

# **USDA Overview: Interim Final Rule**

Summer EBT and Non-  
Congregate Summer Meal  
Service in Rural Areas

**SUMMER NUTRITION SUMMIT 2024**





**SUMMER NUTRITION PROGRAMS FOR KIDS**

**SUN**   
**MEALS**

**SUN**   
**BUCKS**

**SUN**   
**MEALS TO-GO**

# **Overview of the Interim Final Rule: *Establishing the Summer EBT Program and Rural Non-Congregate Option in the Summer Meal Programs***

**January 23, 2024**

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Anne Fiala, Director, Summer EBT



# Agenda

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- Background
- Non-Congregate Meal Service Provisions
- Summer EBT Provisions
- Q&A



# 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>

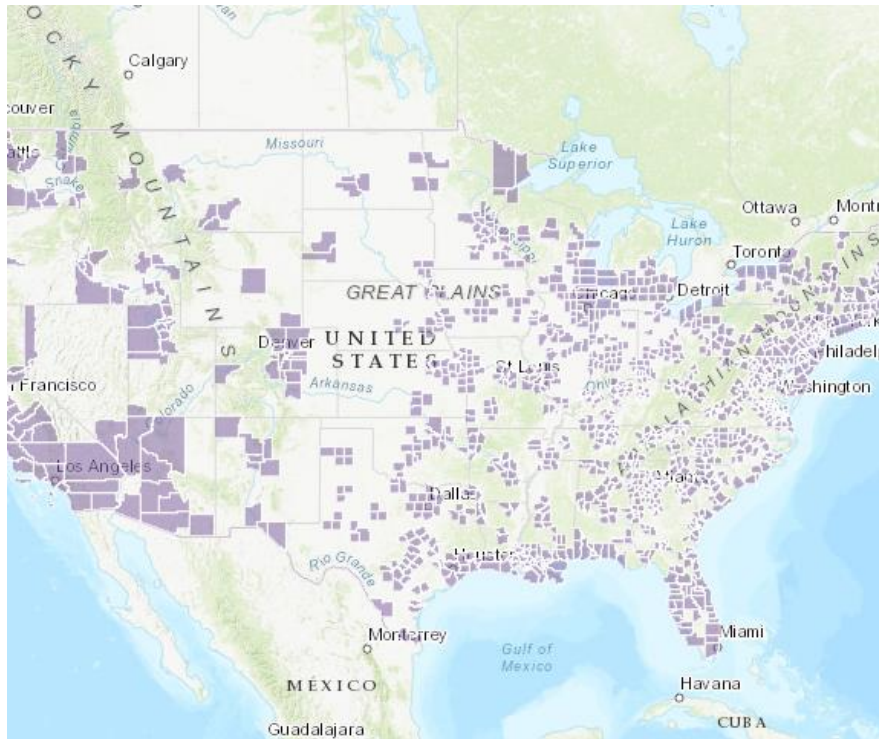


# Rural Definition

- In collaboration with USDA Rural Development, FNS updated its definition of 'Rural' in the SFSP by **blending data from a variety of Federal sources** (United States Census Bureau, USDA Economic Research Service, etc.).
- Designed to capture the vast majority of rural areas while incorporating **flexibility for future datasets and the determination of rural pockets.**
- A rural designation is effective for a period of **5 years.**
- **UPDATED GUIDANCE:** see **SFSP 04-2024, SP 06-2024** *Rural Designations in the Summer Meals Programs – Revised*, published January 19, 2024

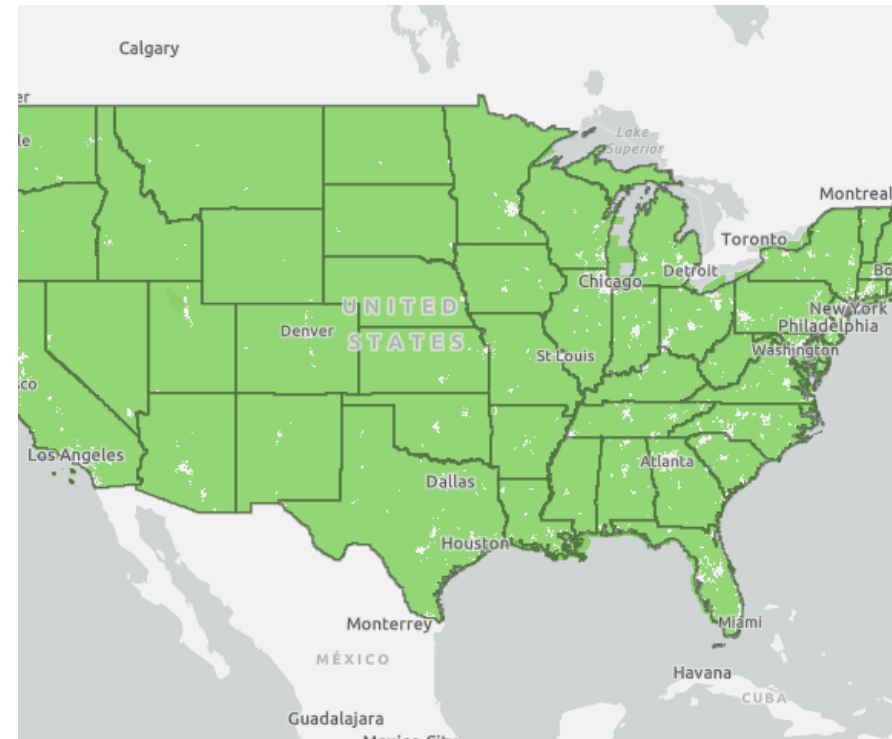
# FNS Rural Designation Map

Before the IFR



Unshaded = Rural; Purple = Urban

After the IFR



Green = Rural; White = Urban

[fns.usda.gov/sfsp/rural-designation](https://fns.usda.gov/sfsp/rural-designation)





# Meal Service Requirements

- Sponsors in **good standing** may utilize the following flexibilities:
  - Multi-day meal issuance (up to 10 days);
  - Parent/guardian pick-up; or
  - Bulk food items (up to 5 days).
- State agencies retain discretion to restrict the availability of these service options on a **case-by-case basis**.



# New Site Type: Conditional Non-Congregate Site

**Conditional non-congregate site** means a rural 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.

# Hybrid Sites

- 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.



# Annual State Agency Planning Responsibilities

- **Priorities and Outreach Mandate**

- By **February 1 of each year**, State agencies must identify rural areas with no congregate meal service and encourage participating sponsors to provide non-congregate meals to eligible children in those areas.

- **Management and Administration Plan (MAP)**

- Due by **February 15 of each year**
- Must now include plans for using **non-congregate meal service** and plans to provide a reasonable opportunity to access meals across the State.

# Starting in 2025!

- **Summer Meals Site Finder**

- State agencies will be required to complete **Summer Food Site Locator Form (FNS-905)**

- Updated **FNS-10 and FNS-418**

- Revised to include **SSO and non-congregate data (effective 2025)**

- **Coordinated Services Plan (CSP)**

- Describes the State's **coordinated approach** to reaching children
- State agencies that administer the summer nutrition programs must **work together** to develop and implement one public-facing plan per State
- Must be updated at least **every 3 years**

# Non-Congregate Monitoring Responsibilities



# Monitoring Regulation Updates

## State agency Monitoring Changes

- SFSP Pre-Approval Visits of Sponsors and Sites
- SFSP Frequency and Number of Reviews
- SFSP Site Selection Criteria
- SSO review of non-congregate

## SFSP Sponsor Monitoring Changes

- Pre-operational Site Visits
- First Two Week Visits



# State Agency SFSP Monitoring Changes

## State Agency Pre-approval Visits of Sponsors and Sites

- Allows State discretion for reviews of certain CACFP institutions
- State agency must establish a process to determine which sites need pre-approval visits. Characteristics must include but are not limited to:
  - Sites that did not participate in the prior year
  - Existing sites that are new to non-congregate
  - Existing sites with operational problems the year prior

7 CFR 225.7(d) and 7 CFR 225.7(d)(4)





# State Agency SFSP Monitoring Changes

## Frequency & Number of Reviews

- **Removed**
  - Half aggregate reimbursement review requirement
- **Modified**
  - Include both types of meal service models in the 10% of sites reviewed
- **Added**
  - Review more frequently sponsors that require additional technical assistance

7 CFR 225.7(e)(4)



# SFSP Sponsor Monitoring Changes

## SFSP Site Visits

- **Added**

Pre-operational site visits for:

- New sites, including existing sites adding non-congregate
- Experienced sites with operational problems in the previous year

- **Modified**

First two-week site visit must include:

- Sites that are new to non-congregate meal service

7 CFR 225.15(d)(2)



# Overview of Interim Final Rule: Summer Electronic Benefit Transfer (SEBT) Program

**January 23, 2024**

Anne Fiala, Director, Summer EBT



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**EDITORIAL NOTE ON SUBCHAPTER C OF CHAPTER II**

**Editorial Note:** Nomenclature changes to subchapter C appear by Amdt. 381, [65 FR 64586](#), Oct. 30, 2000.

**⊙ PART 292—SUMMER ELECTRONIC BENEFITS TRANSFER PROGRAM**

**Authority:** [42 U.S.C. 1762](#).

**Source:** [88 FR 90355](#), Dec. 29, 2023, unless otherwise noted.

**⊙ Subpart A—General****⊙ § 292.1 General purpose and scope.**

- (a) This part establishes the regulations under which the Secretary will administer the Summer Electronic Benefits Transfer (Summer EBT) Program. Section 13A of the Richard B. Russell National School Lunch Act authorizes the Secretary to establish a Program under which States, and Indian Tribal Organizations (ITOs) that administer the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), electing to participate in the Summer EBT Program must, beginning in Summer 2024 and annually thereafter, issue to each eligible household Summer EBT benefits.



# Guiding Principles for Summer EBT

- Effectively deliver benefits to eligible families
- Streamline program administration
- Minimize burden on schools
- Provide states temporary flexibilities where needed/possible, as they work to stand up Summer EBT



**Who**

# Program Administration

## States

- Includes 50 States, DC, Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands
- Partnership between agencies
  - Coordinating agency
  - Partnering agency

## Indian Tribal Organizations

- ITOs that administer WIC can administer Summer EBT
- ITO can administer the Program even if the geographic State doesn't administer in 2024

# Eligible Children

- School-aged and categorically eligible
- Enrolled in an NSLP/SBP-participating school and
  - Categorically eligible;
  - Otherwise are determined eligible to receive a free or reduced price meal; or
  - Determined eligible through an NSLP/SBP or Summer EBT application



# Categorically eligible

*Categorically eligible* means considered income eligible for Summer EBT based on documentation that a child is:

- A member of a household receiving assistance under *SNAP, TANF or FDPIR*, or another means tested program, as approved by the Secretary.
- A *Foster child, Homeless child, a Migrant child, a Head Start child* or a *Runaway child*, as defined in the NSLP.

\* *Categorical eligibility and automatic eligibility* may be used synonymously.



# School aged

*School aged* means the years in which a child is required to attend school, or an equivalent program as defined by State or Tribal law. Also known as the age requirement for compulsory education.

NSLP/SBP children of any age are eligible if they are also eligible for free or reduced price school meals including:

- Preschool-age children and
- Children participating in a school program established for the mentally or physically disabled

# Other FAQs

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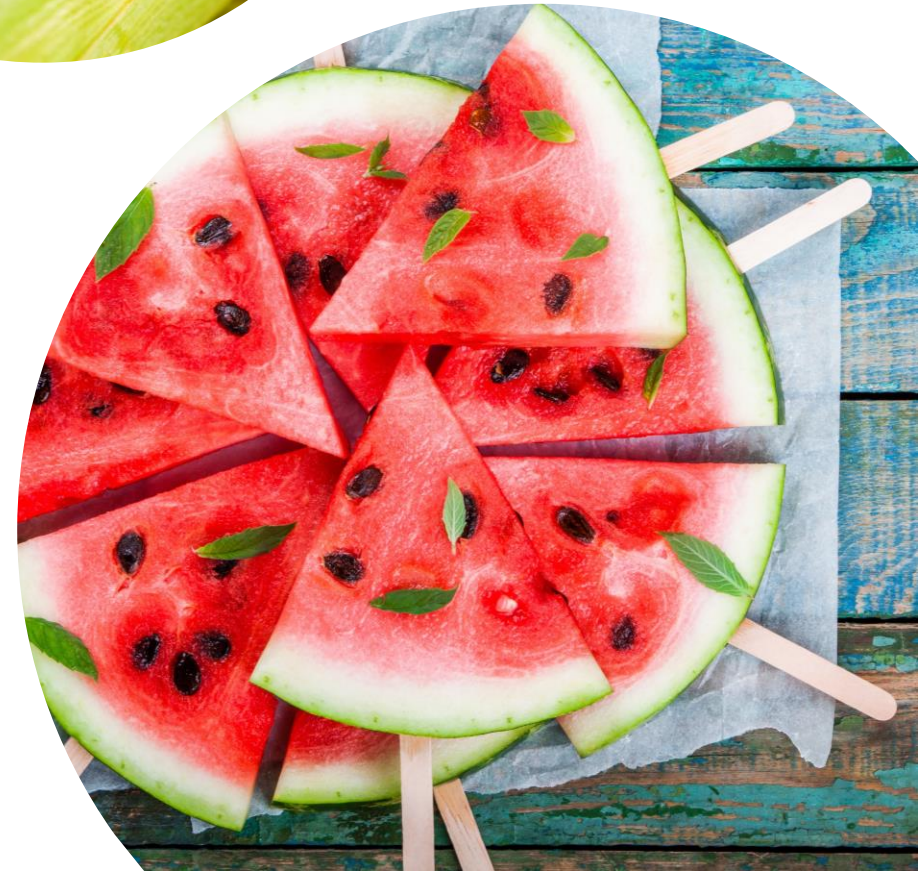
Children can participate in Summer EBT and other FNS programs simultaneously

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Children cannot receive benefits from more than one State or ITO in the same year

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Households can request reconsideration





**When**

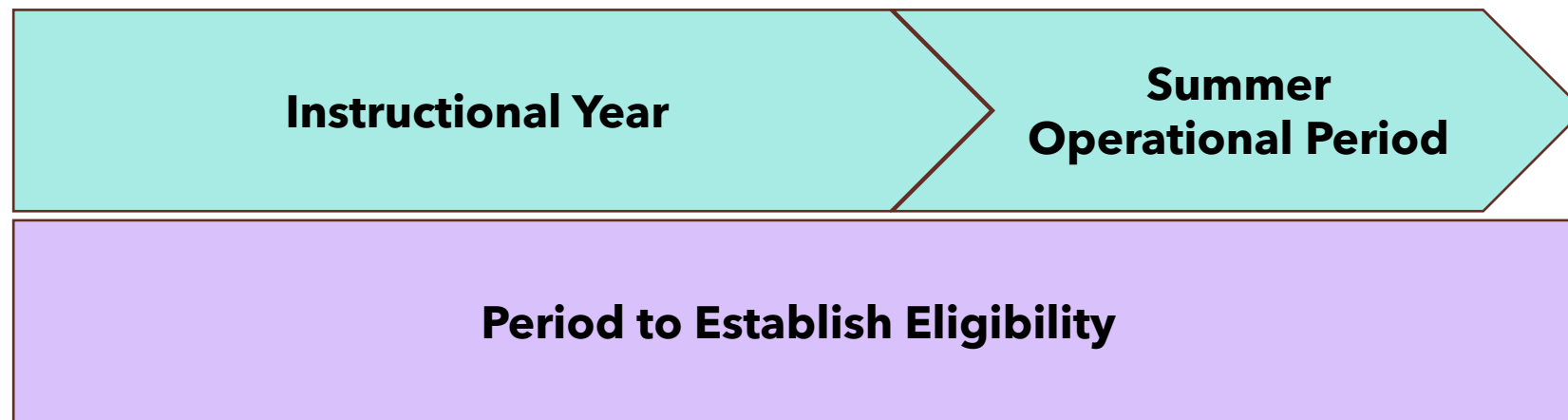
# Summer Operational Period

- The period between the end of classes during the current school year and the start of classes for the next school year
- Does not need to align with the summer break for every school in a State or ITO
- Year-round schools: Alternate plans allowable



# Period of eligibility

- Households may establish eligibility for Summer EBT **at any point** between the start of the immediately preceding instructional year through the last day of the summer operational period



- Children certified as eligible for Summer EBT during the summer will be issued the **full summer benefit regardless of the date of certification**



**July 1, 2024**



**2024 & 2025 Eligibility Can Be Established**





## Timing of Benefit Issuance

- Benefits must be ***issued*** & ***available to use*** 7-14 ***calendar*** days before start of summer operational period



- **Late applications:** Benefits must be ***issued*** & ***available*** to use ***not later than*** 15 ***operational*** days after agency receives complete application



# Expungement

- Expungement: Removal of Summer EBT benefits from an EBT account.
- Summer EBT benefits expunge 122 calendar days after each issuance.
- Expunged benefits may ***not*** be reinstated.
- If Summer EBT benefits are loaded onto existing SNAP accounts, Summer EBT must be drawn down prior to SNAP benefits





**How**

# Method of Benefit Issuance



Two options for issuing benefits on EBT cards

New Summer EBT cards for all  
Existing EBT cards + New cards for others



Other electronic methods may eventually become available



If State operates Nutrition Assistance Program (NAP), same method as NAP

# Food Benefits Issued by ITOs



The ITO Summer EBT agency must establish a food instrument

- Cash Value Benefit (CVB) - \$120/summer
- Food package - not to exceed \$120/summer when established
- Combination or alternative approach

Supplemental foods

- May be all foods on the ITO's WIC list plus other healthy foods that are appropriate for school-age children
- May not include infant formula and infant foods.



**Funding**

# Administrative Costs

- FNS will pay 50% of administrative costs
- Non-federal funds must cover the other 50% -- for example:
  - Cash
  - Personnel
  - Goods
  - Services
  - Space
  - Utilities





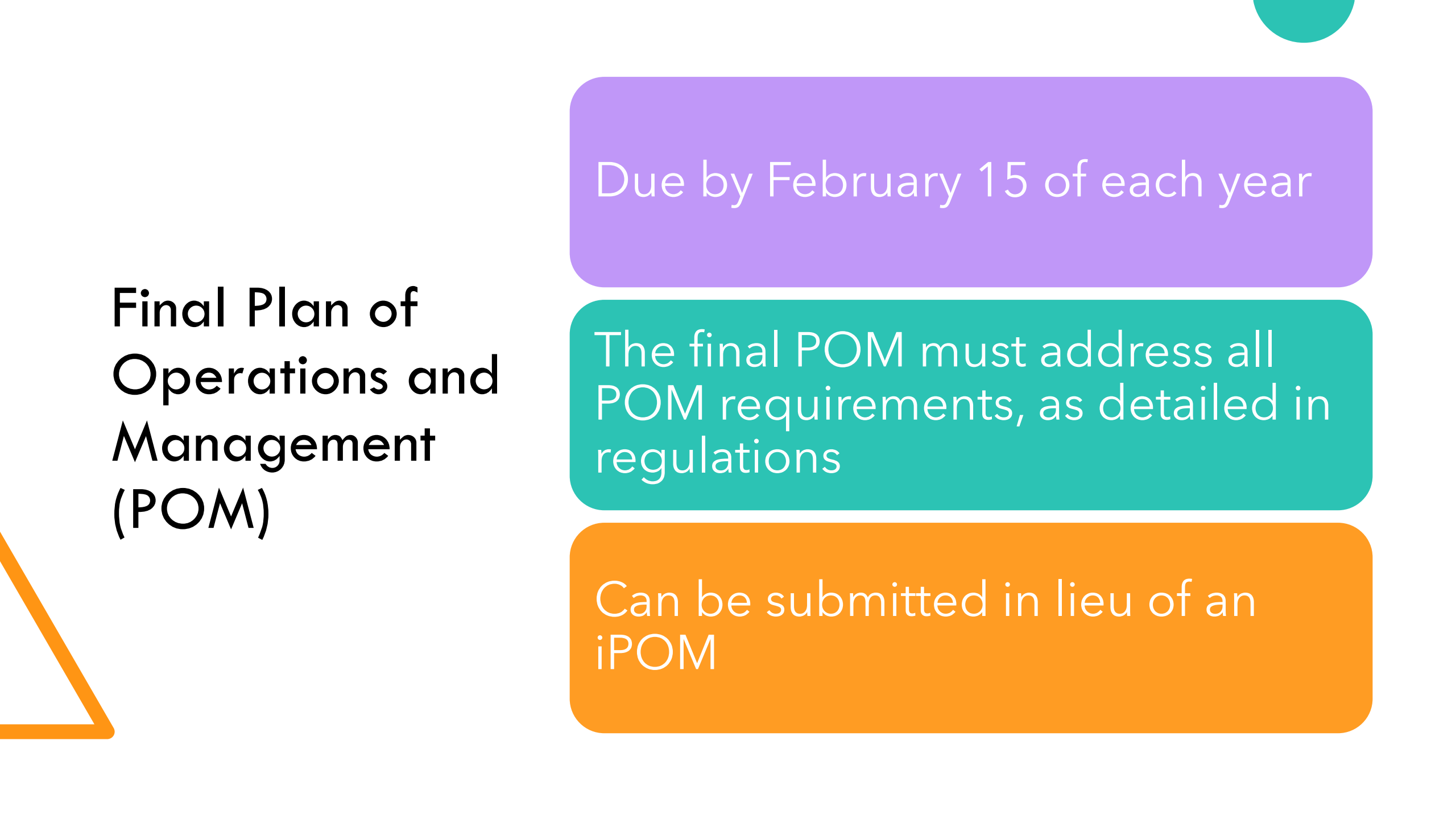
# Administrative Costs

- Third-party cash donations may be allowable
- The value of services rendered by volunteers is NOT allowable
- Federal funds from other sources are generally not allowable. Contact your regional office with questions



# **Planning Process**





## Final Plan of Operations and Management (POM)

Due by February 15 of each year

The final POM must address all POM requirements, as detailed in regulations

Can be submitted in lieu of an iPOM

# POM Review Process

- Response within 30 calendar days of receipt
- Limit back-and-forth between FNS and Summer EBT agencies
- After approval, Summer EBT agency may submit revisions or amendments as necessary



# Online Summer EBT Application

*Coming soon*

Two options to assist states without access to an online household application for Summer EBT benefits:

- Nationally hosted online application, built and administered by USDA vendor
- Open source code-base to assist states that would prefer to administer their own applications.

# Waiver Authority

## **Authority to waive statute and regulations for State Summer EBT Agencies**

- As authorized under section 12(l) of the Richard B. Russell National School Lunch Act

## **Waivers for ITO Summer EBT Agencies**

- The Secretary may waive or modify specific regulatory provisions of this part for one or more ITO Summer EBT agency
- Waivers may be issued following an ITO Summer EBT agency request or at the discretion of USDA



# **Guidance and Resources**

# Resources

## Implementation toolkit

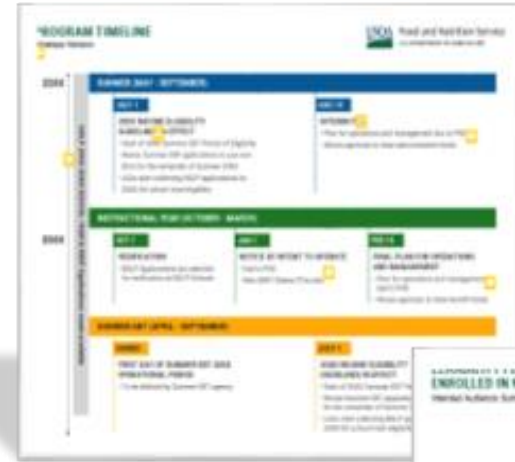
- POM template and instructions
- Reporting Submission Requirements
- Q&As
- Eligibility flow and Program timeline graphics
- Recorded webinars
- Memos
- State-level estimates of eligible kids (SNAP/non-SNAP)
- 5 Ways Governors can Support Summer EBT

## Outreach toolkit

- Summer EBT one pagers and fliers
- Template letters and social media messages

## External resources

- Code for America Implementation Checklist and Playbook



[www.fns.usda.gov/sebt/  
implementingagency](http://www.fns.usda.gov/sebt/implementingagency)

# USDA seeking comments on...

- Information FNS should consider on the CSP template
- USDA's Site Finder Mapping tool
- Provisions impacting SSO
- And much more!

**Public comments accepted through APRIL 29, 2024**



[https://www.regulations.gov/commenton/  
FNS-2023-0029-0001](https://www.regulations.gov/commenton/FNS-2023-0029-0001)

