
West Virginia Department of Education (WVDE)

Rural Non-Congregate Summer Food Service Program (SFSP)

Sponsor/Site Eligibility

The rural non-congregate meal service program was established through the Consolidated Appropriations Act, 2023 and codified through the interim final rule, which established a permanent option for sponsors to operate non-congregate meal service through the SFSP for rural areas with no congregate meal service. Non-congregate meal service means that meals are provided for children to consume all of the components offsite. It is not intended to substitute congregate meal service. The purpose is to provide meals to children in rural areas that do not have access to a congregate feeding site.

In accordance with the United States Department of Agriculture's (USDA) SFSP regulations at 7 CFR Part 225.6(c)(2) and 7 CFR 225.6(c)(3), the WVDE shall use the following qualifying criteria for non-congregate meal service:

- a. All sponsors/sites must be in **good standing** as defined in 7CFR 225.6. Good standing means the status of a sponsor that meets its Program responsibilities, is current with its financial obligations, and, if applicable, has fully implemented all corrective actions within the required period of time. All sponsors and sites with noted [operational problems](#) from an Administrative Review in the prior fiscal year shall not be eligible to participate in the non-congregate option. No applicant can be approved to operate non-congregate meal service if it has been declared seriously deficient or terminated from the SFSP or any other Child Nutrition Program in previous years.
- b. Area eligibility requirements are the same as congregate SFSP sites. Sites must operate in low income areas as defined by school data, individual data, census or area eligibility ([Area Eligibility Mapper for CACFP and Summer Meals | Food and Nutrition Service](#)), and the location must be **rural** as defined by the Food and Nutrition Service (FNS) Rural Designation map ([Rural Designation | Food and Nutrition Service](#)).
- c. The proposed sites must operate in an area with no congregate meal service. The non-congregate sites cannot be located in an area where children could receive the same meal at a congregate site unless the sponsor can demonstrate that the non-congregate site will serve a different group of children who may not be otherwise served.
- d. Sponsor may be approved to operate a site that provides both congregate and non-congregate meal services (*hybrid meal service*). The sponsor must demonstrate administrative capability to operate a hybrid meal service with integrity. The WVDE will evaluate the meal service times,

operational days, and the sponsor's procedures to prevent overlap between meal services and ensure that the numbers and types of meals served daily to children are in compliance, as described in 7 CFR 225.16 (b)(3). For example, a sponsor provides congregate meal service Monday through Friday and would like to provide non-congregate meal service to cover Saturday and Sunday. Although the site is providing a hybrid model from the same site, two site applications would need to be completed in ACES.

- e. If two sponsors are proposing to serve the same area and the same population during the same time period and meals, priority will be given to the School Food Authority for area coverage. Sponsors are encouraged to work together in order to ensure that resources are maximized and duplication is avoided.
- f. Sponsors electing to participate in the non-congregate option must: complete the SFSP online training per 7CFR 225.15(d)(1) and 7CFR 225.15(d)(1)(i), complete the non-congregate training provided by the WVDE, submit an integrity plan to the WVDE Office of Child Nutrition prior to beginning of site operations, complete a site application as well as supporting documents on ACES (wvaces.com). Integrity plan must include effective procedures to prevent the issuance of duplicate meals and to ensure meals are distributed to eligible children (i.e. pre-registration for meals, WVEIS numbers, presence of child during pick up, etc.) and a food safety plan to include the prevention of risks during transportation, storage, or distribution.
- g. All [pre-approval](#), [initial visits](#) and [monitoring](#) requirements remain the same as traditional feeding sites as per 7 CFR 225.14 (c)(4) and (6) and 225.15(d), except for home delivery, where a child's residence is not considered a site for monitoring purposes. Sponsors may not receive reimbursement for meals provided prior to written approval from the WVDE.
- h. Rural non-congregate sites must have the ability to maintain accurate meal count records taken at the time meals are delivered (point of service) for each meal type and for each day (7 CFR 225.6(e), 225.7(e)(6), 225.15(b) and (c), and 225.16).
- i. Sponsors must be able to meet all food safety standards for food preparation and storage as outlined in 7 CFR 225.16(b)(5). [Temperature logs](#) must be kept for each delivery site and must be taken at the time of the food preparation. [Delivery slips](#) must be kept daily when food is transported from one site to another to ensure accurate meal order and food safety.
- j. All other records (menus, program advertising, health permit, health license, administrative and operational staff training, finances, etc.) must be kept on file and available for review from the WVDE OCN for three years plus the current year (7CFR 225.6(i)(14)).
- k. Sponsors must be able to meet special dietary requirements for non-congregate meals set forth in 7 CFR 225.16(f)(4).

Rural Non-Congregate Meal Service Options

The maximum number of reimbursable meals that may be offered at a non-congregate site remains the same as a congregate site: up to two meals, or one meal and one snack, per child, per day may be offered in any combination except lunch and supper. Second meals served via non-congregate meal service are not eligible for reimbursement.

Meal Pick Up (7CFR 225.16(i)(2))

Eligible sponsors choosing this option would establish an eligible site location, meals to be served, days of the week and meal pick up times. Sponsors must have a plan in place to ensure that meals are distributed to eligible children and that duplicate meal service will not be available to the same children. Meals may not be given to a proxy - only parent/guardian or the child may pick up meals at the designated site/time. Sponsors must maintain rosters/sign-in sheets that would ensure Program integrity. Other methods for Program integrity may be approved by the WVDE, but they must be submitted prior to approval of the site application. The WVDE may prohibit a sponsor from distributing meals to parents or guardians if it is determined that sponsor cannot adequately ensure compliance.

- **Multi-Day Meal Issuance 7CFR 226.16(i)(1)**

Multi-day meal issuance refers to non-congregate meal service where multiple days' worth of meals is provided at one time. Under this option, eligible sites may distribute up to 10-calendar days' worth of meals, pending WVDE approval. Sponsors must have an integrity plan to ensure that the kids receiving meals under this option would not be able to obtain meals from any other site during those days. These must be written procedures to ensure Program integrity, and that the proper number of meals are distributed to each eligible child. These procedures must be submitted with the application. The WVDE has discretion to limit the number of days for meals on a case-by-case basis due to concerns regarding a sponsor's ability to ensure Program integrity, food safety, and meal quality.

In addition, sponsors must:

- Obtain clearance from their local health department when choosing this option to ensure food safety standards are followed.
- Have adequate food preparation and holding facilities and the capacity to meet State and local health, safety, and sanitation requirements per 7 CFR 225.16(b)(5).
- Have a method used to ensure food is held at required temperatures for the duration of the mobile route. These methods can include, but are not limited to, refrigerated trucks, coolers with ice, or other methods to ensure food is held at safe holding temperatures for service.
- Include in the multi-day meal issuance meal packages a menu with portion sizes which clearly identifies the food items that make up a reimbursable meal, and clear storage directions per 7 CFR 225.16(i)(3).
- Maintain [food temperature logs](#) from the preparation site and upon [delivery](#), when applicable.
- Maintain compliance with all civil rights requirements. This includes properly displaying the "And Justice for All" poster, and/or a printed copy of FNS' Nondiscrimination Statement enclosed with the meals (e.g., in the box, bag, or other container).

Non-Congregate Mobile Sites

Mobile sites are those that deliver meals to an area using a route with a series of stops at locations in the community, with each location requiring WVDE approval as a meal service site. Each stop must be rural and area eligible, and meals may only be distributed to the child, parent or guardian of the child.

In addition, sponsors must:

- Obtain clearance from their local health department when choosing this option to ensure food safety standards are followed.
- Have adequate food preparation and holding facilities and the capacity to meet State and local health, safety, and sanitation requirements per 7 CFR 225.16(b)(5).
- Have a method used to ensure food is held at required temperatures for the duration of the mobile route. These methods can include, but are not limited to, refrigerated trucks, coolers with ice, or other methods to ensure food is held at safe holding temperatures for service.
- Maintain [food temperature logs](#) from the preparation site and upon [delivery](#), when applicable.
- Maintain compliance with all civil rights requirements. This includes properly displaying the “And Justice for All” poster, and/or a printed copy of FNS’ Nondiscrimination Statement enclosed with the meals (e.g., in the box, bag, or other container).

Home Delivery

Home delivery is defined as meals that are directly delivered to a child’s residence. Sponsors operating home delivery must obtain written parent or guardian consent prior to providing meals to children in that household. If the sponsor is not a School Food Authority (SFA), it must enter into a written agreement or MOU with the SFA if it chooses to receive school data to determine children’s program eligibility, as required under 225.15(k).

For sponsors operating self-preparation home delivery, all health standards must be approved by the local health department. For sponsors operating vended home delivery, all procurement standards must be met (7CFR Part 225.17 and 2 CFR Part 200.317-326). Sponsors must have a contract in place with meal pattern requirements, non-collusion affidavit, health department inspection information and confidentiality agreement as stated in the Family Educational Rights and Privacy Act (FERPA - [Family Educational Rights and Privacy Act \(FERPA\) | Public Health Law | CDC](#)). Vended meals may only be claimed for meals that were delivered to eligible children, not the number of meals purchased by the sponsor with the contracted vendor. Meal count sheets are completed based on the number of meals delivered to the homes and must be kept for every meal type, date and number of meals delivered to each eligible child.

In addition, sponsors must:

- Have adequate food preparation and holding facilities and the capacity to meet State and local health, safety, and sanitation requirements per 7 CFR 225.16(b)(5).

- Have a method used to ensure food is held at required temperatures for the duration of the route. These methods can include, but are not limited to, refrigerated trucks, coolers with ice, or other methods to ensure food is held at safe holding temperatures for service.
- Ensure a menu with portion sizes which clearly identifies the food items that make up a reimbursable meal, and clear storage directions are included, per 7 CFR 225.16(i)(3).
- Maintain [food temperature logs](#) from the preparation site and upon [delivery](#), when applicable.

Menus must be provided and clearly indicate the food items and portion sizes for each reimbursable meal. Non-discrimination poster/statement must be included in the meal delivery.

Bulk Meals (7 CFR 225.16(i)(3))

Bulk meals refer to food items that are provided in a larger quantity than required for a single meal service, such as a gallon of milk or a full-size box of cereal. Approved sponsors of self-prep sites may provide bulk meal components that meet the minimum amounts of each meal component for each meal service type they are approved to serve, not to exceed the number of meals that could be provided over a 5-calendar day period. **Vended sites cannot distribute bulk meal components.**

Home preparation steps for bulk foods should be kept to a minimum and menus must be provided with the boxes and kept on file by the sponsors. Sponsor must ensure that:

- Required food items for each reimbursable meal served meet the meal pattern requirements at 7 CFR 225.16(d).
- Per 7 CFR 225.16(i)(3), multi-day meal issuance meal packages include a menu with portion sizes which clearly identifies the food items that make up a reimbursable meal, and preparation and clear storage directions.
- Food preparation, such as heating or warming, is minimal.
- The maximum number of reimbursable meals provided to a child does not exceed the number of meals approved by the WVDE.
- Clearance is obtained from their local health department when choosing this option to ensure food safety standards are followed.
- There are adequate food preparation and holding facilities and the capacity to meet State and local health, safety, and sanitation requirements per 7 CFR 225.16(b)(5). Sponsors must have a method they will use to ensure food is held at required temperatures for the duration of the home delivery or mobile route. These methods can include, but are not limited to, refrigerated trucks, coolers with ice, or other methods to ensure food is held at safe holding temperatures for service.
- Compliance with all civil rights requirements are met. This includes properly displaying the “And Justice for All” poster, and/or a printed copy of FNS’ Nondiscrimination Statement enclosed with the meals (e.g., in the box, bag, or other container).

Hybrid Sites

Hybrid sites are those operating congregate and non-congregate meal services. The proposed site must meet applicable site approval requirements as established in 7CFR225.6(h)(1),(h)(2), and (h)(3) and ensure that non-congregate meal service will be conducted only when the site is not providing a congregate meal service.

Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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