

Webinar for States and Indian Tribal Organizations: Interim Final Rule for the NEW Summer Electronic Benefits Transfer (SEBT) Program

January 10, 2024

Housekeeping

- The chat function has been disabled.
- Use Q and A box for questions (including issues with Zoom).
- This webinar is best viewed using "Side by Side" mode, and then selecting "Fit to Window"
- This webinar is being recorded and will be posted on FNS's website.
 - All registrants will receive an email once the recording and slides have been posted.



USDA Summer Nutrition Programs

Our vision is that all States, tribes, and territories will work together to create a unified strategy to ensure all children have the nutrition they need in the summer months using all of the resources available, including Summer EBT, summer meal programs, WIC, FDPIR, and SNAP.



Congregate Meals



Non-congregate Meals



Summer EBT

Today's Agenda

- Background
- Administration
- Eligibility and Certification
- Requirements of Summer EBT Agencies
- Issuance and Use of Program Benefits
- Summer EBT Funding
- A Year in the Life





Background

- Consolidated Appropriations Act, 2023
- Summer Food for Children Demonstrations

Consolidated Appropriations Act, 2023

P.L. 117-328

Signed into law on **December 29, 2022**, and 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 were issued on December 2023:

<https://www.fns.usda.gov/summer/fr-122923>



Summer Food for Children Demonstrations

- **Authorized under section 749(g)** of the Agriculture, Rural Development, Food and Administration, and Related Agencies Appropriations Act, 2010
- Provided **\$85 million** to USDA beginning in 2010 to initiate and implement the Summer Food for Children Demonstration projects
- Tested multiple approaches to addressing **summer food insecurity** among children

Summer EBT Works!

- Summer EBT benefits reduced the most severe category of food insecurity among children during the summer by one-third compared to those receiving no benefits
- Children who participated ate more fruits and vegetables, whole grains, and dairy than those who didn't get Summer EBT
- Participants generally were satisfied with how the projects operated and found the benefits easy to use
- Retailers noted that their summer business increased significantly due to Summer EBT benefit use



[https://www.fns.usda.gov/ops/
summer-food-children-
demonstrations](https://www.fns.usda.gov/ops/summer-food-children-demonstrations)



Pandemic Experience

Pandemic EBT
(P-EBT)

Rule
Development
& Listening
Sessions



Interim Final Rule Development

Stakeholder engagement on the Summer EBT

- USDA hosted 24 listening sessions with various stakeholders
- Stakeholders want the program to run seamlessly and automatically, particularly with eligibility determinations and enrollment
- Stakeholders noted challenges to designing and planning in time to implement in summer 2024

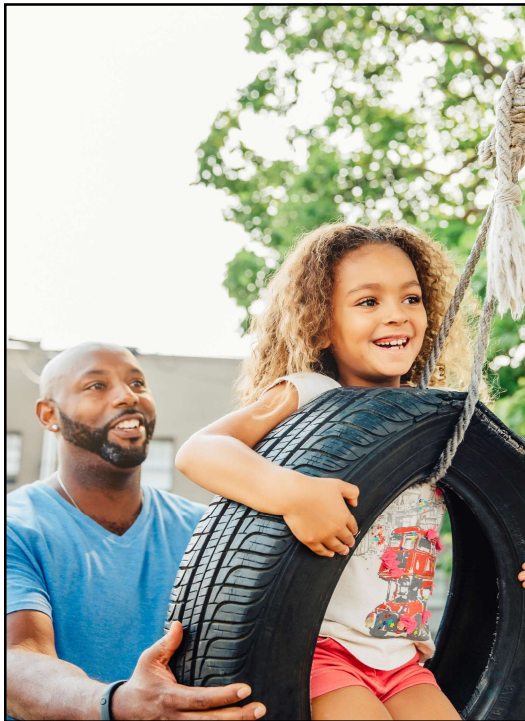
The Interim Final Rule

- Codifies the requirements for Summer EBT agencies
- Allows for administrative funding for a “planning year” in 2024

Summer EBT Agency Responsibilities

- Administration
- Eligibility and Certification
- Requirements of Summer EBT Agencies
- Coordination between State and ITO Programs
- APD Process
- Other Administrative Procedures
- Hearing Procedures
- Claims against households

Administration



What is a Summer EBT Agency? 7 CFR 292.2

- Any State agency that has been designated to be responsible for the administration of the Summer EBT program within the State
- An ITO that is responsible for the administration of the Summer EBT program

Coordinating Summer EBT Agency 7 CFR 292.3

- Primary POC
- Responsible for:
 - Submission of required plans, forms, reports
 - Activities outlined in the interagency agreement
 - Effective administration of the Program



Partnering Summer EBT Agency 7 CFR 292.3



- Responsible for:
 - Activities outlined in the interagency agreement
 - Effective administration of the Program with all requirements



Federal State Agreement

Required for:

- Coordinating Summer EBT agency
- Partnering Summer EBT agencies

Written Inter-agency agreements

7 CFR 292.3(e)

- The coordinating Summer EBT agency and any partnering Summer EBT agency or agencies must enter into an inter-agency written agreement that defines roles and responsibilities, administrative structure, and lines of authority
- Assignment of responsibilities including, but not limited to:
 - Certification and enrollment of children
 - Issuance, control, and accountability of Summer EBT benefits and EBT cards
 - Developing and maintaining complaint procedures
 - Developing, conducting, and evaluating training
 - Keeping records necessary to determine whether the program is being conducted in compliance with requirements for the proper storage and use of data
 - Submitting accurate and timely financial and program plans, forms, and reports
 - Public notification and participant support.

Suspension, termination, and closeout procedures

7 CFR 292.3(f)

- Whenever it is determined that a Summer EBT agency has materially failed to comply regulations, FNS may suspend or terminate the agreement between FNS and the Summer EBT agency or agencies or take any other action as may be available and appropriate.
- A Summer EBT agency may also terminate the agreement but, must provide FNS at least 60 days advance written notice, including a detailed explanation and the proposed effective date of the change.
- FNS and the Summer EBT agency shall comply with the provisions of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 concerning grant suspension termination and closeout procedures.

Waiver Authority

7 CFR 292.3(g) - (h)

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



Eligibility

7 CFR 292.6



Who is eligible?

7 CFR 292.6

Children eligible for Summer EBT include those who, at any time during the period of eligibility, are:

- (a) School-aged and categorically eligible;
 - (b) Enrolled in an NSLP/SBP-participating school, except for special provision schools, and
 - (1) Categorically eligible;
 - (2) Meet the requirements to receive free or reduced price meals at § 292.4(a), as determined through an NSLP/SBP application;
 - (3) Otherwise are determined eligible to receive a free or reduced price meal; or
 - (4) Determined eligible through a Summer EBT application, consistent with § 292.13;
 - (c) Enrolled in a special provision school, and
 - (1) Categorically eligible;
 - (2) Otherwise meet the requirements to receive free or reduced price meals at § 292.4(a), as determined through an NSLP/SBP application; or
 - (3) Determined eligible through a Summer EBT application, consistent with § 292.13.
- 

Categorically eligible

7 CFR 292.2

Categorically eligible means considered income eligible for Summer EBT, as applicable, based on documentation that a child is a member of a *household*, as defined in this section, and one or more children in that household are 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* and a *Runaway child*, as defined in § 245.2 of this chapter, are also categorically eligible. Categorical eligibility and automatic eligibility may be used synonymously.



School aged

7 CFR 292.2

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.



Enrolled students

7 CFR 292.2

Enrolled students means students who are enrolled in and attending schools participating in the NSLP/SBP and who have access to a meal service (breakfast or lunch) on a regular basis.



Quiz

A 4-year-old is enrolled in a public charter pre-K program in South Carolina, where the compulsory age range is 5-17. The school does *not* participate in the NSLP, but the child participates in SNAP.

Eligible

OR

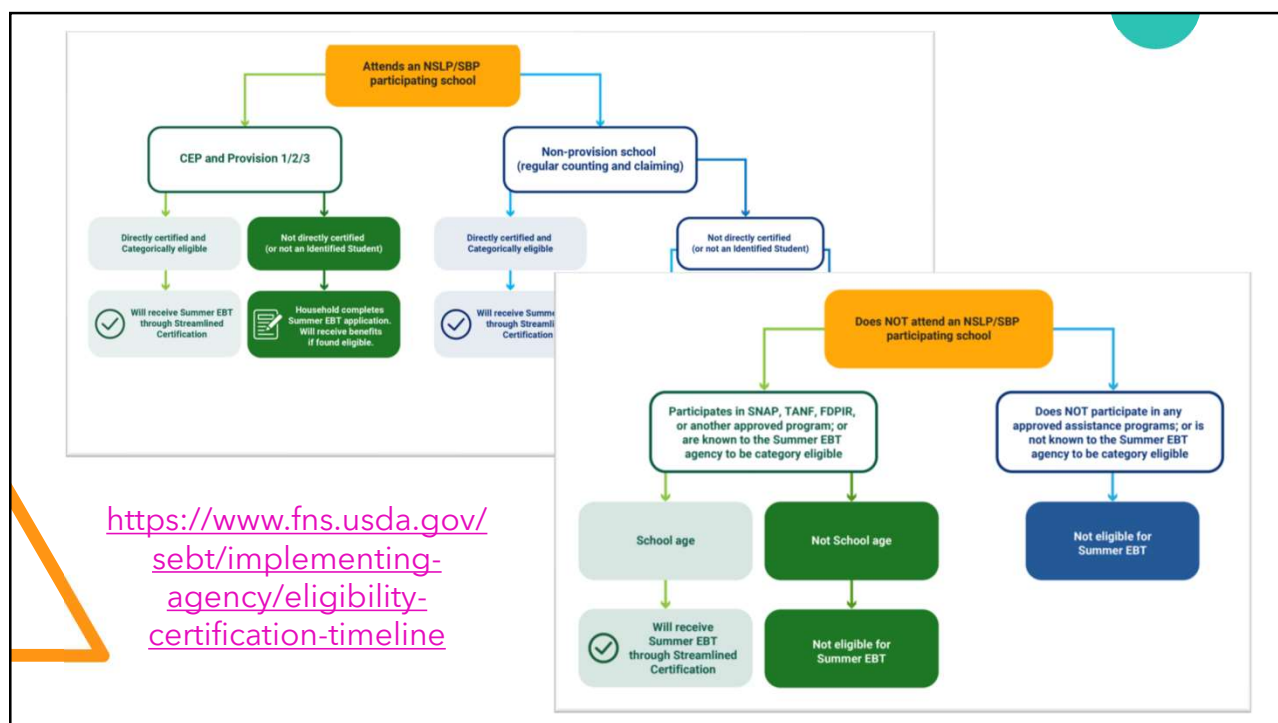
Not eligible

A 12-year-old is enrolled in a private school in Montana, where the compulsory age range is 7-16. The school participates in the NSLP. The child was *not* certified for free or reduced-price school meals, but their household income is below 185% of FPL.

Eligible

OR

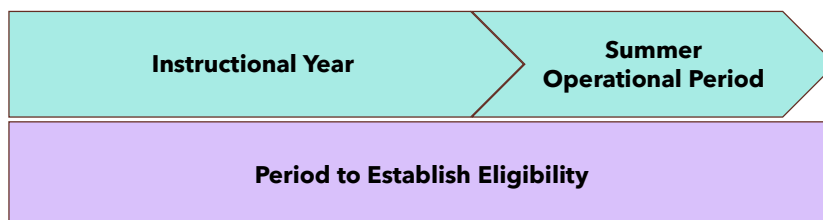
Not eligible



Period of eligibility

7 CFR 292.7

(a) Eligibility for Summer EBT, as determined through an application or by streamlined certification, may be established from the first day of the instructional year immediately preceding the summer operational period through the last day of the summer operational period, as defined by the Summer EBT agency in the POM.



Definitions

7 CFR 292.2

Instructional year

- Instructional year means the period from July 1 of the prior year through one day prior to the summer operational period.

Summer operational period

- Summer operational period means the benefit period that generally reflects the period between the end of classes during the current school year and the start of classes for the next school year, as determined by the Summer EBT agency.

Example

Louisiana - Summer 2024

July 1, 2023

May 17, 2024

Aug 20, 2024

Instructional Year

Summer
Operational Period

Period to Establish Eligibility

Period of eligibility

7 CFR 292.7(b) - (c)

- (b) Households are not required to report changes in circumstances during the instructional year or summer operational period, but a household may voluntarily contact the State or LEA to report any changes in income, household composition, or program participation.
- (c) The carryover period in the school meal programs, as required at 245.6(c)(1), may not be used to confer eligibility for Summer EBT benefits during the summer operational period following the instructional year in which the carryover benefit was provided as it is outside of the period to establish eligibility, as described in paragraph (a).

Certification (Enrollment)

7 CFR 292.12

General requirements

7 CFR 292.12(b)

(b) General requirements. In enrolling eligible children, Summer EBT agencies must:

- (1) establish procedures to ensure correct eligibility determinations,
- (2) establish procedures to allow households to provide updated contact information for the purpose of receiving Summer EBT, and
- (3) establish procedures to enable anyone who has been determined to be eligible for Summer EBT benefits to confirm their eligibility status and unenroll, or opt out, of the Program, if they do not want to receive benefits, and
- (4) provide assistance to households that seek help in applying for benefits.

Statewide database

7 CFR 292.12(c)

(c) NSLP/SBP enrollment database. By 2025, Summer EBT agencies must establish and maintain a State- or ITO-wide database of all children enrolled in NSLP- or SBP-participating schools within the State or ITO service area, as applicable, for the purposes of enrolling children for Summer EBT benefits and detecting and preventing duplicate benefit issuance. If an ITO, in consultation with FNS, determines that establishing and maintaining a database meeting the requirements of this section is not feasible or is unnecessary based on their method of enrolling children, the ITO may submit a waiver request under 292.3(h).

(1) Database elements. At a minimum, the database must contain the following information for these children:

- (i) Name,
- (ii) Date of birth,
- (iii) School/school district where enrolled,
- (iv) Mailing address,
- (v) Individual free or reduced price eligibility status, as applicable,
- (vi) Any other information needed to issue benefits timely and with integrity.

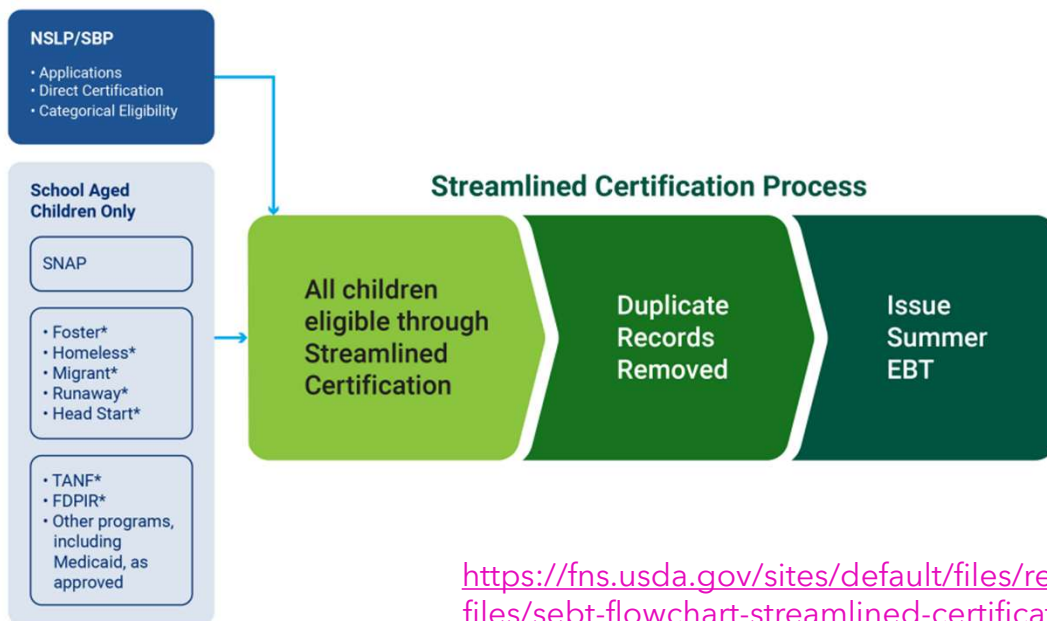
(2) Data use and confidentiality...

(3) Data sharing across Summer EBT Programs....

Streamlined certification

7 CFR 292.12(d)

- (d) Automatic enrollment with streamlined certification.
- (1) Summer EBT agencies must enroll eligible children through streamlined certification, including those who, during the period of eligibility were:
- (i) Individually certified for free or reduced price school meals through the NSLP/SBP, per 7 CFR 245.6; or
 - (ii) School aged and:
 - (A) Members of a household receiving assistance under SNAP, as defined in § 7 CFR 292.2;
 - (B) Members of a household receiving assistance under FDPIR and TANF, if data for these programs is available at the state level; or
 - (C) A foster, homeless, migrant, runaway, or Head Start child, as defined in 7 CFR 245.2, if data for these programs is available at the state level.
 - (iii) Not enrolled in a special provision school but are otherwise determined eligible for a free or reduced priced meal.
- (2) Summer EBT agency may enroll eligible children through streamlined certification who are members of a household receiving assistance under other means-tested programs, as approved by the Secretary.
- (3) Streamlined certification does not require further confirmation of school enrollment.
- (4) If an ITO, in consultation with FNS, determines that any element of automatic enrollment with Streamlined Certification is not feasible or is unnecessary based on available resources or circumstances to the population served, the ITO may submit a waiver request under 292.3(h).



<https://fns.usda.gov/sites/default/files/resource-files/sebt-flowchart-streamlined-certification.pdf>

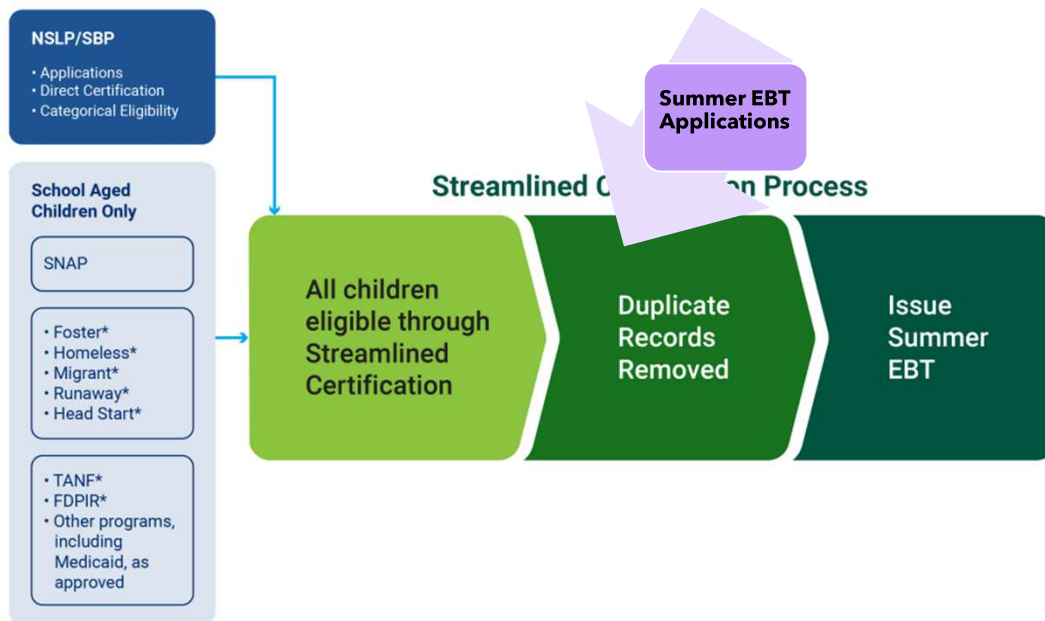
* If the data for these programs is available at the state level, they must also be used to streamline certify children for Summer EBT.

Enrollment by application

7 CFR 292.12(e)

(e) Enrollment by Summer EBT application.

- (1) Summer EBT agencies must enroll eligible children in Summer EBT if it is determined that they meet the requirements to receive free or reduced price meals at § 292.4(a), as determined through a complete Summer EBT application. A Summer EBT application is considered complete if the following information is provided:
 - (i) names of children and other household members;
 - (ii) amount, source, and frequency of income for each household member; and
 - (iii) signature of an adult household member, including electronic signatures, as described in § 292.13(h).
- (2) Confirmation of enrollment in an NSLP/SBP- participating school during the immediately preceding instructional year is required for children who apply by Summer EBT application. This can be accomplished by matching against the State or ITO-wide NSLP/SBP enrollment database, as required in § 292.12(c), prior to benefit issuance.
- (3) Children who are not in an NSLP or SBP-participating school in the immediately preceding instructional year cannot be certified as eligible, and therefore cannot be deemed eligible for Summer EBT through submission of an application for Summer EBT benefits.
- (4) Summer EBT agencies are prohibited from requiring income documentation at the time of application.



* If the data for these programs is available at the state level, they must also be used to streamline certify children for Summer EBT.

Required enrollment notices

7 CFR 292.12(f) - (i)

(f) Notice of approval.

- (1) Income applications.....
- (2) Streamlined certification....
- (3) Households declining benefits....
- (4) Duplicate issuance...



(g) Denied applications and the notice of denial. ...

- (1) The specific reason or reasons for the denial of benefits, e.g. income in excess of allowable limits or incomplete application;
- (2) Notification of the right to appeal;
- (3) Instructions on how to appeal; and
- (4) A statement reminding households that they may reapply for benefits at any time.

(h) Appeals of denied benefits. ...

(i) Confidential nature of streamlined certification information.

Application requirements - General

7 CFR 292.13(a) - (h)

- (a) By 2025, the Summer EBT agency must make a Summer EBT application available to households whose children are enrolled in NSLP- or SBP-participating schools and who do not already have an individual eligibility determination.
- (b) Summer EBT agencies may not delegate to LEAs the responsibility of making a Summer EBT application available. However, a Summer EBT agency may contract with another entity into order to fulfill this requirement.
- (c) Household applications. The application must be clear and simple in design and the required information must be limited to what is required to demonstrate that the household does, or does not, meet the eligibility criteria for Summer EBT benefits at § 292.4(a). The application or associated instructions must also include the income eligibility guidelines and an explanation that households with incomes at or below the income limit may be eligible for Summer EBT. Summer EBT agencies are encouraged to include optional questions on the application to improve customer service including, but not limited to:
 - (i) preferred method of communication (e.g., mail, email, phone, text message);
 - (ii) preferred contact information;
 - (iii) preferred language of communication;
 - (iv) preferred method of benefit issuance (e.g., EBT card, electronic benefit);
 - (v) interest in receiving information about how to access other assistance program benefits (e.g., Summer Food Service Program, NSLP/SBP, Child and Adult Care Food Program, SNAP, WIC, TANF, FDPIR, Medicaid);
 - (vi) membership in an ITO;
 - (vii) other program options where a household may have preferences, receipt of information that households may find useful, or information that would aid Summer EBT agencies in successful program implementation.
- (d) Understandable communications. ...
- (e) Availability of applications. ...
- (f) Timely certifications. ...
- (g) Deadline for applications. ...
- (h) Electronic applications. ...

Application requirements – Required elements

7 CFR 292.13(i)

(i) Application content requirements. Summer EBT applications must contain the following elements:

- (1) Required income information. The information requested on the application with respect to the current income of the household must be limited to:
 - (i) The income received by each member identified by the household member who received the income or an indication which household members had no income; and
 - (ii) The source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, social security and other cash income). Other cash income includes cash amounts received or withdrawn from any source, including savings, investments, trust accounts, and other resources which are available to pay for a child's meals.
- (2) Household members. ...
- (3) Name of school where child is enrolled. ...
- (4) Mailing Address. ...
- (5) Adult member's signature. ...

Application requirements – miscellaneous

7 CFR 292.13(j) - (p)

- (j) Attesting to information on the application. ...
- (k) Race and Ethnicity. ...
- (l) Accompanying instructions. ...
- (m) Required statements for the application. ...
- (n) Calculating income. ...
- (o) Persons authorized to receive eligibility information. ...
- (p) Disclosure of all eligibility information in addition to eligibility status. ...

Application requirements – “Alternative apps”

7 CFR 292.13(q)

(q) Phase-in flexibility. For 2024, alternative income applications that do not meet the criteria in § 292.13(i) can be used to confer eligibility for Summer EBT if the information provided on the alternative application is sufficient for the Summer EBT agency or LEA to determine that the household meets the income eligibility guidelines for Summer EBT. In 2024, Summer EBT agencies may delegate application processing to LEAs. If a Summer EBT agency delegates application processing to LEAs, then it must cover all administrative costs incurred by the LEAs with respect to Summer EBT application processing.

Certification (Verification)

7 CFR 292.14

Verification – Verification for cause

7 CFR 292.14(a)(1)

(a) Summer EBT applications are subject to the following verification requirements:

(1) Verification for cause.

- (i) The Summer EBT agency must verify for cause applications, on a case-by-case basis, such as in an instance when the agency is aware of conflicting or inconsistent information from what was provided on the application.
- (ii) The Summer EBT agency may verify an application for cause at any time during the instructional year or summer operational period, but verification must be completed within 30 days of receipt of the application.
- (iii) Applications verified for cause are not considered part of three (3) percent sample size described in paragraph (2) of this section.
- (iv) Applications do not need to be selected for verification for cause during initial application processing. A Summer EBT agency may become aware of a questionable application after the initial certification was completed and benefits were issued. In this case, the Summer EBT agency must verify the application for cause at the time they learn of the questionable or conflicting information.
- (v) All verification procedures in this section must be followed for applications selected for verification for cause in the same manner as an application randomly selected as part of the sample described in paragraph (2) of this section.

Verification – Verification sample

7 CFR 292.14(a)(2)

(2) Verification sample.

- (i) The Summer EBT agency must verify eligibility of children in a sample of household Summer EBT applications approved for benefits for the summer.
- (ii) The sample size for the Summer EBT agency must equal three (3) percent of all applications approved by the Summer EBT agency from the start of the instructional year through April 1 of the school year immediately preceding the summer operational period, selected randomly from all applications.

Verification – Verification alternatives

7 CFR 292.14(a)(3)

(3) Verification alternatives.

- (i) In lieu of carrying out provisions in paragraph (2) of this section, Summer EBT agencies may propose alternative methods for verification that strengthen program integrity and preserve participant access.
- (ii) Summer EBT agencies that intend to propose alternative procedures must include a detailed description of their plan in their POM submission. Proposals are subject to USDA approval.

Verification – miscellaneous sampling provisions

7 CFR 292.14(b) - (d)

- (b) Replacing applications. The Summer EBT agency may, on a case-by-case basis, replace up to ten percent of applications that are randomly selected as part of the verification sample. Applications may be replaced if the Summer EBT agency determines that the household would be unable to satisfactorily respond to the verification request.
- (c) Rolling verification sample selection. ...
 - (1) If conducting rolling verification, the Summer EBT agency must:
 - (i) ...
 - (ii) ...
 - (iii) ...
 - (A) ...
 - (B) ...
 - (C) ...
 - (2) ...
 - (3) ...
- (d) Applications that come in after April 1 are still subject to verification for cause, on a case-by-case basis, per § 292.14(a)(1).

Verification – Direct verification

7 CFR 292.14(e)

(e) Direct verification. Summer EBT agencies must conduct direct verification activities with the programs eligible for use in streamlined certification, as defined in § 292.12(d), as well as records from other assistance programs and administrative data, where available. Data records are subject to the timeframe specified in paragraph (2) of this section.

- (1) Direct verification must be conducted prior to contacting the household for documentation.
- (2) For the purposes of direct verification, documentation may indicate participation in an applicable program or income at any point during the period of eligibility. The information provided only needs to indicate eligibility at a single point in time during the period of eligibility, not that the child was eligible at the time of application or verification.
- (3) Summer EBT agencies must include in their POM submission all sources of administrative data that is intended to be used for direct verification.

Verification – Procedures and assistance for households

7 CFR 292.14(f)(1) – (2)

(f) Verification procedures and assistance for households –

- (1) Exceptions from verification. ...
- (2) Notification of selection. Households selected for verification must be notified in writing that their applications were selected for verification. The written statement must include a telephone number to contact for assistance. Any communications with households concerning verification must be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and guardians can understand. These households must be advised of the type of information or documents that will be expected. Households selected for verification must be informed that:
 - (i) They are required to submit the requested information to verify eligibility for Summer EBT benefits, by the date determined by the Summer EBT agency.
 - (ii) They may, instead, submit proof that the children receive assistance under SNAP, FDIPIR, TANF, or another means tested program, as approved by the Secretary.
 - (iii) They may, instead, request that the Summer EBT agency contact the appropriate officials to confirm that their children are foster, homeless, migrant, or runaway.
 - (iv) Failure to cooperate with verification efforts will result in the termination of benefits.

Verification – Procedures and assistance for households cntd

7 CFR 292.14(f)(3)

(3) Sources of information. For the purposes of this section, sources of information for verification may include, but are not limited to, written evidence, individuals outside of the child's household who can verify the child's circumstances, and systems of records as follows:

- (i) Written evidence ...
- (ii) Verbal confirmations of a household's circumstances ...
- (iii) Agency records ...
- (iv) Households which dispute the validity of income information ...

Verification – Procedures and assistance for households cntd

7 CFR 292.14(f)(4) - (12)

- (4) Documentation timeframe. ...
- (5) Household cooperation. ...
- (6) Telephone assistance. ...
- (7) Follow-up attempts. ...
- (8) Eligibility changes. ...
- (9) Issuance of Benefits. ...
- (10) Timing of verification for continuous school calendars. ...
- (11) Verification after benefit issuance. ...
- (12) Nondiscrimination. ...

Verification – Verification in 2024

7 CFR 292.14(g)

(g) Verification of alternative income applications in 2024. In 2024, Summer EBT agencies or LEAs should, on a case-by-case basis, verify for cause any questionable Summer EBT application or alternate income applications used to confer Summer EBT eligibility and follow the procedures in § 292.14(e) and § 292.14(f).

**Five Minute
Break**

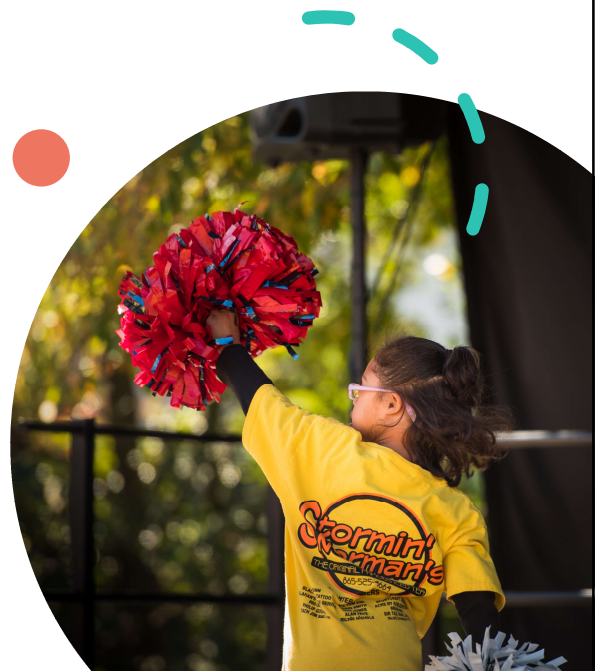


Requirements of Summer EBT Agencies

Plan for Operations and Management (POM)

7 CFR 292.8

- Planning tool that provides the opportunity for USDA to work with Summer EBT agencies
- Detail how the State or ITO will structure its program to make the best use of resources
- Describes a State or ITO's administration of the program



Interim Plan of Operations and Management (iPOM)

- Summer 2024: requested by December 15 or as soon as practicable
- Summer 2025 and beyond: due by August 15 for the following program year



Final Plan of Operations and Management (POM)

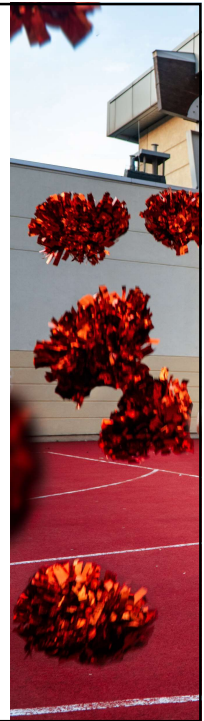
Due by February 15 of each year

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

Can be submitted in lieu of an iPOM

iPOM and POM Review Process

- Response within 30 calendar days of receipt
- If submitted and not approvable, Summer EBT agency and USDA will work together to make revisions as needed
- After approval, Summer EBT agency must submit revisions or amendments as necessary



Final POM Components

A copy of the inter-agency written agreement

An estimate of the number of participants who will be served for the coming year

The administrative budget on behalf of the State's or ITO's entire program operations

A plan for timely and effective action against program violators

A plan to comply with the Summer EBT agency requirements

A plan to ensure that Summer EBT benefits are issued to children based on their enrollment at the end of the instructional year

A description of enrollment procedures including, but not limited to, applications, NSLP enrollment database, direct verification and verification

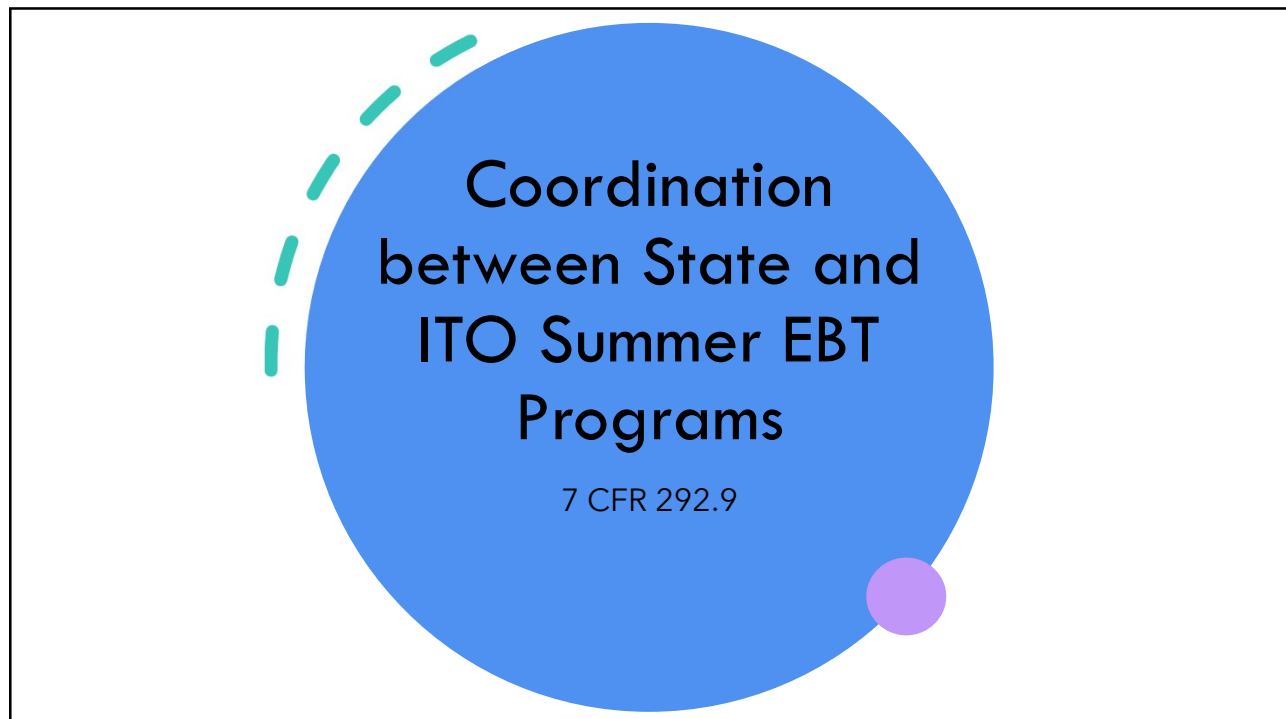
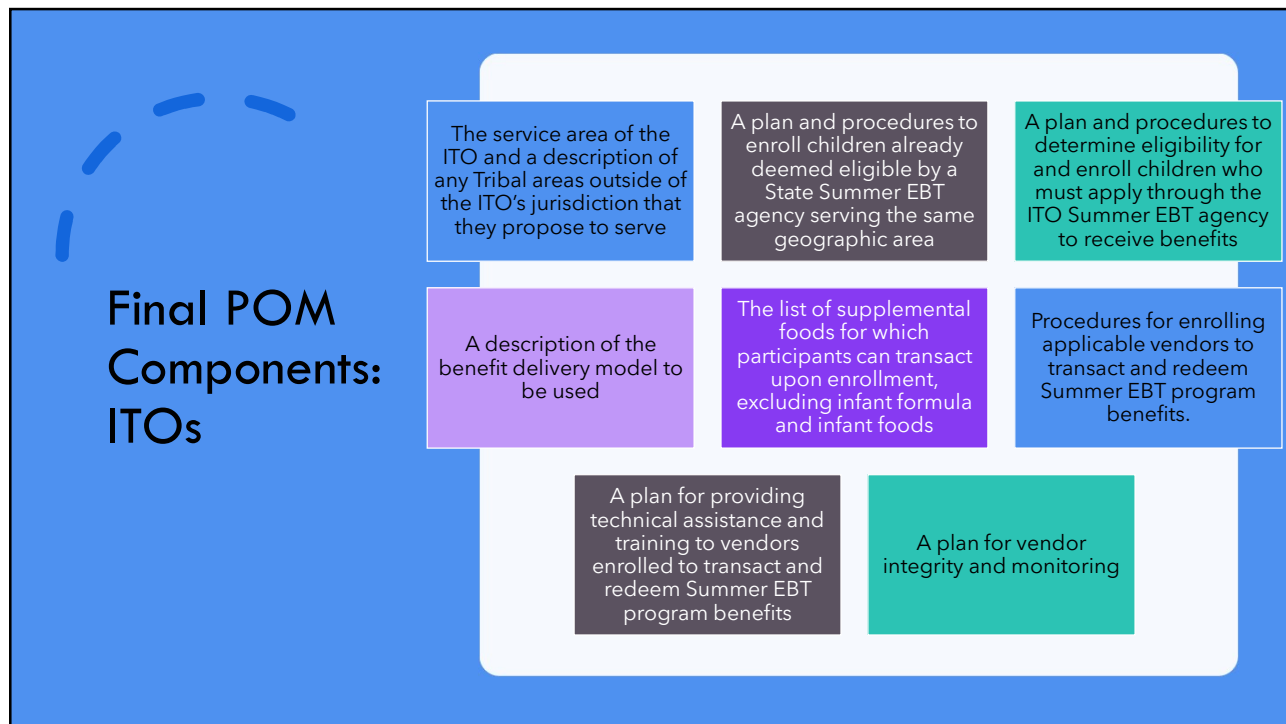
The plan to coordinate with an ITO Summer EBT Program or State Summer EBT Program, as applicable

The procedures to detect and prevent dual participation including a child simultaneously receiving benefits from more than one Summer EBT program

A description of the issuance process

Customer service plans

A copy of the fair hearing procedure for participants



Coordination between Summer EBT Programs

- The **ITO** Summer EBT agency will receive priority consideration to serve eligible individuals within its service area
- The **State** Summer EBT agency must share data on eligible children in the ITO Summer EBT agency's service area in a manner and timeframe that will allow the ITO Summer EBT agency to issue program benefits timely
- An **ITO** and **State** Summer EBT agencies serving proximate geographic areas must:
 - coordinate Summer EBT program services
 - provide notice to eligible households that they may choose to receive Summer EBT from the other agency
 - coordinate to detect and prevent dual participation
 - ensure the confidentiality of data for all student data
- **Eligible households** will pick one program for the whole summer

Advance Planning Document (APD) Processes

7 CFR 292.11

APD process for State agencies and ITOs

- Summer EBT agencies must adhere to the APD process in compliance with:
 - FNS directives, guidance (*i.e.*, FNS Handbook 901), and Summer EBT regulations
 - Existing APD process requirements for MIS as outlined in Subchapter A and C Parts 246, 274 and 277
- Summer EBT Projects may be included in an existing SNAP or WIC EBT APD or a separate APD specific to Summer EBT services.
- Changes to Management Information Systems (MIS)
 - SNAP or WIC Summer EBT agencies must follow the APD processes in 7 CFR 246.12, § 277.18, and FNS' Handbook 901.
 - Child Nutrition Programs do not have a similar requirement for MIS

Performance Criteria

7 CFR 292.22

Performance Criteria 1

Percentage of children eligible for Summer EBT benefits who participated by using their benefits at least once



Performance Criteria 2

Percentage of Summer EBT benefits that are issued to children not eligible for Summer EBT





Percentage of children issued benefits who receive their first issuance before the start of the summer operational period



Performance Criteria 3



Performance Criteria 4

Percentage of eligible children who can be identified through streamlined certification who are enrolled without further application





Other Administrative Provisions



Records and Reports

7 CFR 292.23

- Records must be retained in their original or electronic form.
- Records must be retained for a period of 3 years after the date of submission of the final Financial Reports for the fiscal year.
- Periodic financial management planning and reporting documentation in FPRS submitted on standard schedules that will be announced annually.
- Participation and issuance reports due on a monthly basis.

Audits and Management Control Evaluations

7 CFR 292.24(a-b)

Summer EBT agencies must:

- Summer EBT agencies must arrange for audits of their own operations
- Provide USDA with full opportunity to conduct management control evaluations of all operations of the Summer EBT agency
- Provide OIG with full opportunity to conduct audits of all Summer EBT agency Program operations.
- Make available its records, including records of the receipts and expenditures of funds, upon a reasonable request by USDA.

Investigations

7 CFR 292.25

- The Summer EBT agency must
 - Promptly investigate complaints received or irregularities noted in connection with the operation of the Program
 - Take appropriate action to correct any irregularities
- The Department may make investigations at the request of the Summer EBT agency, or where the Department determines investigations are appropriate.

Procurement Standards 7 CFR 292.28

(a) If an EBT services contract established for the purpose of benefit issuance includes Summer EBT, the State Systems Advance Planning Document (APD) process must be followed in accordance with § 292.11(b)(3) for States and 292.11(u) for ITOs, respectively.

(b) All other Summer EBT agency and local agency costs, including eligibility systems, must comply with the requirements of this part and 2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, which implement the applicable requirements concerning the procurement of all goods and services with Federal funds.

(c) Contractual responsibilities. The standards contained in this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, do not relieve any Summer EBT agency or local agency of any contractual responsibilities under its contracts. The Summer EBT agency or local agency is the responsible authority, without recourse to USDA, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to, source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State, or Federal authority that has proper jurisdiction.

(d) Procedures. The Summer EBT agency must follow either the State or ITO laws, policies and procedures as authorized by 2 CFR 200.317, or the procurement standards for other governmental grantees and all governmental subgrantees in accordance with 2 CFR 200.318 through 2 CFR 200.326. Regardless of the option selected, Summer EBT agencies must ensure that all contracts include any clauses required by Federal statutes and executive orders and that the requirements 2 CFR 200.236 and Appendix II, Contract Provisions for Non-Federal Entity Contracts Under Federal Award are followed.

Program Evaluations 7 CFR 292.29(b)

States, ITOs, Summer EBT agencies, LEAs, schools, and contractors must cooperate in studies and evaluations conducted by or on behalf of the Department related to programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.



Civil Rights 7 CFR 292.29(a)

No child may be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability.

Summer EBT agencies and LEAs must comply with the requirements of: Title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Department of Agriculture regulations on nondiscrimination and FNS Instruction 113-1.

General Responsibilities 7 CFR 292.29(c)

- The criminal penalties in the NSLA apply to:
 - Whoever embezzles, willfully misapplies, steals, or obtains by fraud any USDA funds, assets, or property provided under the NSLA or CNA
 - Whoever receives, conceals, or retains such funds, assets, or property to personal use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud
- Penalties:
 - if such funds, assets, or property are \$100 or more -- Fines up to \$25,000 or imprisonment for up to five years, or both
 - if such funds, assets, or property are less than \$100 -- Fines up to \$1,000 or imprisonment for up to one year, or both



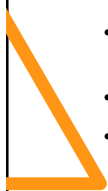
Hearing Procedures for families and Summer EBT agencies

7 CFR 292.26



Fair Hearings Procedures

Fair hearings must:

- 
- Include a method to request a hearing
 - Provide the opportunity to be assisted or represented by an attorney or other person
 - Provide the opportunity to examine relevant documents and records
 - Be held with reasonable promptness, convenience, and adequate notice
 - Include an opportunity to present oral or documentary evidence and arguments
 - Include an opportunity to question or refute any testimony or other evidence
 - Be conducted and decided by a hearing official who did not participate in making the decision under appeal
 - Have a hearing record with the decision and the oral and documentary evidence presented at the hearing that is preserved for 3 years
 - Include notification in writing of the decision of the hearing official
 - Allow households to request a conference to discuss the situation

Fair Hearing Procedures

- Households may appeal, within 90 days after the end of the summer operational period, a decision made with respect to:
 - An application the household has made for Summer EBT benefits
 - A streamlined certification for Summer EBT benefits
 - A verification process or procedure
 - Any adverse action taken against the household by the Summer EBT agency
- States must provide a household back-benefits if a fair hearing determines that:
 - The Summer EBT agency failed to issue benefits in the correct amount
 - An administrative disqualification for intentional Program violation was subsequently reversed
 - There is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits

Response to an Appeal

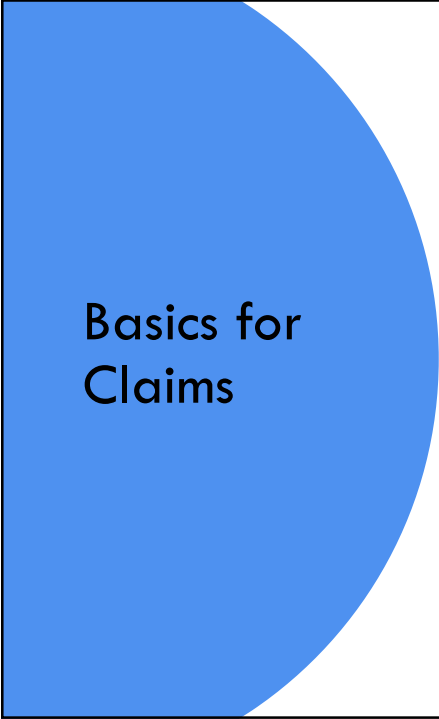
The Summer EBT agency may defend its initial decision to deny the eligibility of the child for Summer EBT benefits or take an adverse action against a household





Claims

7 CFR 292.27



Basics for Claims

- Summer EBT agencies are responsible to ensure that program benefits are provided only to eligible children and in the correct amount
 - Erroneous issuances include, but are not limited to:
 - Benefits issued to ineligible children or in the incorrect amount
 - Duplicate issuances
- 

Claims Against Summer EBT Agencies

- USDA may:
 - Hold Summer EBT agencies liable for erroneous payments
 - Pursue erroneous claims in the aggregate when merited, based on the nature of the error that gave rise to the over-issuance, the size of the error, and whether such action would advance program purposes.
- Summer EBT agencies must develop a process to allow households to submit a claim for benefits that were not issued or issued in the incorrect amount.



Claims Against Households

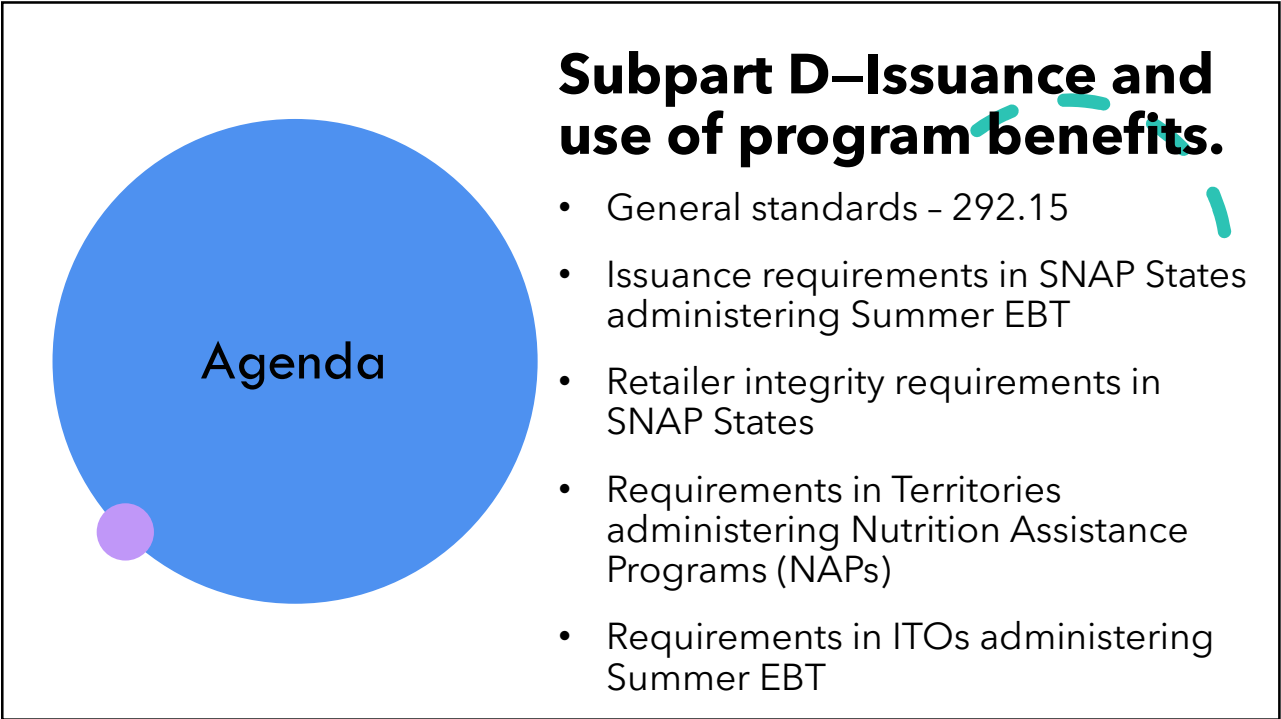
- Summer EBT agencies must develop a process to manage cases of erroneous issuances and pursue claims against a household, as appropriate
- Summer EBT agencies have the discretion to determine when to pursue a claim based on cost effectiveness or the individual circumstances. To the maximum extent practicable, Summer EBT agencies should limit claims against households to situations where there is evidence that the household knowingly obtained benefits through fraudulent activities
- Summer EBT agencies may not reclaim Summer EBT benefits by reducing a household's SNAP, NAP, or WIC benefit



Issuance and Use of Program Benefits

Rogelio Carrasco
Anne Fiala

Subpart D—Issuance and use of program benefits.



Agenda

- General standards - 292.15
- Issuance requirements in SNAP States administering Summer EBT
- Retailer integrity requirements in SNAP States
- Requirements in Territories administering Nutrition Assistance Programs (NAPs)
- Requirements in ITOs administering Summer EBT

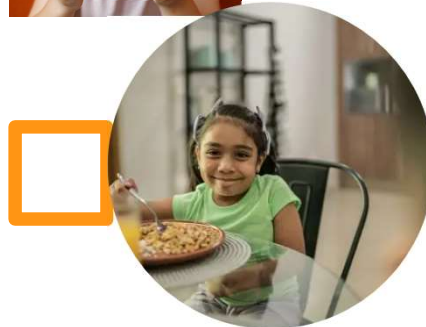
General Standards

§ 292.15

Timing of Benefit Use

§ 292.15(a), (b), & (f)

- Intended for “Summer operational period”
 - States establish that period
 - Unlike P-EBT
 - Year-round schools: Alternate plans allowable
- Summer EBT agencies must
 - Establish availability date for benefits
 - Inform households



Timing of Benefit Issuance

§ 292.15(c)(1) & § 292.15(f)

- Children must receive full 3 months of benefits - **no prorating!**
- **Certified children:** 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

Timing of Benefit Issuance § 292.15(c)(1) & § 292.15(f)

Lump sum or multiple issuances are allowable

- If multiple issuances, first one must be available within the 7-14 day window.

Staggered issuance across multiple days is allowable

Issuance schedules do **not** need to align with calendar months

Method of Benefit Issuance

§ 292.15(c)(2)



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

Dual Participation

§ 292.15(d)

- Dual participation: Participation in more than one Summer EBT program during the same operational period.
- Dual participation: Not allowed. Includes...
 - No participation in more than one State or Tribal Program
 - No receipt of more than 3 months of benefits
- State POMs must include procedures to detect & prevent dual participation

Participant Support

§ 292.15(g)(1)

- Training materials must be provided to each household. At a minimum, must address:
 - **Where** benefits can be used
 - **What** can be purchased
 - **Unallowable** uses of benefits, & **penalties** for misuse
 - Personal Identification Numbers (PIN)
 - How to reach customer service during non-business hours
 - Eligibility criteria
 - Right to notice & fair hearings.

Participant Support

§ 292.15(g)(4) & 292.15(g)(5)

- If food purchased with Summer EBT benefits is lost due to ***disaster*** or ***household misfortune***, Summer EBT agency must replace those benefits
 - **NOTE:** Stolen benefits may ***not*** be replaced
- Summer EBT Agency must make replacement EBT cards available for pick up or place card in the mail within two business days

Expungement § 292.15(h)-(i)

Expungement: Removal of Summer-EBT benefits from an EBT account.

Summer EBT benefits expunge 122 calendar days after each issuance.

- This is a statutory requirement
- **NOTE:** Different from SNAP (**generally** expunges **274** days after **last use**), and WIC (available for **one month**).

Expunged benefits may **not** be reinstated.

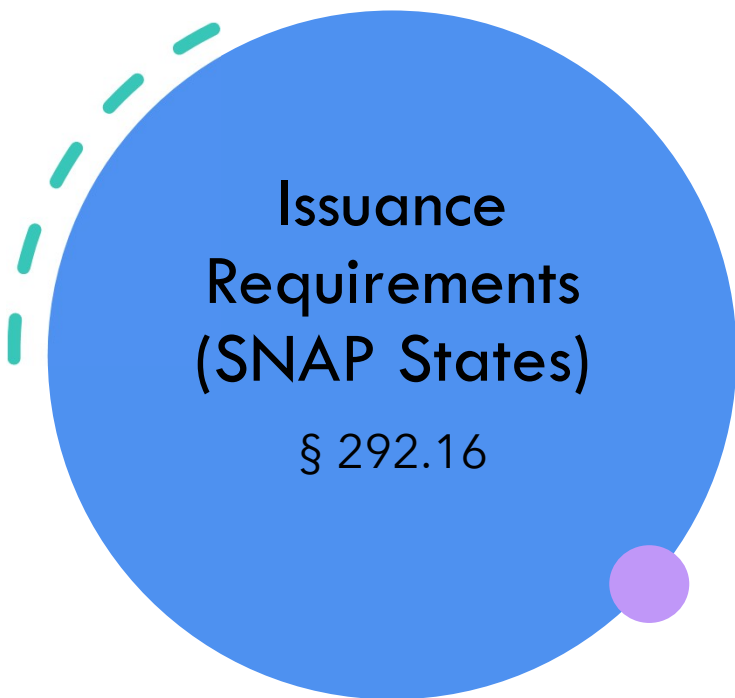
Expungement § 292.15(h)-(i)

- Summer EBT agencies must provide households notice of expungement date & amount **not less than 30 days** prior.

If Summer EBT benefits are loaded onto existing SNAP accounts

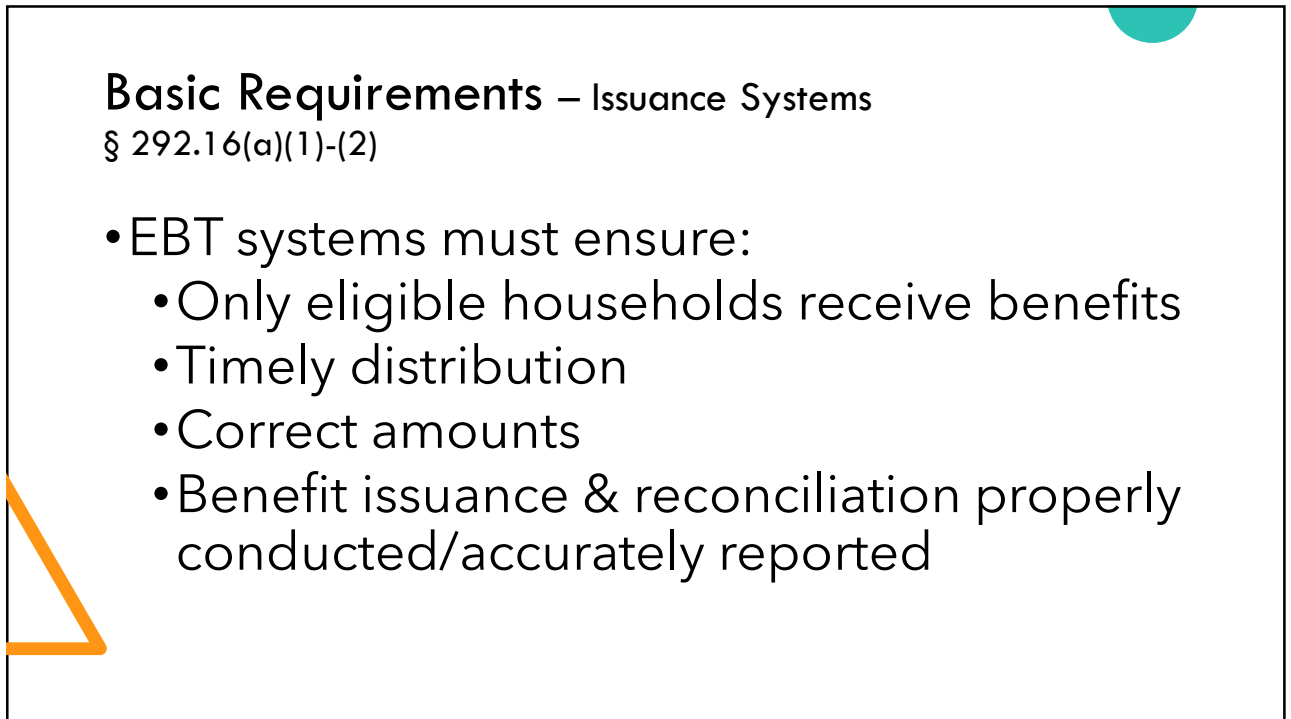
- Summer EBT must be drawn down prior to SNAP benefits
- Expunged benefits must be returned to the State's Summer EBT account; and **must not** be co-mingled with SNAP funds.





Issuance Requirements (SNAP States)

§ 292.16



Basic Requirements – Issuance Systems

§ 292.16(a)(1)-(2)

- EBT systems must ensure:
 - Only eligible households receive benefits
 - Timely distribution
 - Correct amounts
 - Benefit issuance & reconciliation properly conducted/accurately reported

Basic Requirements – Contracting and Delegating

§ 292.16(a)(3)

- Summer EBT agency:
 - May contract out responsibility for issuance of benefits.
 - Remains responsible for assigned duties.
 - Strictly liable for all losses of benefits.

Basic Requirements – Disqualification

§ 292.16(e)

- Summer EBT agency responsible for investigating alleged intentional Program violations (IPV), and act on cases, consistent with SNAP requirements
- Penalties for IPVs only apply to individuals 18+.
 - Includes those who committed IPV through a child



Basic Requirements – Benefit Redemption

§ 292.16(i)

At the retailer:

- Benefits can be used at SNAP-authorized stores
- To buy SNAP-eligible foods.
- Retailers cannot set
 - Minimum purchase amount,
 - Limit the number of transactions,
 - Impose transaction fees, or
 - Higher prices for Summer EBT participants.
- Equal treatment (e.g., no special lanes, restricted hours)



Retailer Integrity Requirements

§ 292.17



Retailer Integrity Requirements for SNAP States

§ 292.17

- Retailers are subject to all SNAP requirements including:
 - Eligibility
 - Penalties/Disqualification
 - Administrative and Judicial review



Requirements for NAP States

§ 292.18

Requirements for NAP States

§ 292.18

- NAP Territories
 - American Samoa
 - The Commonwealth of Puerto Rico
 - The Commonwealth of the Northern Mariana Islands
- Benefits be used to purchase eligible foods at NAP-approved retailers.

Requirements for ITO Summer EBT Agencies

§ 292.19

Requirements for ITO Summer EBT Agencies § 292.19



Benefits may be used to purchase supplemental foods from WIC-authorized retailers



Basic requirements will be consistent with WIC regulations at 7 CFR Part 246.12



Vendors are generally subject to WIC requirements

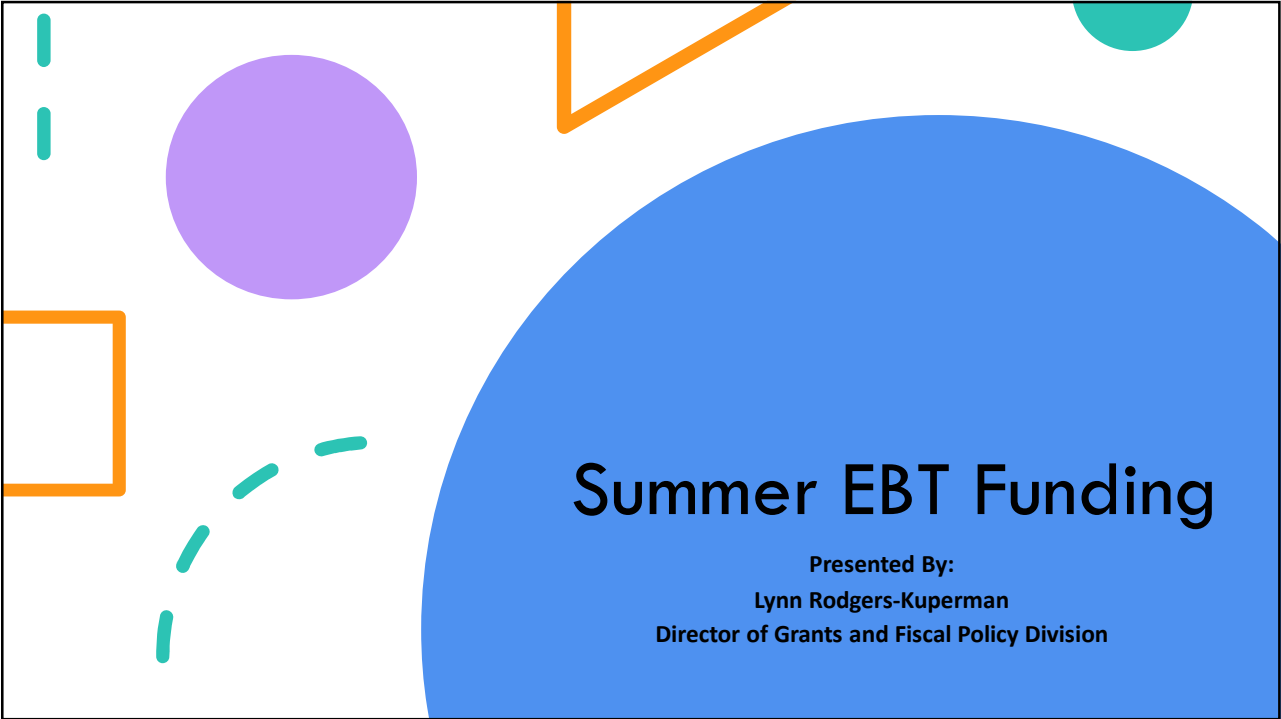
Food Benefits § 292.19

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.



Summer EBT Funding

Presented By:
Lynn Rodgers-Kuperman
Director of Grants and Fiscal Policy Division

Summer EBT Administrative Funding

- FNS is authorized to pay each Summer EBT agency an amount equal to **50 percent** of the administrative expenses incurred in operating the program up to their approved FNS-366A level.
- If more than one agency within a State is involved in the administration of Summer EBT, **both agencies may receive administrative grants.**
- Allowable administrative costs for Summer EBT administrative funds are to operate the Summer EBT at the State, ITO, and local levels.
- For additional details on Summer EBT administrative funding, see [SEBT 01-2023 Administrative Funding Process for FY2024](#)



Summer EBT Administrative Funding Requests

- Summer EBT agencies request funding through submission of the annual Plan for Operations and Management (i.e. POM) and accompanying FNS-366A Expenditure Plan.
 - Interim POM is due as soon as practicable in FY2024 (and by **August 15** for FY2025 and beyond) / Final POM is due by **February 15** each year.
- An approved POM and FNS-366A establish the Summer EBT agency's available administrative funding level for the fiscal year.
- Summer EBT agencies will have the opportunity to revise their FNS-366A throughout the operational year and increases for well-documented costs will be considered, subject to available funds.
- All administrative funds for Summer EBT are subject to a **50 percent** matching requirement.

Initial Administrative Funding (FY2024 ONLY)

- FNS will release an initial allocation of FY2024 Summer EBT administrative funds upon receipt of:
 - (1) a **notice of intent** to administer the program in 2024 and
 - (2) an **affirmative statement** indicating that funding has been identified and is available to the Summer EBT agency to meet the required 50 percent match.
- The FNS-366A, required as part of the interim or final POM, is **not** needed to draw funds against the initial allocation, but must be submitted and approved before any additional administrative funds will be released.
- Regional offices will inform each Summer EBT agency of the initial funding amount available to them upon request.

Summer EBT Matching Requirements

- Each Summer EBT agency in direct receipt of a Summer EBT administrative grant will be responsible for providing the required 50 percent match.
- The Summer EBT agency match may consist of project costs paid for with State or ITO funds.
- **Third party cash contributions are permissible.**
- **The value of goods contributed by third parties are permissible.**
- The value of volunteer services are **NOT** permissible.
- As a general rule, Federal funding may not be used to meet the match for another Federal program.
- Summer EBT matching requirements are laid out in the IFR at 7 CFR 292.20(e)

Other Key Details on Summer EBT Administrative Funding

- Summer EBT administrative funding grants will have a one-year period of performance, from October 1 to September 30 (including in FY2024).
- Summer EBT agencies may only draw 50 percent funding for expenses that have already been incurred.
- FY2024 Summer EBT administrative funds may be used to cover planning costs for FY2025 operations, but only after an FY2025 interim POM and FNS-366A have been approved.
- For FY 2024, the administrative funding grant award will be issued via an FNS-529 grants award document. In future years, the Federal-State agreement will replace the FNS-529 process for receiving Summer EBT administrative funds.
- Summer EBT is distinct from other FNS programs, therefore, Summer EBT agencies may not use Federal funds intended for other programs (e.g., SNAP, WIC, National School Lunch Program/School Breakfast Program, etc.) for Summer EBT expenses.
- As a reminder, Child Nutrition State administrative expense funds may not be used to support Summer EBT costs in FY 2024 and beyond.

Administrative Funds Reporting

- Summer EBT agencies will report their incurred administrative expenses on an FNS-778, Financial Status Report, on a quarterly basis.
- The FNS-778 will collect only Summer EBT expenses and will be separate from the FNS-778 submitted in connection with the SNAP program.
- This form is accessed and submitted using FNS' Food Program Reporting System (FPRS).



Summer EBT Benefit Funding

- Summer EBT benefit funds will be provided to State agencies and ITOs as a discrete grant award to cover 100 percent of issued Summer EBT benefits
- Benefit funds will be tracked and reporting on these funds will also occur separately from other FNS funding streams.
- For FY 2024, this grant award will be issued via an FNS-529 grants award document. In future years, the Federal-State agreement will replace the FNS-529 process for receiving Summer EBT benefit funds.
- While administrative funds may be received prior to approval of a final POM, a Summer EBT agency **may not draw down federal food benefit funds** until the final POM is approved.
- The estimated participation information in the approved POM will serve as the basis for the establish benefit funding level for the fiscal year

100%

Summer EBT Benefit Funding Process



Summer EBT Benefit Reporting

Summer EBT Benefit Funds Reporting Cycle

- FNS-388** Each month, State agencies are required to report to FNS the total amount of food benefits issued to participants for the current month, previous month, and second preceeding month, as well as participation data via a Summer EBT-specific instance of the FNS-388.
- FNS-46** Each month, State agencies are required to report final Summer EBT benefit issuances and returns for the report month via a Summer EBT-specific instance of the FNS-46.
- At the end of the fiscal year, the Summer EBT benefit grant is closed out by comparing the value of issuances reported on the FNS-46 with the amount of funds drawn from the State agency's Letter of Credit (LOC).

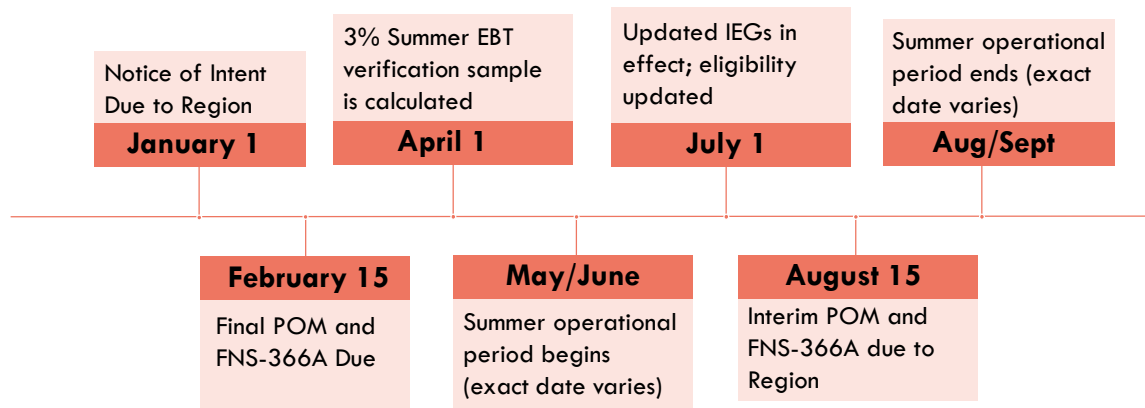


If an increase is anticipated in the number of Summer EBT participants, requests for additional Summer EBT benefit funds should be directed to their FNS Regional Office. These requests should be justified by FNS-388 data and additional student eligibility data. FNS will ensure that financial resources are available to issue benefits to all children eligible for the Summer EBT program.

Summer EBT: A Year in the Life



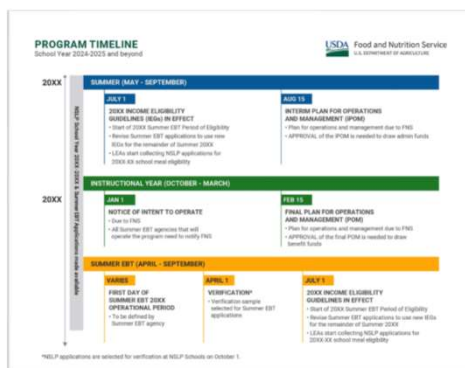
Key Deadlines



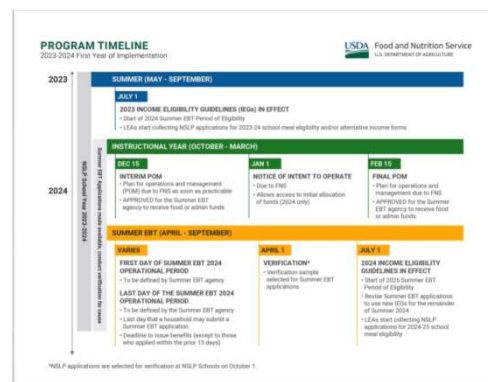
FNS-778 Due Dates

Quarter	Due Date
Q1: October 1 - December 31	January 31
Q2: January 1 - March 31	April 30
Q3: April 1 - June 30	July 31
Q4: July 1 - September 30	October 31

Timeline Guidance



<https://www.fns.usda.gov/sebt/implementing-agency/eligibility-certification-timeline>



Questions?

