



Interim Final Rule Summary for the Summer EBT Program

The permanent, nationwide Summer Electronic Benefit Transfer (Summer EBT) Program is set to begin in summer 2024. On December 29, 2023, the U.S. Department of Agriculture (USDA) released their [Interim Final Rule \(IFR\)](#) outlining program requirements and processes. Below is a summary of the IFR. USDA is accepting comments on the IFR on or before April 29, 2024.

Designates Summer EBT Agencies

- Every state, territory, or Indian Tribal Organization (ITO) must choose a lead agency to administer the program; this agency will be known as the Summer EBT agency. If additional agencies are involved in running the program, the lead agency will be known as the coordinating Summer EBT agency, and all others are partnering Summer EBT agencies.
- The coordinating Summer EBT agency is the main point of contact for USDA; should be included in all communications between USDA and Summer EBT partnering agencies; and oversees submission of plans in a timely manner.

Defines Participant Eligibility

- Eligible children include:
 - school-age, defined as the ages in which children are compelled to attend school¹, and categorically eligible² for free or reduced-price school meals; or
 - enrolled in a school operating the National School Lunch Program (NSLP) or School Breakfast Program (SBP), and are:
 - categorically eligible;
 - receiving free or reduced-price school meals after being certified through a school meals application;
 - otherwise determined eligible to receive free or reduced-price meals; or
 - determined eligible through a Summer EBT application.
 - enrolled in a Special Provision School³ and are:
 - categorically eligible;
 - determined to meet the eligibility requirements to receive free or reduced-price meals through a school meals application; or
 - determined eligible through a Summer EBT application.
- Eligibility can be established at any time during the prior school year (which starts on July 1) through the last day of the current summer operational period⁴. Students deemed eligible during the summer operational period receive benefits for the entire summer period.
- For more information on eligibility, see [FRAC's Guide to Summer EBT Eligibility](#).

¹ This is determined by individual state or ITO law.

² Children in households participating in the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families, the Food Distribution Program on Indian Reservations, and in some states Medicaid, as well as children who are homeless, migrant, in foster care, or participating in Head Start are "categorically eligible" (automatically eligible) for free school meals and can be certified without submitting a school meal application.

³ A special provision school is defined as a school where all students receive free meals through the Community Eligibility Provision or Provision 2 or 3.

⁴ The summer operational period is the benefit period that starts when classes end for the summer break and ends with the start of classes for the next school year. This period is determined by the Summer EBT agency in each state or ITO and approved by USDA.

Outlines Summer EBT Agencies Requirements

- *Plan for Operations and Management (POM)*
 - A state's POM must include plans on how the state or ITO will structure the program; an administrative budget; a copy of written agreements detailing the roles and responsibilities of each agency; plans for cooperation between state-administered and ITO-administered programs; participation estimates; enrollment processes and issuance processes; program integrity; and plans for customer service and support.
 - POMs must be submitted by February 15 of each year.
 - States can also submit an interim POM to USDA by August 15 of each year, which allows them to begin receiving federal administrative funding for Summer EBT before February 15.
 - USDA must respond to all final or interim POMs within 30 calendar days of submission and will work with states that submit POMs to develop plans beyond the stated deadlines, as needed, especially in the initial years of implementation.
- *Customer Service Plans*
 - All POMs must include a plan for customer service and establish that states must have a single point of contact for customer service inquiries, including a telephone hotline and a website dedicated to Summer EBT.
 - States are also required to notify children who are streamline-certified (those who will automatically receive benefits) that they will be receiving Summer EBT automatically and do not need to apply.
- *Coordination Between State Summer EBT Agencies and Indian Tribal Organizations*
 - The ITO is the default administering agency for students within that agency's administering area. Families may opt to receive benefits from the state administering agency instead and must be provided with a pathway to do so. Once a student receives benefits from either the state or the ITO, they must receive benefits from that agency for the entire summer operational period.
 - If a state and an ITO have overlapping geographic areas, there must be a written agreement between the agencies on how they will coordinate the Summer EBT Program, including the timely transfer of information and data between agencies (particularly in the case of the state transferring student data to the ITO) and the prevention of dual participation.
- *State Systems Advance Planning Document Process*
 - USDA acknowledges that states and ITOs will most likely need to create a new eligibility system or modify an existing one to implement Summer EBT, particularly child nutrition agencies. They recognize that to do so through the Advance Planning Document (APD) process⁵ would take too much time. Therefore, the APD will only apply to EBT systems and those Summer EBT systems that are already subject to the APD process.
- *Enrolling Eligible Children*
 - Most eligible children must be automatically enrolled and issued Summer EBT benefits, and these children do not need to be matched with a school record if the child is of school age during the eligibility period.

⁵ The Handbook 901 Advance Planning Document (APD) process is a series of successive steps through which SNAP and WIC State agencies obtain prior federal approval of and federal financial participation (FFP) in automation projects supporting FNS programs. This generally includes all eligibility system and Electronic Benefit Transfer (EBT) projects.

- *Database for NSLP/SBP Enrollment*
 - Summer EBT agencies must create and maintain a state- or ITO-wide database of children who are enrolled in NSLP- or SBP-participating schools by 2025. The rule allows states to repurpose an existing database with similar data for Summer EBT. For states that must create one, USDA is exploring funding sources that can help cover the initial investment and will provide technical assistance and support.
 - The database must include the following fields at a minimum: name, date of birth, school or school district, mailing address, free/reduced-price meal eligibility determination, and any other pertinent information for distributing benefits. This data must remain confidential and used only for the purposes of the Summer EBT Program, or to provide other social service benefits to eligible children.

- *Streamlined Certification*
 - The new term “streamline certification” defines the Summer EBT Program process of automatically issuing benefits to eligible children without confirmation of school enrollment data.
 - States must create a streamlined certification process. If a state wants to utilize programs in addition to Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families, or Food Distribution Program on Indian Reservations, for streamlined certification (such as Medicaid), they must include that in their POM and justify how the eligibility standards and certification processes of that program demonstrate that participating children meet school meal eligibility standards.
 - “School age” is defined as those children that fall within their state’s [compulsory age range](#).

Applications

- For summer 2024 only, states may require school districts to process Summer EBT applications, but any costs that can be attributed to processing these applications must be fully reimbursed by the state. Additionally, states can utilize alternative applications that do not meet the requirements of Summer EBT applications to enroll students in the program for summer 2024 only.
- For benefits provided for summer 2025 and beyond, states may not delegate the responsibility of processing applications to school districts but may enter a formal contract with school districts to do so.
- States must also have a statewide Summer EBT application available for 2025, and these applications must meet the standards listed below:
 - Use an understandable format and easy to understand language.
 - Require income received and by each household member and the source of that income.
 - Require names of all household members, including children.
 - Contain space for categorical eligibility status and/or existing case numbers associated with participation in other federal programs.
 - Signed by adult member of the household.
 - Require name of school where child(ren) is/are enrolled.
 - Contain space for household mailing address.
 - Contain the use of information statement, categorical eligibility statement, and information disclosure statement.
 - Contain space for the adult household member signing the form to attest that the information is true and accurate.
 - Contain the USDA nondiscrimination statement.

- Contain space for optional collection of information on race and ethnicity of applicants.
- A social security number is not required for Summer EBT applications, and states cannot require verification documentation upon application.

Verification

- For summer 2024, Summer EBT applications will undergo only verification for cause⁶.
- For summer 2025 benefits and beyond, Summer EBT applications will be verified in the same manner as NSLP/SBP applications as opposed to upfront verification. This means that after the initial certification of applications, 3 percent of applications chosen at random must be verified. Those selected for verification may not receive their benefits until the process is complete and household eligibility is confirmed. The 3 percent sample is based on the number of approved applications on file as of April 1 immediately preceding the summer operational period. All applications will also be subject to verification for cause.
- Applications received after April 1 will be subject to verification for cause, and households should not be prevented from applying at any point during the period of eligibility.
- States are encouraged to utilize rolling verification, which involves selecting more than one sample as applications are submitted. This method can allow households chosen for verification more time to comply with requests, as well as give the state more time to review the information submitted and make a determination.
- Any household that does not respond to a request will lose their benefits regardless of eligibility and will be required to submit documentation in subsequent years to re-attain benefits.
- Summer EBT agencies must attempt direct verification with documentation from eligible programs used for streamline certification, as well as other state administrative data. If an application cannot be confirmed through direct verification, the household must be notified in writing that their application was chosen for verification. Households must be contacted at least twice and at least one week apart.

Notification of Eligibility, Denial, Appeal Rights, and the Ability to Opt Out

- States must notify a household of a child's eligibility status. Those who can be streamline-certified must be notified, in writing that their child(ren) is/are eligible for Summer EBT without application.
- States need to develop a process where those deemed eligible can see that they are eligible and can choose to opt out of the program. Households that opted out may contact their Summer EBT agency at any time before the end of the summer operational period to request reenrollment.
- Those that must fill out an application must be given an eligibility determination within 15 operational days of receiving a completed application.
- All denials must be communicated to the household in writing and include the reason for denial, notification of the household's right to appeal, and a reminder they can reapply at any time.

⁶ Verification for cause is triggered when the verifying agency is aware of additional income of the household applying or the application is questionable or contradictory.

Issuance and Use of Summer EBT Benefits

- *Benefit Issuance*
 - Benefits must be issued and available to children at least seven and no more than 14 calendar days before the start of the summer operational period. This requirement is flexible for applications that are being verified or submitted later. If benefits are issued after the summer operation period ends, states must submit to USDA a corrective action plan that explains why it happened and how they will fix it in the following year.
 - The Summer EBT agency is designated as responsible for assisting children experiencing homelessness or in foster care in obtaining their benefits.
- *Dual Participation*
 - Children participating in a state or ITO program cannot also receive benefits through the other. States must develop a system to ensure dual participation does not occur.
- *Benefit Amount*
 - The monthly Summer EBT benefit is \$40 in 2024 and will be adjusted annually starting in 2025 to reflect changes in the Thrifty Food Plan.
 - The summer operational period is three months, and all eligible children will receive a \$120 benefit in 2024. Adjustments to the benefit amount will be made in Alaska, Hawaii, and the territories to account for increased food costs, but the benefit level has not been announced yet⁷.
- *Participant Support*
 - States need to provide clear communications as to what Summer EBT is, how it differs from Pandemic EBT, and who must apply. They must also notify families when benefits will be made available and when they will be removed from their EBT card (expunged) if unspent.
 - The following information must be provided to all households: where benefits can be used, what foods are eligible for purchase, unallowable uses of benefits and penalties for misuse, use of security Personal Identification Numbers (PINs), how families may access customer service supports during non-business hours, the eligibility criteria for benefits, and disclosure information regarding adjustments and a household's rights to notice, fair hearings, and provisional credits.
 - States must make replacement EBT benefits available to households when the household reports food purchased with Summer EBT benefits was destroyed in a household misfortune or disaster.
- *Expungement*
 - States are required to remove Summer EBT benefits from their cards after four months, or 122 calendar days, of issuance⁸. Once removed, the benefits cannot be reinstated. Summer EBT agencies must notify families no less than 30 days before expungement occurs. Summer EBT benefits must be drawn down first before SNAP benefits.

⁷ These amounts have not been released as of January 4, 2023.

⁸ According to the Plan of Operations and Management Template, benefits are 'issued' when they are loaded onto EBT accounts and available for the participant to spend.

General Administrative Requirements

- *Benefit Funds*
 - Benefits dollars will be sent to the state in the form of a grant, as it will allow states to track Summer EBT funds separately from SNAP benefits, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits, or other benefit types.
- *State Administrative Funds*
 - *General*
 - USDA will cover 50 percent of all administrative expenses incurred by the states in operating the program. The state match must be paid for with non-federal funds. Each agency may include an administrative funding request to eliminate the need to transfer funds between agencies.
 - States may use the following to cover their 50 percent match:
 - project costs financed with cash contributed or donated to the Summer EBT, and
 - project costs represented by services and real or personal property donated to the state (i.e., in kind contributions).
 - To address states concerns about the state administrative match requirement, USDA is allowing states that are not implementing Summer EBT in summer 2024 a planning year where they can draw down administrative dollars in 2024 to set up systems for Summer EBT to distribute benefits in 2025. This means that states can receive a 50 percent match of administrative dollars this year without having to disburse benefits dollars. States that choose this option are required to distribute benefits in 2025.
 - *Methods of Payment*
 - Payment for the administrative funds will be through a letter of credit that allows a Summer EBT agency to draw funds from the U.S. Department of Treasury.
 - *Performance Criteria*
 - States are required to meet performance benchmarks. If they do not meet them, they must submit a continuous improvement plan, and USDA will provide technical assistance to improve the state's performance. The four criteria are:
 - percentage of children eligible for Summer EBT benefits who participated by using their benefits at least once;
 - percentage of Summer EBT benefits that are erroneously issued to children not eligible for Summer EBT, or erroneously not issued to children who are eligible;
 - percentage of children issued benefits who receive their first issuance before the start of the summer operational period; and
 - percentage of eligible children who can be identified through streamlined certification who are enrolled without further application.
 - *Records and Reports*
 - States and school districts must keep their records for three years after submitting their fiscal year certification data.

Audits and Management Control Evaluations

- *Hearing Procedure for Families and Summer EBT Agencies*
 - Summer EBT agencies must establish a hearing procedure for households to appeal decisions made on eligibility.

- *Claims*
 - Summer EBT agencies are responsible for erroneous payments and must, to the maximum extent possible, limit claims against households to situations where there is evidence that the household knowingly obtained benefits through fraudulent activities. In addition, Summer EBT agencies may not reclaim Summer EBT benefits by reducing a household's SNAP or WIC benefits.
 - Summer EBT agencies are required to develop a process to allow households to submit a claim for benefits that were not issued or issued in the incorrect amount.