



# Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

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Subject: Rural Non-Congregate in the Summer Food Service Program: Guidance on the Management and Administration Plan and State Administrative Funds

To: Regional Directors  
Child Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

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Summary:	This memorandum provides guidance to State agencies on the new Summer Food Service Program (SFSP) requirements and their impact on the Management and Administration Plan (MAP) and State Administrative Funds (SAF).

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023 (the Act) ([P.L. 117-328](#)). The Act included significant policy changes for Child Nutrition programming, including the authorization of a permanent, non-congregate meal service through the SFSP and National School Lunch Program (NSLP) Seamless Summer Option (SSO) for rural areas with no congregate meal service and creation of the Summer Electronic Benefits Transfer for Children Program (Section 502 of the Act). On December 29, 2023, FNS published the Interim Final Rule, [Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs](#). Through this rule, USDA codified changes to the regulations to include additional requirements made to Section 13(n)(2) of the Richard B. Russell National School Lunch Act (NSLA, 42 USC 1760(n)(2)). The Act amended the requirements for information State agencies must include in their SFSP MAP, including a new requirement to identify rural areas with no congregate meal service and identify how each State will target areas for non-congregate meal service.

The SFSP MAP does not include Summer EBT. Summer EBT will have a Plan for Operations and Management (POM) that will be developed and submitted separately from the SFSP MAP. Guidance on the POM will be released separately. The purpose of this memorandum is to provide guidance for State agencies on the interim final rule that included updated requirements related to SFSP MAPs.

Program regulations at 7 CFR 225.4 require State agencies to annually submit a MAP to their respective FNS Regional Office (FNSRO) by February 15 of each year.<sup>1</sup> The MAP is a comprehensive description of the State's management and administrative structure, as well as its funding needs. Once the MAP is reviewed and approved by the FNSRO, the State will receive their SAF. The previous requirements for the MAP remain the same with the interim final rule adding two additional requirements as a result of the Act.

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<sup>1</sup> For Summer 2023, the Consolidated Appropriations Act, 2023 extended the MAP deadline to April 1, 2023.

### **Additional Summer MAP Requirements<sup>2</sup>**

The rule codified amendments made to Section 13(n)(2) of the NSLA to include additional requirements in the MAP. The first new requirement is that State agencies must provide a plan for ensuring reasonable opportunity for eligible children to access Program meals (including both congregate and non-congregate) across all areas of the State, including children residing in remote areas (7 CFR 225.4(d)(9)). The State agency may consider including in their MAP the following information related to this new requirement:

- How the State agency will identify and target areas that do not currently have reasonable access to Program meals, and
- How the State agency will identify and overcome barriers that limit meal access for children.

The second new requirement is that State agencies must include a plan for Program delivery in areas that could benefit the most from non-congregate meal service. This includes requirements that the State agency must identify rural areas with no congregate meal service, and target priority areas for non-congregate meal service as outlined in 7 CFR 225.4(d)(10). The State agency may consider including the following information in their MAP related to rural non-congregate meal service operations:

- Descriptive statistics such as:
  - the number of sponsors and sites that will operate rural non-congregate meal service,
  - the anticipated number of children that will participate in non-congregate meal service, and
  - the estimated number of non-congregate meals that will be served.

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<sup>2</sup> Appendix 1 outlines all MAP requirements in 7 CFR 225.4(d)(1-10).

- Details about State rural non-congregate meal service administration, such as:
  - the meal service flexibilities offered, including any considerations regarding limiting flexibilities on a case-by-case basis to sponsor(s) that do not have the capability to operate or oversee non-congregate meal services at their sites,
  - the training and technical assistance provided to sponsors, including outreach,
  - the data collection methods for rural non-congregate meal service data,
  - methods for monitoring non-congregate meal service operations (including ensuring food safety requirements are met), and
  - how the State agency will determine areas with no congregate meal service as outlined in 7 CFR 225.6(a)(2)(C)(ii).

### **Non-Congregate Meal Service Program Integrity MAP Information**

In addition to these two new MAP requirements, the rule codified several safeguards that are critical to maintaining integrity while increasing access to nutritious meals for children in rural areas. Only sponsors that are in good standing, as determined by the State agency, may utilize the non-congregate meal service flexibilities (specifically multi-day meal issuance, parent or guardian meal pick-up, and distribution of bulk food items, as outlined in 7 CFR 225.16(i)). Additionally, State agencies may only prohibit sponsors from using the meal service flexibilities outlined in 7 CFR 225.16(i) on a case-by-case basis if it determines that a sponsor does not have the capability to operate or oversee non-congregate meal service at their sites.

Keeping these safeguards in mind, if State agencies implement any statewide requirements and/or operational safeguards to maintain integrity, they should include that information as part of the State agency's MAP. The MAP should also include other integrity safeguards that the State may be implementing, potentially including (but not limited to) how the State

agency will prevent meal duplication in the same area, and how they will ensure claims for non-congregate meals are limited to eligible children.

### **SAF and MAPs**

SAF funding provides State agencies with financial resources to administer the SFSP. 7 CFR 225.5(a)(1) contains the formula dictating the minimum amount of SAF each State agency administering SFSP may receive. It also provides the stipulations for receiving funds above the SAF formula amount. Appropriate adjustments in the level of SAF may be made due to anticipated changes in Program size from the preceding fiscal year. Projections in program growth must be provided during the MAP approval process. FNS anticipates that States will generally predict Program growth with the new rural non-congregate option and encourages States to work with their FNSRO to reflect these projections in the MAP for 2024.

The use of SAF monies must be reasonable, allocable, and necessary to the benefit of the SFSP and funds are not transferrable for use in any other Child Nutrition Program. Allowable SFSP costs include personnel employment and benefits, travel and related expenses, supervision and technical assistance to sponsors, and administrative expenses listed in the approved MAP.

SAF resources may also be used for the implementation, administration, and expansion of SFSP non-congregate meal service in rural areas, provided such expenses are detailed in the approved MAP.

Examples of allowable expenditures include:

- Salaries
- Benefits
- Travel expenses
- Sponsor training
- Technical assistance
- IT equipment used by State agency employees

- Reasonable outreach by the State agency, such as a website or media announcement, to ensure the community is aware of SFSP and the new non-congregate option

Examples of unallowable expenditures include:

- Activities not related to the SFSP
- SSO-related costs
- Summer EBT-related costs
- Local-level expenses
- Equipment for use by local sponsors
- Non-prorated equipment used by other Child Nutrition Programs

FNS appreciates the exceptional effort of State agencies and local program operators working to meet the nutritional needs of participants during the summer months. State agencies should direct questions to the appropriate [FNS regional office](#).

Sincerely,

J. Kevin Maskornick  
Director  
Community Meals Policy Division

Jessica Saracino  
Director  
Program Monitoring and Operational  
Support Division

**Appendix 1 – MAP Requirements for Summer 2024 and Beyond**

For Summer 2024 and beyond the State agency MAP must include the following elements per 7 CFR 225.4(d)(1-10), with the two new requirements bolded below:

- (1) The State's administrative budget for the fiscal year, and the State's plan to comply with any standards prescribed by the Secretary for the use of these funds;
- (2) The State's plan for use of Program funds and funds from within the State to the maximum extent practicable to reach needy children;
- (3) The State's plans for providing technical assistance and training to eligible sponsors;
- (4) The State's plans for monitoring and inspecting sponsors, feeding sites, and food service management companies and for ensuring that such companies do not enter into contracts for more meals than they can provide effectively and efficiently;
- (5) The State's plan for timely and effective action against Program violators;
- (6) The State's plan for ensuring the fiscal integrity of sponsors not subject to auditing requirements prescribed by the Secretary;
- (7) The State's plan for ensuring compliance with the food service management company procurement monitoring requirements set forth at [§ 225.6\(l\)](#);
- (8) An estimate of the State's need, if any, for monies available to pay for the cost of conducting health inspections and meal quality tests;
- (9) The State's plan to provide a reasonable opportunity for children to access meals across all areas of the State; and**
- (10) The State's plan for Program delivery in areas that could benefit the most from the provision of non-congregate meals, including the State's plan to identify areas with no congregate meal service; and target priority areas for non-congregate meal service.**