

Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

TABLE OF CONTENTS

1. What is the 2023 Non-Congregate Feeding Pilot?
2. Who is eligible to participate in the Non-Congregate Feeding Pilot Program?
3. How did TDA make the determination of what defines a "rural pocket"?
4. 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?
5. Is non-congregate feeding available to closed enrolled sites and camps?
6. Why are only some CEs allowed to switch their existing sites from congregate to non-congregate service?
7. Are existing rural sites required to switch from congregate to non-congregate meal service?
8. How do I get approved to operate a non-congregate site?
9. May a non-congregate site operate in close proximity to a congregate site that is closed enrolled or a camp?
10. Will my site application be denied based on wanting to serve non-congregate meals?
11. What models of non-congregate meal service are allowed?
12. Can meals be distributed to parents/guardians at non-congregate pickup locations?
13. What are the guidelines for proper implementation of parent pickup?
14. Do the meal service time requirements in SFSP apply to non-congregate meal service?
15. May I bundle multiple meals?
16. Can I provide daily congregate meals to some students onsite while offering multi-day bundles to other students and children in the community?



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

17. Can CEs provide food components in bulk?
18. Are second meals reimbursable for non-congregate meal service?
19. What are the requirements for initiating home meal delivery for a household?
20. Do CEs need signed consent forms from parents/guardians before non-congregate meals are provided to children?
21. Do home-delivered meals need to be shelf-stable?
22. For CEs serving non-congregate meals via home meal delivery or mobile bus route, should each stop or home be considered a site?
23. Does the child need to be present for home meal delivery?
24. Is additional funding available for meal delivery?
25. Are CEs required to follow established meal patterns when serving non-congregate meals?
26. What are the requirements for serving non-congregate meals related to meal modifications for participants with disabilities or other medical or special dietary needs?
27. Can offer versus serve (OVS) be used in non-congregate settings?
28. What are the requirements related to site caps for non-congregate meal service in rural areas?
29. Do CEs need to display the “And Justice for All” (AJFA) posters at pick up sites and for home delivery transportation?
30. Are CEs required to collect racial/ethnic data at non-congregate sites?
31. Are SFSP monitoring requirements of non-congregate CEs and sites the same as they are for congregate sites?
32. How will TDA monitor home delivery sites?
33. How will TDA monitor grab-and-go sites?
34. What TDA monitoring requirements apply to SFAs that operate non-congregate rural sites under the Seamless Summer Option?



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

35. How should CEs include non-congregate rural sites into the SFSP monitoring process?
36. Are existing SFSP sites which are switching from a congregate feeding model to non-congregate meal service considered “new” sites for monitoring purposes?



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

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Food and Nutrition Division



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www.SquareMeals.org

Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

1. What is the 2023 Non-Congregate Feeding Pilot?

On December 29, 2022, the Consolidated Appropriations Act, 2023 was signed into law and included significant policy changes for Child Nutrition programming, including the authorization of 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.

In advance of federal regulation changes at the end of 2024, TDA is using the discretion provided to States in the Appropriations Act and subsequent guidance from USDA to create a Non-Congregate Feeding Pilot Program for Summer 2023 in rural areas where no congregate service currently. This pilot program will allow a limited number of Contracting Entities to provide congregate service in Summer 2023, which will in turn allow TDA to gather data on non-congregate feeding that USDA will use to develop new regulation. The infrastructure and lessons learned from this pilot will give TDA the knowledge to implement a permanent program in Summer 2024 and beyond.

Note that the requirements for implementing non-congregate meal service in Summer 2023 are subject to change in Summer 2024 and beyond once the new regulatory requirements are published.

CEs approved to operate non-congregate service in Summer 2023 must abide by the instructions provided in these FAQs and all other standard program regulations.

2. Who is eligible to participate in the Non-Congregate Feeding Pilot Program?

The Appropriations Act specifies that non-congregate feeding should only be implemented in areas where congregate service is not already available; therefore, TDA is limiting participation in this Pilot to CEs in rural counties and rural pockets of urban counties where SFSP and SSO participation is low or non-existent.

Participation in the Summer 2023 Pilot Program is based on the following criteria:

- Only School Food Authorities (SFAs) participating in the National School Lunch Program (NSLP), or experienced Private Non-Profit (PNP) CEs can participate. PNPs new to the program are not eligible to serve non-congregate meals in



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

Summer 2023. All CEs must be in good standing, meaning they are not seriously deficient in any Child Nutrition Program, have no outstanding corrective action, and money/funds are not owed to TDA.

- Primarily, only new sites operated by SFAs or existing PNPs will be approved to provide non-congregate service. Existing congregate sites must continue serving congregate meals. **Exception:** Sites operated by a School Food Authority that reported a financial loss in the Summer Cost Report for 2022. [Refer to this list of school districts approved to switch existing sites to non-congregate service.](#)ⁱ Note that districts on this list must still submit sites via the non-congregate request process so that they can be vetted for proximity requirements prior to beginning non-congregate service.
- All sites must be in a rural-designated county ([see list of rural-designated counties](#))ⁱⁱ or in rural-designated census tracts within urban-designated counties. CEs should use the [Non-Congregate Eligibility Map](#)ⁱⁱⁱ 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 more over 2 miles away from an existing congregate site. TDA will validate that requesting sites meet this proximity requirement prior to approving non-congregate service.
- All sites must be approved for **congregate** service via the standard application process **before** CEs can request to operate non-congregate service at that location. Per regulation, sponsors must conduct a site visit at all new sites within the first two weeks of operation to determine that they are operating in compliance with regulation and the requirements established in this FAQ.

3. How did TDA make the determination of what defines a “rural pocket”?

TDA relied on an existing, USDA-approved methodology to define “rural pockets” in urban counties, adopting the definition of urban and rural as determined in the [USDA Economic Research Service’s \(ERS’\) 2019 Food Access Research Atlas](#).^{iv} This source



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

relied on the Census Bureau's urbanized areas definitions as explained in the [2019 Food Access Research Atlas Interactive Guide](#):

"Urban' and 'rural' are defined in the Bureau of the Census urbanized area definitions. A census tract is urban if the geographic centroid of the tract is in an area with more than 2,500 people; all other tracts are rural."

TDA used the designations directly pulled from the data source available through the ERS website. This data was joined to the Esri-created USA Census Tracts geographic boundary layer to establish which census tracts were rural and which were urban.

This methodology was previously approved by USDA when identifying recipients of the Emergency Food Assistance Program Reach and Resiliency grants.

4. 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 the Appropriations Act, non-congregate meal service is ONLY allowed in rural areas where no congregate meal service is available.

5. Is non-congregate feeding available to closed enrolled sites and camps?

In general, camps and closed enrolled sites are centered on congregate activities, so most closed enrolled sites will not be approved to participate. Per USDA guidance, only School Food Authorities **in non-area eligible rural areas** can provide non-congregate service at closed enrolled sites, and only if they meet the following criteria:

- The site can only serve meals to children within the district **that qualify for free or reduced-price meals**. Non-congregate service to children who are not eligible for free or reduced-price meals is prohibited.
- All meals served via the site must be non-congregate in nature (for example, home delivery).



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

- CEs must proactively notify eligible students' families about the availability of the program while avoiding overt identification of students who qualify for free or reduced-price meals.

EXAMPLE: If a district has a school site in a higher income but rural-designated area where open summer sites cannot operate, it could establish a home delivery, enrollment-based program that delivers summer meals to the homes of eligible children only.

6. Why are only some CEs allowed to switch their existing sites from congregate to non-congregate service?

USDA has provided explicit guidance that while TDA has the discretion to allow existing sites to switch methods of service, that discretion should be used sparingly. **Non-congregate service is not intended to replace congregate service.** TDA has chosen for this initial Pilot to allow only CEs that operated a Summer program at a financial loss in Summer 2022 (as reported in the Summer Cost Report) to switch to non-congregate service based on the following:

- TDA will gather data on the number of sites that switch as a method of determining interest in non-congregate feeding overall.
- TDA will determine the impact that increased participation at mandated Summer sites will have on Program revenue.
- The sample size is small enough to allow TDA the time and resources to establish a program infrastructure that will protect program integrity while still yielding lessons learned to be used in potential expansion of the program in future years.
- TDA will report all the above information to USDA as input to their rulemaking regarding non-congregate service for subsequent summers.

NOTE: A school district wishing to operate non-congregate service at existing sites must still submit a [Site Request to Serve Non-congregate Meals^v](#) request form for each



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

site [as described below](#). All sites, even those in districts approved to switch service, must meet proximity requirements.

7. Are existing rural sites required to switch from congregate to non-congregate meal service?

No. While the option is available to some CEs, note that non-congregate service is not intended to replace congregate meal service. TDA and USDA understand the benefits of congregate meal service and accompanying activities and encourage CEs to continue to provide these opportunities when feasible.

8. How do I get approved to operate a non-congregate site?

CEs wishing to establish new non-congregate sites should first check the location of the proposed site on the [Non-Congregate Eligibility Map](#)^{vi} to ensure that the site is located in a rural area and that it meets proximity requirements.

All CEs wishing to serve non-congregate meals must first have the site approved via TDA's standard application process. Once approved, the CE must submit **for each site** the [Site Request to Serve Non-Congregate Meals form](#),^{vii} in which they will provide specific details about the service, including method of distribution (grab-and-go, home delivery, mobile route), actual days of distribution, and number of days' worth of meals being bundled, as applicable. **Note that even districts approved to switch existing congregate sites to non-congregate sites must complete this process for each site.**

TDA will ensure that the site is not within 2 miles of an existing congregate site. Once this request is approved 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.

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



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

9. May a non-congregate site operate in close proximity to a congregate site that is closed enrolled or a camp?

Under some circumstances, yes. However, TDA will 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.

10. Will my site application be denied based 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 site applications must be approved 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.

11. What models of non-congregate meal service are allowed?

Grab-and-go (including curbside pickup), home delivery, and mobile routes may be used to distribute non-congregate meals. CEs must specify which service they plan to use in the Site Request to Serve Non-Congregate Meals form. NOTE: 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.

Remember that food safety is important for all meal service models. CEs should ensure food selections and packaging promote food safety; CEs should also include instructions for at-home storage and preparation. As with congregate SFSP meal service, CEs must ensure non-congregate meal packages meet State and local health and safety requirements.

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

Yes. CEs that have approval to operate non-congregate meal service in rural areas may distribute meals to parents or guardians to take home to their children. CEs opting to



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

distribute meals to parents or guardians must maintain accountability and program integrity. This includes processes to ensure that meals are only distributed to parents or guardians of eligible children, and that duplicate meals are not distributed to any child.

13. 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
- 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 should establish procedures to facilitate this process. For example, once enrollment and proof of guardianship are verified, the CE could issue the parent/guardian a placard or rearview mirror hanger that shows the number of meals to be picked up.

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

Some meal service time requirements continue to apply, per Program regulations at 7 CFR 225.16(c). 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.

However, 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.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

15. May I bundle multiple meals?

Yes. CEs may distribute multiple meals at one time as long as the CE adheres 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). **CEs distributing meals for multiple days may not provide meals for more than one operational week at a time.** SSO and SFSP operators that have approval to operate on weekends may distribute up to seven days of meals at one time.

CEs choosing this method of distribution 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 four meals on another to account for a full week could have the following schedule:

- On Monday, the site would distribute meals for Monday, Tuesday, and Wednesday (the site must not distribute meals on Tuesday and Wednesday)
- On Thursday, the CE would distribute meals for Thursday through Sunday (the site must not distribute meals Friday-Sunday).

Any multiple meal distribution plan must ensure that duplicate meals are not served to any child for any day meals are provided.

16. Can I provide daily congregate meals to some students onsite while offering multi-day bundles to other students and children in the community?

No. All children must have access to the same number and type of meals on each day of distribution. Children (for example, summer school students), can eat onsite at the non-congregate site daily if the same number of meals are distributed to the community each day.

NOTE: School districts implementing a model in which some students are eating meals onsite while daily non-congregate distribution is occurring elsewhere must implement safeguards to ensure duplicate meals are not being distributed to the parents/guardians of the children already eating onsite.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

17. Can CEs provide food components in bulk?

No. Bulk distribution of food components will not be allowed in Summer 2023.

18. Are second meals reimbursable for non-congregate meal service?

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

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

CEs eligible to home deliver meals are School Food Authorities (SFAs) or non-SFAs with a Memorandum of Understanding (MOU) with an SFA to use the SFA's student data as the basis for establishing their eligible population. 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.

In addition, CEs must confirm the household's current contact information and the number of eligible children in the household to ensure the correct number of meals are delivered to the correct location.

Finally, CEs must protect the confidentiality of participants and their households throughout the process. CEs that are not SFAs must have MOUs on the proper handling and storage of student data with applicable SFAs that ensure consistency with confidentiality requirements. SFAs are not required to sign an MOU with requesting non-SFA CEs.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

20. Do CEs need signed consent forms from parents/guardians before non-congregate meals are provided to children?

Yes, consent forms are required for the home delivery model. For other non-congregate models (for example, grab and go), only the standard SFSP public notification requirements are required.

21. 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 should 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.

22. For CEs serving non-congregate meals via home meal delivery or mobile bus route, should each stop or home be considered a site?

No. Standard SFSP/SSO site requirements do not apply for individual homes, school bus route stops, or mobile meal route stops 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 site requirements **do** apply for traditional congregate service. When serving standard congregate meals along a mobile route, each stop is considered a separate site and must have its own site application and adhere to all standard site requirements.

23. 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.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

CEs should consider state and local food safety requirements and best practices when designing their meal service.

24. 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.

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

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

26. 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.

27. 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. When using OVS in a non-congregate setting, SFAs should consider the unique service situations of each site, as well as each site's ability to follow appropriate safety



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

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.

28. What are the requirements related to site caps for non-congregate meal service in rural areas?

The site cap requirement remains for both congregate and non-congregate meal service. A site cap is established for all sites during the application and approval process. When evaluating a proposed food service site, 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. For non-congregate meal sites, site caps must be set to ensure that only one meal per child, per meal service, is prepared and distributed. Site caps may be adjusted and approved by TDA as necessary.

29. 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.

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

Yes. All requirements pertaining to collection of racial/ethnic data are in effect for this Pilot program. Please refer to TDA’s SFSP Supplemental Handbook and the Summer 2023 FAQs for the most recent guidance on this data collection.

31. 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 pre-approval visits, CE and site



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

reviews, follow-up reviews, and meal preparation facility reviews by TDA, and site visits and reviews conducted by CEs.

32. How will TDA monitor home delivery sites?

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 applicable, 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 (unitized or bulk);
- Ensure appropriate number of meals are delivered;
- Ensure meal delivery times are followed as stated on the site application;
- Ensure local health, food safety, and sanitation standards are followed; and
- Ensure "And Justice for All" poster is properly displayed on delivery vehicles and civil rights requirements are met.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

33. 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 (unitized or bulk);
- Ensure meal pickup times are followed as stated on the site application;
- Ensure appropriate number of meals are distributed;
- Ensure local health, food safety, and sanitation standards are followed; and
- Ensure “And Justice for All” poster is properly displayed at pickup sites and civil rights requirements are met.

34. What TDA monitoring requirements apply to SFAs that operate non-congregate rural sites under the Seamless Summer Option?

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 that TDA will prioritize non-congregate sites when making their site selection for review.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

35. How should CEs include non-congregate rural sites into 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 it takes to monitor on-site operations, particularly in rural areas, the CE may conduct an initial site visit and full meal service review at the same time, but within the first two weeks of operation.

A full site review of meal service for non-congregate sites may look different than 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 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.

36. Are existing SFSP sites which are switching from a congregate feeding model to non-congregate meal service considered “new” sites for monitoring purposes?

Yes. SFSP sites which are switching from a congregate feeding model to non-congregate in summer 2023 (currently only available to a select number of school sites) are considered “new” sites. CEs must visit all new sites at least once during the first two weeks of program operations. This means CEs must visit all existing SFSP sites switching from congregate to non-congregate in summer 2023.



Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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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Frequently Asked Questions

Summer 2023 Non-Congregate Feeding Pilot Program

ⁱ https://squaremeals.org/Portals/8/files/SFSP/Non-Cong%20Pilot%202023/Existing%20CEs%20Eligible%20for%20Non-Congregate%20Service%20List_230330.pdf?ver=aJvcRrhz771NiMJz3jdMMA%3d%3d

ⁱⁱ https://squaremeals.org/Portals/8/files/SFSP/Non-Cong%20Pilot%202023/Rural%20Counties%20Eligible%20for%20Non-Congregate%20Service_230303.pdf?ver=CtFvkjgB0eWnFO1pRAriYQ%3d%3d

ⁱⁱⁱ <https://tda-fn-pi.maps.arcgis.com/apps/dashboards/be81a3f520f4466bba7110e552678c6b>

^{iv} <https://www.ers.usda.gov/data-products/food-access-research-atlas/download-the-data/>

^v <https://app.smartsheet.com/b/form/a686fd08d2214854a3d2f2d9a72d0f35>

^{vi} <https://tda-fn-pi.maps.arcgis.com/apps/dashboards/be81a3f520f4466bba7110e552678c6b>

^{vii} <https://app.smartsheet.com/b/form/a686fd08d2214854a3d2f2d9a72d0f35>

