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HNS # 03-2024

MEMORANDUM

To: Operators of the National School Lunch Program Seamless Summer Option and Summer Food Service Program

From: Melissa Conner, Senior Deputy Associate Superintendent
Arizona Department of Education, Health and Nutrition Services Division

Date: March 29, 2024

Subject: Eligibility for Rural Designation and Non-Congregate Summer Meal Service – Summer 2024

The purpose of this memorandum is to provide updated details regarding eligibility and participation in non-congregate meal service in rural areas as part of the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO) of the National School Lunch Program (NSLP).

The United States Department of Agriculture (USDA) has released multiple updates in the form of memorandums providing updated guidance and revisions on how to implement SFSP and SSO non-congregate meal service in rural areas during the summer of 2024. These memorandums can be found on the [HNS/USDA Memos](#) page:

- SFSP 03-2024, SP 05-2024: *Implementation Guidance for the Rural Non-Congregate Option Provisions of the Interim Final Rule, Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs*
- SFSP 04-2024, SP 06-2024: *Rural Designations in the Summer Meal Programs – Revised*
- SFSP 07-2024, SP 13-2024: *Non-Congregate Meal Service in Rural Areas Questions and Answers*
- SFSP 08-2024, SP 15-2024: *Non-Congregate Meal Service in Rural Areas: Questions and Answers #2*

Additionally, the Arizona Department of Education Health and Nutrition Services (HNS) has also released [HNS 02-2024 Application for Summer Meal Programs](#), providing deadlines and application reminders for SFSP and SSO.

Summer meal sites in rural areas can now distribute nutritious meals to children outside of the previously required congregate (group) setting. The non-congregate meal service option is **not** intended to replace congregate meal service. USDA and HNS understand the benefits of congregate meal service and the accompanying activities that are often provided and encourage Program operators to continue to provide these opportunities when feasible. When planning for non-congregate meal service in rural

areas, HNS will work with Program operators to identify and prioritize those rural areas that congregate summer meal service cannot reliably reach.

Eligibility Requirements, Rural Designation, and Non-Congregate Meal Service

Program operators must meet certain criteria for approval of non-congregate meal service in rural areas. Each Program operator interested in serving non-congregate meals in rural areas must be in good standing, be designated as rural, and be located in an area eligible to participate in the SFSP or SSO.

USDA recently released memorandums SFSP 07-2024, SP 13-2024 *Non-Congregate Meal Service in Rural Areas Questions and Answers*, and SFSP 08-2024, SP 15-2024: *Non-Congregate Meal Service in Rural Areas: Questions and Answers #2* which address many details and updates regarding non-congregate meal service in rural areas. One of the newly required conditions is that the sponsoring organization must be in good standing under the Child Nutrition Program(s) that they currently operate for approval of non-congregate meal service in rural areas. Good standing means the Program operator has met all Program responsibilities, is current with financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time (7 CFR 225.2).

USDA also recently updated the definition of rural to include revisions provided in the interim final rule. This revision allows multiple recognized Federal definitions and classifications to designate areas as rural without further USDA approval. This will ease administrative burden and streamline the site identification and approval process for State agencies and Program operators. HNS will rely on the Food and Nutrition Service (FNS) [Rural Designation Map](#) to assist Program operators in designating sites as rural.

To be designated as rural, Program operators must meet the newly revised definition of “rural” found in 7 CFR 225.2.

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 and Urban Influence Codes;
- (3) Any census tract classified as a non-metropolitan area based on USDA Economic Research Service's Rural-Urban Commuting Area codes;
- (4) Any area of a Metropolitan Statistical Area which is not part of a Census Bureau-defined urban area;
- (5) Any area of a State which is not part of an urban area as determined by the Secretary;
- (6) Any subsequent substitution or update of the aforementioned classification schemes that Federal governing bodies create; or
- (7) Any “pocket” within a Metropolitan Statistical Area which, at the option of the State agency and with Food and Nutrition Service Regional Office (FNSRO) approval, is determined to be rural in character based on other data sources.

School Food Authorities (SFAs) and Community Organizations (COs) applying for sites with a site classification of rural, must submit documentation from the FNS Rural Designation Map or other allowable sources. Rural documentation may include screenshots of the location or area and must include the date the data was accessed. This documentation must be submitted for each site the Program

operator has indicated as rural, regardless of the proposed congregate or non-congregate meal service model. Documentation is to be submitted as part of the summer meal application process, via email, to the SFAs or COs assigned HNS specialist. Payment of claims for reimbursement under the higher rural reimbursement rate will only be made for sites approved by the State agency as rural.

Once rural designation is determined, eligibility must also be established. Rural sites may be eligible to participate in non-congregate meal service through area eligibility. SFSP regulations (7 CFR 225.2) define area eligible as an “area in which poor economic conditions exist.” Data sources to verify area eligibility include school, census, or other approved sources of data indicating that 50 percent of the children in the site’s area are eligible for free or reduced-price school meals.

The following site types, if designated rural but not area eligible, may offer non-congregate meal services: closed enrolled, camps, and conditional non-congregate.

- A closed enrolled site, that is not area eligible, can establish the individual income eligibility of the children attending the site through household applications. At least 50 percent of the enrolled children at the site must be eligible for free or reduced-price school meals.
- A camp is a site that offers regularly scheduled food service as part of an organized program for enrolled children. Only meals served to children eligible for free or reduced-price meals (based on approved applications or direct certification) may be reimbursed for sites approved as a camp.
- Conditional non-congregate sites qualify for Program participation because they conduct 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 are not a “camp”. Unlike closed enrolled and open sites, conditional non-congregate sites are not required to establish income eligibility at the 50 percent level. Instead, reimbursement is provided solely for meals served to children who meet the income eligibility criteria for free or reduced-price school meals. To determine eligibility for children, program operators of conditional non-congregate sites may utilize household applications or rely on lists of income-eligible children provided through the school system.

Applying for Non-Congregate Meal Service in Rural Areas

SFAs and COs interested in sponsoring sites that qualify to offer non-congregate meal service in rural areas must complete a summer meals application through CNPWeb and indicate their intent to either participate as only a non-congregate feeding site, or as both a congregate and a non-congregate feeding site, in section 4 *General Information* of the site application. HNS has designated staff that will review the application for rural/non-congregate participation to determine if the site is eligible. SFAs and COs may also contact their HNS specialist with questions about their eligibility to participate as a non-congregate feeding site.

When electing to use the non-congregate meal service in rural areas with the options of multi-day meal issuance and parent or guardian meal pick-up, Program operators must develop and maintain procedures to document that meals are only distributed, to a reasonable extent, to eligible children and that duplicate meals are not distributed to any child (7 CFR 225.6(c)(2)(xi)). Program operators electing to offer multi-day meal issuance and parent or guardian meal pick-up must submit these procedures, as part of their summer meals application process, to their assigned HNS specialist.

Documenting Non-Congregate Meal

Program operators approved to serve non-congregate meals in rural areas must maintain separate site-level meal counts for the non-congregate meals served by each meal service type. SFAs and COs will be required to report the number of non-congregate meals served by meal service type when submitting their monthly claim for reimbursement in the CNPWeb.

If you have questions concerning this guidance, please contact your assigned HNS specialist. The contact information for the assigned HNS specialist can be found at the top of the sponsor application in CNPWeb.

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

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