and
 - **Prevent overlap between meal services** and reasonably ensure children are not receiving more than the daily maximum allowance of meals.

When No Congregate Meal Service Is Available

- It is possible for one site to offer both congregate and non-congregate meal services, but this cannot be done at the same time.
- Non-congregate meal service may be offered at times "when congregate meal service is not available."
- Example 1: a rural site serving congregate meals during the week may also offer "wraparound" service, providing non-congregate take home meals for the weekend.
- Example 2: a site provides a congregate breakfast and a non-congregate lunch to be consumed later off site.



Seamless Summer Option (SSO) Non-Congregate Meal Service

SSO Non-Congregate Meal Service

New regulations in 7 CFR 210 and 220:

SFAs operating the SSO in a rural area may be approved to offer a non-congregate meal service consistent with that established in part 225.

Such SFAs must comply with the non-congregate meal service requirements and non-congregate meal service options contained in part 225



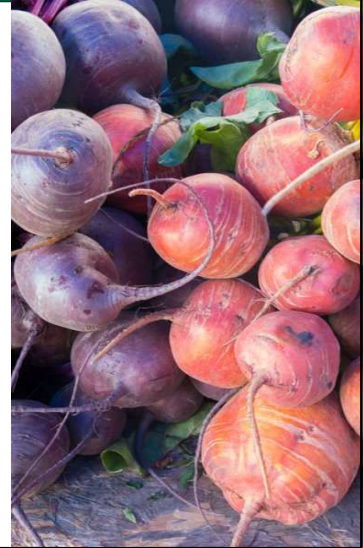
State Agency Responsibilities



Department Notification

- Annually the State agency must notify USDA regarding the State's intention to administer the Program in that fiscal year.
- 7 CFR 225.3(b) amended in the Interim Final Rule

Previous Regulations	New Regulations
November 1 each year	January 1 each year



Priorities and Outreach Mandate

Previous Regulations	New Regulations
<u>Must Identify:</u> • Rural areas • Indian tribal territories • Areas with a concentration of migrant farm workers	<u>Must Identify:</u> • <u>All previous identifiers</u> • Rural areas with no congregate meal service & encourage participating sponsors 7 CFR 225.6(a)(2)



Application Requirements

Previous Regulations	New Regulations
Did not include non-congregate meal service requirements.	• Include documented procedures when requesting to non-congregate meal service flexibilities • Site applications must whether the site is congregate or non-congregate and rural or non-rural • For conditional non-congregate sites, include number of enrolled children who meet eligibility standards 7 CFR 225.6(c)(2) & (3) 7 CFR 225.6(g)(1) & (2)

Approval of Sites

Previous Regulations	New Regulations
• Required proposed sites to be located in an “area in which poor economic conditions exist,” or will serve specific groups of eligible children • Specific to congregate meal service regarding site caps; for vended sites, the initial maximum approved level must be based on the historical record of attendance at a site 7 CFR 225.6(h)(1) and (2)	• Sponsor applications cannot be denied based solely on the intent to provide non-congregate meal service • Amended to include conditional non-congregate sites • Requires vended sites must have an approved level for the maximum number of meals that can be served (to include non-congregate) 7 CFR 225.6(b) and (h)

State Agency Discretion

Summer 2023

- Allowed State agencies to establish statewide policies regarding non-congregate meal service flexibilities
- Allowed statewide ban of non-congregate meal service
- State agencies who allowed non-congregate meal service operations could not deny a sponsor's application based solely on the intent to provide non-congregate meal service

New Regulations

- New **7 CFR 225.6(b)(12)** provides that a sponsor's application may not be denied based solely on the intent to provide non-congregate meal service
- State agencies have the discretion on a **case-by-case basis** to prohibit sponsors from using certain flexibilities of non-congregate meal service, regardless of sponsor type



Management & Administration Plan (MAP)

Previous Regulations

February 15 for the current fiscal year

Must include:

- Administrative Budget,
- Estimate of monies needed for health inspections, and
- Plans for use of Program funds

New Regulations

February 15 for the current fiscal year

- All previous regulations
- Plans for using non-congregate and
- Plans to provide reasonable opportunity to access meals across the State

7 CFR 225.4(d)(9) & (10)

State Administrative Funds (SAF)

Summer 2023

- Required to include how SAF would be used to support non-congregate meal service.
- Additional 20% above the SAF formula calculated amount was provided.

Summer 2024 & Beyond

- Additional funds above the SAF formula amount may be requested based on projected program growth with additional meals served in the congregate & non-congregate setting.

Clarifications to Existing Requirements: State-Sponsor Agreement

Regulation	Clarification
• Sponsors approved for Program participation must enter into a written agreement with the State agency.	• Sponsors of sites operating as conditional non-congregate sites are exempt from serving meals without cost to all children and may charge for meals served to children who do not meet the Program's income standards. • These sponsors may claim reimbursement only for meals served to children who meet the Program's income standards. • Sponsors must maintain children on site while meals are consumed only applies for sponsors providing a congregate meal service. • Sponsors of sites operating as conditional non-congregate sites are exempt from certain meal service time requirements. 7 CFR 225.6(i)

Free Meal Policy Statement

- Sponsors operating conditional non-congregate sites are exempt from including a statement that meals served are free at all sites.
- Sponsors operating conditional non-congregate sites that charge separately for meals must also include specific eligibility information in the policy statement, and
- Sponsors of a conditional non-congregate site must submit a copy of its hearing procedures with its application.

7 CFR 225.6(f)

Summer Meals Site Finder Requirements



Summer Meals Site Finder

- Only nationwide public resource with detailed meal site information
- Summer Food Site Locator Form (FNS-905)
 - Provides details such as times, days, and types of meals served
 - Prior to rulemaking was optional
 - Data populates USA National Hunger Clearinghouse and other partner resources

Will be required for all State agencies for Summer 2025

Summer Meals Site Finder Requirements

	Current Process	New Requirements
Type of reporting	Encouraged for all SAs	Required for all SAs
Operational period	May - September	Same as current process
Frequency of FNS updating map	Weekly	Same as current process
SA requirements	Initial submission to participate, weekly updates encouraged	Initial submission + 2 updates, weekly updates encouraged
Deadlines	None	Initial submission by June 30 th
Form	FNS-905	Modified FNS-905



Seeking comments on...

- Mandatory reporting
- Form/procedural changes
- Mapping tool

Reimbursements

- **No changes** to reimbursement rate levels
- SFSP or SSO reimbursement
- For meals served at **conditional non-congregate sites**, sponsors are reimbursed only for meals served to **certified eligible** children.
- **Second meals are not reimbursable** under non-congregate meal service



Coordinated Services Plan



Coordinated Services Plan (CSP)

- **Beginning in 2025**, States will be required to submit to FNS a single Coordinated Services Plan (CSP)
 - Describes the State's **coordinated approach** to reaching children
- Summer Nutrition administering State agencies must **work together** to develop and implement the plan.
 - ITOs may create their own CSP
 - Encouraged to coordinate across other governmental agencies and NGOs
- Must update at least **every 3 years**
 - Significant changes to the plan must be updated annually
- States must also **notify the public** of their CSP and make it readily available on their website.



Seeking comments on....

- Information FNS should consider
- Recommendations on metrics, updates, partnerships and organizations...
- Recommendation on steps for full and substantive implementation

Sponsor Responsibilities



Identification and Determination of Eligible Children

Sponsors should *consider*:

- Developing safeguards to protect the confidentiality of participating children prior to implementing non-congregate meal service.



Identification and Determination of Eligible Children

Sponsors must:

- Obtain **written parental consent** prior to providing home delivered meals;
- Enter into a **written agreement or MOU** with the **State agency or local SFA** to receive student data.





Non-Congregate Meal Service Options

When utilizing any of the non-congregate meal service options, **sponsors** must ensure:

- Required food components for each reimbursable meal served **meet the meal pattern requirements;**
- **All food items** that contribute to a reimbursable meal are **clearly identifiable;**
- **Menus are provided;** and
- Food preparation is **minimal.**

<https://www.fns.usda.gov/tn/offering-multiple-meals-part-summer-non-congregate-meal-service>



Conditional Non-Congregate Sites

Sponsors of these sites must **notify** participants of the availability of **free meals** and if a **free meal application is needed.**

Sponsors of these sites are required to **provide reasonable modifications** to accommodate **participants with disabilities.**

State Agency Monitoring Responsibilities



Pre-Approval Visits

Updated Regulations

- **Added** - State agencies have discretion to conduct pre-approval visits of **CACFP institutions** applying to participate in the SFSP.
- **New 7 CFR 225.7(d)(4)** requires the State agency to establish a process to determine which sites need pre-approval visits.



Pre-Approval Visits - Sites

Characteristics that must be considered include, but are not limited to:

- 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.

7 CFR 225.7(d)(4)



Sponsor & Site Reviews: Sample Selection

Current Regulations	Updated Regulations
SFSP • Consider the sponsors' & sites' previous participation • Their current & previous performance and • The results of previous reviews 7 CFR 225.7(e)(2)	SFSP • All previous requirements and • Whether they operate as congregate or non-congregate sites
SSO • One site if the SFA selected for review operates the SSO 7 CFR 210.18(e)(3)(ii)	SSO • One site if the SFA selected for review operates SSO and only operates congregate meal service • If the SFA operates congregate & non-congregate meal service, a minimum of 2 sites must be reviewed, 1 congregate & 1 non-congregate • If the SFA has a site operating congregate & non-congregate meal service, the State agency may review only the one site, but must review both types of meal services

Sponsor & Site Reviews: Site Selection Criteria

Characteristics that should be reflected in the sites selected for review include:

- The maximum number of meals approved to serve
- Method of obtaining meals (self-prep or vended meal service)
- Time since last site review by State agency
- Type of site (open, closed enrolled, camp)
- Type of physical location (school, outdoor area, community center)
- Rural designation (rural or non-rural)
- **Type of meal service (congregate or non-congregate)***
- **If non-congregate, meal distribution method (meal pick-up, delivery)***
- Affiliation with the sponsor

7 CFR 225.7(e)(5)

Sponsor & Site Reviews: Frequency & Number

Updated Regulations

- **Removed** - 50% half aggregate review requirement.
- **Added** - Review more frequently sponsors that require additional technical assistance.
- **Modified**
 - Include both types of meal service models in the 10% of sites reviewed
 - If more than 200 sites approved, State agency must have capacity to review at least 10% sites

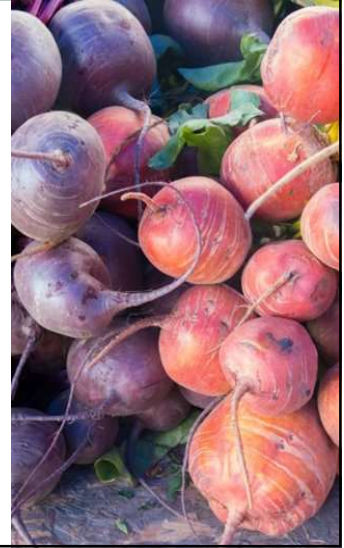
7 CFR 225.7(e)(4) & 225.6(b)(6)



Monitoring Review Forms

- The time of the reviewer's arrival and departure;
- The site supervisor's printed name and signature;
- A certification statement to be signed by the monitor;
- The number of meals prepared or delivered;
- **Whether the meal service is congregate or non-congregate;**
- The number of meals served to children;
- The deficiencies noted;
- The corrective actions taken by the sponsor; and
- The date of such actions.

7 CFR 225.7(j)



Sponsor Monitoring Responsibilities



Sponsor Monitoring: Training Requirements

Previous Regulations: Require sponsors to hold Program training sessions for its administrative and site personnel.	VS.	New Regulations: Prior to a site's first meal service, sponsors must hold Program training sessions for its administrative and site personnel and include the differences between congregate and non-congregate meal service. 7 CFR 225.15(d)(1)
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Sponsor Monitoring and Non-Congregate Meal Service

- **Sponsor Responsibilities – Training and Visits**
 - Training – congregate and non-congregate site operations.
- **Site Visits**
 - Pre-operational visits
 - First two-week visits
 - First four-week reviews



Sponsor Monitoring: Site Visits

- Revised requirements:
 - Within the first two weeks of operations, sponsors must visit sites that are **new to non-congregate meal service**;
 - Within the first four weeks of operations, sponsors must conduct a **full review of food service operations** at each site at least once, including sites that operate **non-congregate rural meal service**.

7 CFR 225.15(d)(3)&(4)



Sponsor Monitoring: Pre-Operational Site Visits

- Before summer operations begin, sponsors **must** visit:
 - **new sites**;
 - sites that have had **operational issues** in the **previous year**; and
 - sites that are **new to non-congregate meal service**.

7 CFR 225.15(d)(2)



Sponsor Monitoring: Full Meal Service Review - Examples

- Home Delivery Model:
 - **Observe** the meals being **loaded** into delivery vehicles
 - **Ride along** with meal delivery driver
- Meal Pickup Model:
 - Observe the **self-preparation of meals**



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U.S. DEPARTMENT OF AGRICULTURE

Questions?

