



Food and
Nutrition
Service

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Park Office
Center

SUBJECT: Demonstration Project for Non-Congregate Feeding for Outdoor
Summer Meal Sites Experiencing Excessive Heat with Questions
& Answers¹

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TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Through this memorandum, pursuant to the authority of section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010 (PL 111-80), the Food and Nutrition Service (FNS) is continuing the 2018 demonstration project allowing non-congregate feeding at certain outdoor summer meal sites experiencing excessive heat for summer 2019, to develop and test alternative methods of providing access to summer meals for low-income children. Please review this guidance carefully, as some elements of the demonstration project, particularly data submission requirements, are different than in prior years. This memorandum also includes “frequently asked questions” regarding the administration of the demonstration project [Attachment A].

In 2018, 48 sponsors participated in the demonstration project. Collectively, approximately 67,227 meals were served under the demonstration authority, supporting the basis for the continuation of the demonstration project. Continuation of the demonstration project into summer 2019 will enable FNS to collect data on the effectiveness of allowing for non-congregate feeding in certain situations and analyze more fully the need for future program adjustments. Data collected from this demonstration will be used to evaluate the effect on summer meal participation when sponsors are permitted to maintain service to children who would otherwise lose access to meals when excessive heat makes impractical the operation of a congregate meal site lacking a temperature-controlled alternative site. It is crucial that State agencies and sponsors participating in the demonstration ensure they are able to submit the required data elements prior to implementing non-congregate feeding under this demonstration. Demonstration projects exist for the purpose of obtaining information for future policy decisions, and for this reason, USDA continues to strengthen the data collection aspect of this demonstration.

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memorandum as not a major rule, as defined by 5 U.S.C. § 804(2).

Under the demonstration project, Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) sponsors operating approved outdoor meal sites without temperature-controlled alternative sites may operate as non-congregate sites on days when the area is experiencing excessive heat.

Non-congregate meal service shall be permitted only on days when the National Weather Service (NWS) has issued a Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch for the area in which an approved outdoor meal site is located.

Applying for Participation in the Demonstration Project

State Agency Requirements:

In order to participate in summer 2019, State agencies must notify their FNS Regional Office (RO) of their intent to allow sponsors to serve meals under the demonstration project, in writing, by **June 28, 2019**. This request must include the names and total number of sponsors approved by the State agency to participate in the demonstration project. Participation in the demonstration project is contingent on the commitment of both the sponsor and the State agency to submit timely data as specified below. Only those State agencies that submit required data will be eligible for reimbursement for non-congregate meals under demonstration parameters. State agencies that had sponsors participate in the demonstration project in 2018, but did not submit the required data elements, may not be considered for participation in the demonstration in summer 2019.

Sponsor Requirements:

For summer 2019, sponsors located in States that are participating in the demonstration project must notify their State agency, in writing, of their interest in participating in the demonstration project in advance. In their request, the sponsors must identify outdoor congregate meal sites lacking temperature-controlled alternative sites that would be included in the demonstration project prior to initiating their summer program. Sponsors who have already applied or been approved to participate this summer may submit an addendum to the State agency. Sponsors must select sites that are viable options for successful SFSP/SSO participation under the congregate meal requirement on days when the area is not experiencing excessive heat. The demonstration project will simply allow maintenance of the meal service at those sites on days when excessive heat makes service of congregate meals impractical or dangerous. Outdoor sites with available temperature-controlled alternative sites will not be included in the demonstration project and should serve meals at the temperature-controlled alternative site if the area is experiencing excessive heat.

Exceptional Circumstances:

In prior years of this demonstration project, FNS reviewed requests based on exceptional circumstances other than excessive heat on a case-by-case basis. For summer 2019, FNS will continue to consider requests based on exceptional circumstances related to extreme

weather events or other circumstances that do not rise to the level of a disaster. For example, in recent years, excessive wildfire smoke has hindered SFSP operations by reducing visibility and air quality. Often the smoke from wildfires drifts into States not directly impacted by the wildfire. While wildfire would constitute a disaster, the subsequent wildfire smoke would be considered an exceptional circumstance. State agencies and sponsoring organizations that reasonably anticipate the need to participate in the demonstration project for an exceptional circumstance must send requests through the RO for advance approval by the FNS National Office prior to implementation. FNS recommends that requests be submitted as soon as possible once the State agency or sponsoring organization becomes aware of the need for the demonstration project to provide for seamless site operations during the actual event.

State agencies should work closely with the requesting sponsor to develop a complete and comprehensive request that describes the exceptional circumstances imposing a barrier to congregate feeding, justifies the need for the exception, and describes how the sponsor's operations will change and how eliminating the congregate feeding requirement will address the problem. The request also should identify the State agency's support for the request and plan for oversight of the demonstration and must describe the recordkeeping and documentation that will be used to demonstrate compliance with Program requirements. State agencies may also request statewide participation in a demonstration project for exceptional circumstance.

Participation Requirements

Approved outdoor sites must comply with the congregate meal requirements on all other days of operation. Requirements pertaining to the number and type of meals that may be served each day continue to apply and sponsors must continue to provide all required components of a reimbursable meal. Because meals served will be consumed offsite, sponsors should carefully consider all food safety issues and risks. Only one meal may be provided to each child present at the meal site for each meal service. Meals may not be provided to adults or given to children to bring to other children not present at the site. All meal counting, claiming, and State and sponsor monitoring and oversight requirements continue to apply.

Reporting Requirements

All meals served through the SFSP or SSO must be reported on the FNS-418 and FNS-10, regardless if they are served during routine operations or using this demonstration authority. In addition to the regular reporting on the FNS-418 and FNS-10, the authorizing legislation of these demonstration meals require additional data submissions. It is imperative that data from the demonstrations are timely reported to FNS.

FNS has updated the process and data elements that States and sponsors must provide when participating in the heat demonstrations. Please note that the process for reporting

Regional Directors

State Directors

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demonstration data is different than the regulatory reporting and claim submission timeline; therefore, please review the below carefully.

Sponsors

Sponsors that have sites that serve non-congregate meals under this demonstration must submit the following information for each site to their State agency within 10 days of non-congregate meal service:

- The specific dates on which participants were permitted to take meals offsite; and
- By meal type, the number of meals claimed that participants took offsite.

State agencies

By the 15th of each month, State agencies must report:

- The name and number of sponsor(s) who participated in the demonstration project;
- The name and address of site(s) that used the demonstration project;
- The total number of meals, by type, taken offsite, per site;
- The total number of meal service sessions that utilized this heat demonstration project, by meal type (e.g., 5 breakfasts, 8 lunches, etc.); and
- The number of calendar days on which at least one sponsor participating in the demonstration project permitted participants to take meals offsite.

States that participate in the Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat must report demonstration specific data directly to FNS. FNS will provide technical assistance related to the submission of these data to the State agencies that notify their Regional office of their intent to participate. Participation in future SFSP heat demonstration projects is contingent on full compliance with these reporting requirements.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Original Signed

Angela M. Kline

Director

Policy and Program Development Division

Child Nutrition Programs

Attachment

Questions and Answers

Reporting Requirements

1. Who is required to document the NWS Heat Advisory, Excessive Heat Warning, or Excessive Heat Watch for the days when non-congregate meal service takes place?

Sponsors must document the NWS Excessive Heat Advisory, Excessive Heat Warning, or Excessive Heat Watch by printing or obtaining an electronic copy of the NWS notice on the public website found at <http://www.weather.gov/> and maintain the records on file for review. Please note: This notice is only posted on this site on the day on which the area experienced extreme heat, so this must be documented on the day of extreme heat as it cannot be verified at a later date. Meals taken offsite may only be claimed on days for which documentation is maintained.

2. What information must the States report for purposes of evaluating the demonstration project?

By the 15th of each month, State agencies must report:

- The name and number of sponsor(s) who participated in the demonstration project;
- The name and address of site(s) that used the demonstration project;
- The total number of meals, by type, taken offsite, per site;
- The total number of meal service sessions that utilized this heat demonstration project, by meal type (e.g., 5 breakfasts, 8 lunches, etc.); and
- The number of calendar days on which at least one sponsor participating in the demonstration project permitted participants to take meals offsite.

3. How will the States submit this information to FNS?

FNS will provide technical assistance related to the submission of these data to the State agencies that notify their Regional office of their intent to participate.

Site Eligibility

4. Must State agencies create an additional application system for sponsors participating in the demonstration project?

Interested sponsors must notify their State agency of their intent to participate in the heat demonstration project in their application to participate and indicate which

individual site would be included on the site applications. Sponsors must identify those outdoor congregate meal sites lacking temperature-controlled alternative sites that would be included in the demonstration project. This notification should be included in the site application for participation this summer, where the sponsor must indicate their arrangements for food service during periods of inclement weather. An addendum may be submitted to the State agency by sponsors who have already applied or have been approved to participate this summer.

5. May a site that has an alternative meal site on days when the site experienced excessive heat participate in the demonstration project?

The intent of this demonstration project is to maintain service to children who would otherwise lose access to meals when excessive heat makes the operation of a congregate meal site impractical and the site lacks a temperature-controlled alternative site. Therefore, if the site has an alternative meal site, or other viable alternatives, the site cannot participate in this demonstration project.

6. May a State agency prohibit a sponsor from participating in the demonstration project?

State agencies may not deny a sponsor application based solely on the sponsor's intention to participate in the demonstration project. However, the State agency must ensure that the sponsor is otherwise eligible to participate in the SFSP or SSO and can adequately meet all program requirements when operating non-congregate meal service under the demonstration project.

7. May a State agency prohibit a site from participating in the demonstration project?

State agencies may deny participation in the demonstration project at an otherwise approved site based on concerns related to health, safety, and integrity related to non-congregate meals. We encourage State agencies to consult with their FNS Regional Office if they are considering denying a site's participation in the demonstration based on these concerns.

8. Are there additional health and safety requirements for sponsor and site supervisors participating in the demonstration project?

All State-sponsor agreements are required to include an agreement to store, prepare, and serve food and maintain proper sanitation and health standards in conformance with all applicable State and local standards. Therefore, sponsors participating in the demonstration project should prepare a food safety plan or alternate menu using non-perishable foods specifically for days when non-congregate meal service takes place, to ensure the meal service will be conducted safely.

Monitoring and Meal Service

9. Must site caps remain the same for days sites are participating in the demonstration project?

A site cap is established for all sites during the application and approval process. When evaluating a proposed food service site, the State agency must ensure that the site is approved to serve no more than the number of children for which its facilities are adequate and the capacity of the site/sponsor to prepare and/or distribute meals. Because these requirements do not change when congregate feeding is removed, existing site caps must remain, ensuring that only one meal per child is prepared and distributed. Participating sponsors should take caution when establishing site caps for sites participating in the demonstration project to prevent food waste and preserve the integrity of summer meal operations.

10. Must meal service times remain the same for days sites are participating in the demonstration project?

Yes. State agency approved meal times and duration must remain the same on days the area is experiencing excessive heat. Children regularly attending the site will expect the site to be open and the State monitors may have a scheduled visit that day.

11. Are sponsors and State agencies required to continue their monitoring duties on days the area is experiencing excessive heat?

Yes. Regardless of participation in the demonstration project, all sites are subject to the monitoring requirements outlined in Program regulations and guidance. Sponsor and State agency monitors should observe meal service on days when a site visit is scheduled to ensure Program requirements are met regardless of the weather conditions. Monitors are expected to ensure that sites conducting non-congregate meal services are complying with all other Program requirements and properly operating the non-congregate service (e.g., site is complying with food safety requirements, only one meal is being provided per child, etc.).

12. Are sponsors and State agencies required to specifically monitor on days the area is experiencing excessive heat?

Sponsors and State agencies are not required to specifically schedule site visits on a day the site is operating a non-congregate meal service. However, FNS strongly encourages site monitoring on excessive heat days to ensure that the demonstration project is properly operated. For sites that have provided non-congregate meals, monitors should compare meal counts for non-congregate days against days when congregate meal service takes place to ensure they are consistent with site caps and typical site participation and review documentation of NWS excessive heat notifications to ensure non-congregate service is only happening on eligible days.

13. On days when non-congregate meals are provided, are second meals reimbursable?

No. Sponsors may only claim one meal, per child, per meal service on days the area is experiencing excessive heat. Since food safety considerations make it likely that meals served on excessive heat days are shelf stable, sponsors should retain excess meals for use on another day.

14. On days when non-congregate meal service takes place, may a site provide a child with two meals, or a meal and a snack, at the same time so the first could be consumed now, and the other could be consumed later in the day?

No. Two approved meal services may not be condensed into one session on excessive heat days and only one meal may be provided to each child present at each meal service, to be claimed for reimbursement. Meals may not be provided to adults or given to children to bring to other children not present at the site.