United States Department of Agriculture

Food and Nutrition Service

Park Office Center

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Alexandria
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DATE: May 24, 2018

MEMO CODE: SP 14-2018, SFSP 04-2018

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

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 2017 demonstration project allowing non-congregate feeding at certain outdoor summer meal sites experiencing excessive heat for summer 2018, 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 2017, 48 sponsors participated in the demonstration project. Collectively, 43,821 meals were claimed under the demonstration authority, supporting the basis for the continuation of the demonstration project. Continuation of the demonstration project into summer 2018 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 is strengthening the data collection aspect of this demonstration.

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

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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 Responsibilities:

State agencies who would like to offer the Demonstration Project for Non-Congregate Feeding for Outdoor Summer Meal Sites Experiencing Excessive Heat to their sponsors must notify their FNS Regional Office (RO) in writing by **June 15, 2018**. 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 demonstration projects which submit required data will be eligible for reimbursement for non-congregate meals under demonstration parameters.

Sponsor Responsibilities:

For summer 2018, 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 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 has reviewed requests based on exceptional circumstances other than excessive heat on a case-by-case basis. For summer 2018, FNS will continue to consider requests based on exceptional circumstances related to extreme weather events, such as wildfires, flooding, etc. State agencies and sponsoring organizations must send requests through the RO for advance approval by the FNS National Office (an advanced notice of intent to participate is not required). 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

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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.

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.

Sponsors electing to participate in the demonstration project must submit with their claims for reimbursement the following information to the State agency:

- The specific dates on which participants were permitted to take meals offsite; and
- The number of meals claimed that were taken offsite by participants.

As in prior years, States are required to submit certain data elements under Part 34 of the FNS-418, *Report of the Summer Food Service Program for Children*, and Part 18 of the FNS-10, *Report of School Program Operations.* For summer 2018, FNS has updated the data elements that States must provide, under the title "Non-Congregate Feeding Demonstration:"

- The name and number of sponsors approved by the State agency to participate in the demonstration project;
- The name and number of sponsors who participated in demonstration project;
- The number of sites which used the demonstration project and the number of meals taken offsite, per site;
- The total number of meal service sessions that utilized this heat demonstration project, by meal type;
- The number of calendar days on which at least one sponsor participating in the demonstration project permitted participants to take meals offsite;
- The total number of meals claimed that sponsors permitted participants to take offsite.

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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.



Angela Kline
Director
Policy and Program Development Division
Child Nutrition Programs

Attachment

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Attachment A

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 web 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?

States must report with their claim for reimbursement, under the title "Non-Congregate Feeding Demonstration:"

1. The name and number of sponsors approved by the State agency to participate in the demonstration project;
2. The name and number of sponsors who participated in demonstration project;
3. The number of sites which used the demonstration project and the number of meals taken offsite, per site;
4. The total number of meal service sessions that utilized this heat demonstration project, by meal type;
5. The number of calendar days on which at least one sponsor participating in the demonstration project permitted participants to take meals offsite;
6. The total number of meals claimed that sponsors permitted participants to take offsite.

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

States must submit this information under Part 34 of the FNS-418, *Report of the Summer Food Service Program for Children,* and/or Part 18 of the FNS-10, *Report of School Program Operations.*

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 demonstration project in their application to participate and indicate which individual

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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 by 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 sponsor'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.

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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.

However, because it is sometimes difficult for a State agency, sponsor, or site to accurately assess capability and participation of a site throughout the summer, trends in participation can be reassessed, and caps may be adjusted and approved by the State agency as necessary.

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

Meal times may not be shortened or extended on days the area is experiencing excessive heat. The meal time approved by the State for each site must remain the same on those days. 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

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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 at a later time in the day?

While extra food may be provided to participating children, requirements pertaining to the number and type of meals that may be served and claimed each day as established by 7 CFR §225.16(b) continue to apply. As stated in *Monitoring and Meal Service* - Q 10, above, meal times, locations, and length of meal service must be operated as approved in the site agreement. Therefore, 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. Meals may not be provided to adults or given to children to bring to other children not present at the site.

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