

DATE: February 14, 2024

MEMO CODE: SFSP 06-2024

SUBJECT: Interim Final Rule: State agency Monitoring in the Summer Food Service Program

TO: Regional Directors, Child Nutrition Programs, All Regions
State Directors, Child Nutrition Programs, All States

The Consolidated Appropriations Act, 2023 (the Act) (P.L. 117-328) signed December 29, 2022, included significant policy changes for Child Nutrition programming, including the authorization of a permanent, rural non-congregate meal service through the Summer Food Service Program (SFSP). Per direction from Congress in the Act, on December 29, 2023, FNS published an interim final rule (IFR) titled, *[Establishing the Summer EBT Program and Rural Non-congregate Option in the Summer Meal Programs](#)*. This rulemaking, effective December 29, 2023, codified the permanent rural non-congregate summer meal service for SFSP. The interim final rule amends and updates Program regulations at 7 CFR 225 to include congregate and non-congregate SFSP sites and meal service models. The purpose of this memorandum is to clarify the new criteria States must consider when determining which SFSP sites require pre-approval visits. The IFR requires State agencies to develop a process to determine which sites need pre-approval visits and must consider sites that are new to non-congregate. States are **not required** to visit each site that is new to operating non-congregate meal service.

SFSP Pre-Approval Visits

Long-standing regulations at 7 CFR 225.7(d) require State agencies to conduct pre-approval visits of certain SFSP sponsors and sites including 1) sponsors who did not participate in the

program in the prior year; 2) applicant sponsors that had operational problems noted in the prior year; and 3) all sites that the State agency has determined need a pre-approval visit.

The IFR adds the new requirement that State agencies must establish a process for determining which SFSP sites to visit using criteria identified by FNS. Characteristics States must consider when developing their selection process include:

- Sites that did not participate in the program in the prior year;
- Existing sites new to non-congregate meal service; and
- Existing sites that exhibited operational problems in the prior year.

These criteria must be considered by States in developing the process for selecting proposed sites for pre-approval visits. This does not mean that States must conduct a pre-approval visit for all sites meeting the criteria above. States continue to have discretion when selecting SFSP sites for pre-approval visits and should focus staff resources on proposed sites most at-risk for operational challenges.

Site Selection

In developing a plan to determine which SFSP sites need pre-approval visits, along with considering the characteristics prescribed by FNS, State agencies should prioritize their pre-approval visits to make best use of staff resources and discover potential challenges with proposed sites.

When planning pre-approval visits, States should consider the following for sites that did not operate in the previous year:

- Does the site information sheet provide adequate and credible details describing the proposed meal service operation?
- Has the site operated the SFSP previously? If so, how long ago?
- Have the site staff and supervisors listed on the site information sheet operated the program before?

Consider the following for sites proposing to operate non-congregate meal service options:

- Is the site switching its meal service type from congregate to non-congregate or adding non-congregate meal service?
- What type of non-congregate meal service model is the site proposing to serve? I.e., single meal, multi-day meal issuance, bulk meal issuance?
- Will the site operate a non-congregate home delivery meal model?
 - If so, is the proper hot/cold storage equipment in the delivery vehicle?
 - How many children are they planning to serve on one route?
 - How will the site securely maintain personally identifiable information of each eligible child?
 - The site should store route sheets electronically with only the first name of the child and address.
- Does the State have reason to believe the site will have problems operating non-congregate service?

The following red flags might trigger a preapproval visit:

- The sponsor's management plan indicates that it will employ only a small number of site staff while planning to serve numerous children at multiple sites. The State agency may want to prioritize pre-approval visits to these sites to ensure adequate staffing levels for the proposed number of children to be served.

- Missing/incomplete items on the site information sheet such as failing to identify the method of non-congregate meal distribution.
- Existing sites that exhibited operational problems in the prior year:
 - For example, a site that distributed meals to ineligible participants (such as adults) and claimed those meals for reimbursement.
 - Sites under sponsors that received frequent technical assistance from the State agency.

Off-site Flexibilities

State agencies have the discretion to utilize various virtual technologies to confirm the existence of sites and viability of their operations. By verifying addresses and physical locations of potential sites virtually, State agency staff can focus on conducting pre-approval visits of sites that could potentially pose risks to the overall integrity of the Program, such as those who have applied to participate but do not have the proper facilities to operate. State agencies may also request to review some documentation virtually such as health grades, and previous reviews of sites conducted by sponsors.

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

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