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United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA
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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, the Food and Nutrition Service (FNS) is extending the 2014 demonstration project allowing service of non-congregate meals at certain outdoor summer meal sites experiencing excessive heat to summers 2015 and 2016. The demonstration project utilizes authority provided in Section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010 (PL 111-80) to develop and test alternative methods of providing access to summer meals for low income children.

In 2014, 60 sites nationwide participated in the demonstration project as a result of excessive heat in the area, ensuring the availability of summer meals to eligible children despite weather challenges. Extension of the demonstration project during summers 2015 and 2016 will enable FNS to analyze more fully the need for future program adjustments.

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. This memorandum also includes "frequently asked questions" regarding the administration of the demonstration project [**Attachment A**].

Under this demonstration project, 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. This demonstration project will 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. FNS also may extend this demonstration project to other situations where exceptional circumstances make service of congregate meals at approved meal sites impractical.

Applying for Participation in the Demonstration Project

For summers 2015 and 2016, interested sponsors must notify their State agency of their intent to participate in the demonstration project and must identify those outdoor congregate meal sites lacking temperature-controlled alternative sites that would be included in the demonstration project prior to initiating their summer program. 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. 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 when the area is experiencing excessive heat.

Requests based on exceptional circumstances other than excessive heat will be considered on a case-by-case basis and must be sent through the FNS Regional Office (RO) for advance approval by the FNS National Office. State agencies should submit requests at least 60 calendar days before the start of program operations. 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 sponsors' 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.

Sponsors must be otherwise eligible to participate in SFSP or SSO and properly approved by the State agency in order to participate in the demonstration project. However, State agencies may not deny a sponsor application based solely on the sponsor's intention to participate in the demonstration project.

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 off site, 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 other children to take to 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 monthly claims for reimbursement the following information:

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

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,* States must, under the title 'Non-Congregate Feeding Demonstration," indicate:

- The number of sponsors electing to participate in the demonstration project and the number of sites affected;
- The total number of days on which at least one sponsor participating in the demonstration project permitted participants to take meals off site; and
- The total number of meals claimed that sponsors permitted participants to take off site.

State agencies are reminded to distribute this information to SFSP/SSO operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agency contact information is available at http://www.fns.usda.gov/cnd/Contacts/StateDirectory.htm. State agencies should direct questions to the appropriate FNS RO.

Angela Kline
Director Policy and Program Develop Division
Child Nutrition Programs

Attachment

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 and maintain the records on file for review. Meals taken offsite may only be claimed on days for which documentation is maintained. Sponsors must print or obtain an electronic copy of the NWS notice on the public web found at http://www.weather.gov/ on the day the Excessive Heat Advisory, Excessive Heat Warning, or Excessive Heat Watch is issued. Please be aware, this notice is only posted on this site on the day on which the area experienced extreme heat, so if this is not documented on the day of extreme heat, it cannot be verified later.

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

   States must report monthly, under the title 'Non-Congregate Feeding Demonstration":
   a. The number of sponsors electing to participate in the demonstration project;
   b. The number of sites under the participating sponsors included in the demonstration project;
   c. The total number of days on which at least one sponsor participating in the demonstration project permitted participants to take meals off site; and
   d. The total number of meals claimed that sponsors permitted participants to take off site.

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 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 individual 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 previously had 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 lacking a temperature-controlled alternative site impractical. 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 RO 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.

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 (i.e., 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 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 2, 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 other children to take to children not present at the site.

Exceptional Circumstance Demonstration Project Extension

15. What exceptional circumstances would FNS approve under this demonstration project?

The exceptional circumstances submitted to FNS by State agencies for consideration must be situations which make congregate meals not viable or unsafe. Circumstances based solely on inconvenience or a sponsor's difficulty administering congregate meals will not be considered.

16. Are there specific criteria FNS will use to evaluate exceptional circumstance requests?

The criteria required for these requests will largely depend on the situation causing the need for the request. States are encouraged to contact the appropriate FNS RO for assistance when preparing a request. Generally, the information submitted should clearly describe the problem, justify the need for the exception, and describe how the sponsors' operations will change and how eliminating the congregate meal requirement will address the problem. The request also should identify the State's support for the request and plan for oversight of the demonstration. The State's request must describe the record keeping and documentation that will be used to demonstrate compliance with Program requirements. FNS will request additional information from the State agency if necessary.

17. What records and documentation are required for sponsors and State agencies participating under approved exceptional circumstance requests?

FNS will provide guidance on this requirement on a case-by-case basis, once a request for participation in a demonstration project based on exceptional circumstances is approved.

18. Must the State agency report and separately identify sponsors participating under the demonstration project for excessive heat versus those participating for exceptional circumstances?

FNS will provide guidance on this requirement on a case-by-case basis, once a request for participation in a demonstration project based on exceptional circumstances is approved.