



Food and  
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Service

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**DATE:** July 31, 2023

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**SUBJECT:** Summer EBT Eligibility, Certification, and Verification

**TO:** Regional Directors  
Child Nutrition  
Supplemental Nutrition & Safety Programs  
SNAP  
All Regions

State Directors  
Child Nutrition Programs  
SNAP  
All States and Territories  
Indian Tribal Organizations  
WIC State Agencies

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<b>Summary:</b>	The Consolidated Appropriations Act, 2023 (P.L 117-328) authorized a permanent, nationwide Summer Electronic Benefit Transfer (Summer EBT) Program beginning in 2024. This memorandum: (1) provides information to assist States, ITOs, and Territories in preparing to implement Summer EBT in 2024; (2) applies to States, ITOs, and Territories that elect to administer the Summer EBT Program and administering agencies therein; and (3) relates to requirements under section 13A of the Richard B. Russell National School Lunch Act (NSLA) [42 U.S.C. 1762].

The Consolidated Appropriations Act, 2023 (P.L 117-328) (the Act) authorized a permanent, nationwide Summer Electronic Benefit Transfer (Summer EBT) Program beginning in 2024. The Act requires FNS to promulgate interim regulations within a year of the Act’s enactment. FNS is aware that States, Territories, and covered Indian Tribal Organizations (ITOs) are already beginning to plan for Summer EBT and need certain information before the rule is published. This memo applies to States, Territories, and

ITOs, and explains how to identify, certify, and verify eligible children as described in the Richard B. Russell National School Lunch Act (NSLA), as amended by the Act, and will be codified in an Interim Final Rule (IFR).<sup>1</sup>

## Eligibility

Summer EBT is intended to reduce hunger and food insecurity for children who lose access to free and reduced price meals through the National School Lunch Program (NSLP) and School Breakfast Program (SBP) during the summer when school is not in session. Eligibility for Summer EBT may be established in several ways. Per Sec. 13A of the NSLA, children eligible for Summer EBT include children who in the instructional year immediately preceding the summer or during the summer operational period:

- Attend an NSLP/SBP-participating school, and have been certified as eligible for free or reduced price school meals through an NSLP/SBP application or direct certification;
- Attend an NSLP/SBP-participating special provision school (CEP or Provision 2 or 3) and are directly certified, or categorically eligible;
- Attend an NSLP/SBP-participating school, but are not already certified either by application or direct certification, and are otherwise certified by a Summer EBT application. This includes children attending a special provision school and/or children who were not certified as eligible for free and reduced price during the preceding instructional year;
- Do not attend an NSLP/SBP-participating school but are able to be directly certified.<sup>2</sup>

Households may establish eligibility for Summer EBT at any point between the start of the immediately preceding instructional year through the last day of the summer operational period. The summer operational period will be defined by the Summer EBT agency,<sup>3</sup> and will generally reflect the period between the end of classes during the prior school year and the start of classes for the next school year. For example, for Summer 2024, a child that meets the eligibility criteria listed above anytime during School Year 2023-2024 through the summer operational period in 2024, is eligible for benefits. This includes the children who do not attend NSLP/SBP-participating schools, but are able to

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<sup>1</sup> An Interim Final Rule becomes effective immediately upon publication, which is different than the typical Proposed to Final rule progression. An IFR is warranted in this situation because the statute required regulations to be promulgated within one year, which was not enough time to do both a proposed and final rule. However, public comments will still be accepted on the IFR, and will be used when publishing the Final rule.

<sup>2</sup> Section 13A(f)(4)(A) and the Act's definition of an eligible child at Section 13A(h)(2)(A)(iii) uses the phrase "able to be directly certified." Through the IFR, direct certification of eligible children will be defined in a streamlined manner consistent with Program purposes and Summer EBT agency capacity.

<sup>3</sup> For more information on Summer EBT agency roles please refer to SEBT 01-2023, [Initial Guidance for State Implementation of Summer EBT in 2024](#), June 7, 2023; SEBT 02-2023, [Initial Guidance for Implementation of Summer EBT in 2024 by Indian Tribal Organizations Administering WIC](#), June 13, 2023.

be directly certified. Children who are certified as eligible for Summer EBT during the summer will be issued the full summer benefit.

## **Applications, Certification, and Verification**

FNS recognizes that Summer EBT agencies need ample planning time to establish certification and verification processes for Summer EBT. Per Section 13A(c)(2) of the NSLA, ITOs will need to meet the requirements of this section to the maximum extent practicable.

### *Applications*

Children who attend a standard counting and claiming NSLP and SBP school may be determined eligible for Summer EBT through the existing NSLP application process, direct certification, or a Summer EBT application. Summer EBT agencies will need to make a Summer EBT application available to children attending an NSLP and/or SBP school who have not been certified as eligible for free or reduced price school meals through a school meals application, categorical eligibility, or direct certification, or who become eligible during the summer operational period. During summer 2024, FNS encourages (but will not require) States and ITOs to make a State-wide or ITO-wide Summer EBT application available and will allow alternative income applications as discussed below. The requirement for a State-wide or ITO-wide Summer EBT application will be implemented through the forthcoming Summer EBT interim final rule (IFR), expected in December 2023, and will not be in effect for Summer 2024.

Summer EBT applications should:

- Be in an understandable and uniform format and to the maximum extent practicable, in a language that parents and guardians can understand [7 CFR 245.6(a)(2)];
- Require the income received by each household member identified by source of income [7 CFR 245.6(a)(5)];
- Require applicants to provide the names of all household members for whom application is made, including children [7 CFR 245.6(a)(6)];
- Contain space for applicants to indicate a categorical eligibility status or provide existing case numbers associated with participation in other Federal programs (SNAP, TANF, FDPIR, etc.) [7 CFR 245.6(a)(6)];
- Be signed by an adult member of the household [7 CFR 245.6(a)(7)];
- Contain the use of information statement, categorical eligibility statement, and information disclosure statement [7 CFR 245.6(a)(8)];
- Contain space for the adult household member signing the form to attest that the information is true and accurate [7 CFR 245.6(a)(9)];
- Contain the USDA nondiscrimination statement [FNS instruction 113-1]; and
- Contain space for optional collection of information on race and ethnicity of applicants [FNS instruction 113-1].

During Summer 2024, to provide administrative flexibility, alternative income applications that are currently used in some special provision schools may be used to confer eligibility if they allow a Summer EBT agency to determine whether the household is at or below NSLP/SBP reduced price income threshold. States, ITOs, and LEAs may use their alternative income applications for Summer EBT in 2024 or make a Summer EBT application available for children, which could be the USDA prototype<sup>4</sup> application. This flexibility to use alternative income applications for 2024 recognizes the need for additional time to develop State-wide and ITO-wide applications. Summer EBT applications may include information about other potential benefits in an effort to provide streamlined customer service to connect eligible families to services, such as SNAP, TANF, Medicaid, or State-funded assistance programs for low-income families.

### *Verification*

Verification of applications for both State and ITO-administered programs will be used to ensure program integrity. The Summer EBT verification process is intended to align with the typical Child Nutrition Program approach of requiring verification on a subset of applications, as outlined below.

- NSLP applications submitted for children attending regular counting and claiming schools will result in eligibility for Summer EBT benefits and will be subject to normal NSLP verification processes.
- Provision 2 or 3 schools that are in their base year prior to Summer 2024 will collect standard NSLP applications and conduct verification in their base year, per requirements at 7 CFR 245.9(b)(5) and 7 CFR 245.9(d)(7).
- Through the IFR, Summer EBT applications (or alternative income applications for Summer 2024) submitted for children enrolled in CEP, or Provision 2 or 3 schools that are not in their base year prior to Summer 2024, will be subject to verification for cause similar to 7 CFR 245.6a(c)(7).

Additional verification requirements for Summer EBT applications, CEP, and Provision 2 and 3 schools beginning in 2025 will be defined in the Summer EBT IFR. Procedures for when a child is determined ineligible for Summer EBT benefits as a result of verification will also be established in the Summer EBT IFR.

### *Civil Rights Statement*

Regulations at 7 CFR 15.4(a)(1) require that Federal and State applications "contain or *be accompanied by* a [Civil Rights] statement." [*emphasis added*]. In general, the Summer EBT agency must ensure this requirement is met when making Summer EBT applications available. FNS recognizes that alternative applications that are already in use when this memo publishes will likely not have the Civil Rights statement included. In order to inform the public of the nondiscrimination policy for FNS programs, Summer EBT agencies must ensure that households using such an alternative application receive a

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<sup>4</sup> [Applying for Free and Reduced Price School Meals | Food and Nutrition Service \(usda.gov\)](https://www.usda.gov/food-nutrition-service/apply-free-reduced-price-school-meals)

notice in connection with the alternative application that includes the Civil Rights statement. For example, the Civil Rights statement could be included in a letter to every household that explains the Summer EBT program, how their alternative application will be used for Summer EBT, and information on how the family may opt out of the Program. A description of the mode and timing of communication that will be used to inform households must be included in the management and administration plans. Additionally, as a reminder, [FNS Instruction 113-1](#) says that "All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement. It is not required that the nondiscrimination statement be included on every page of the program information Web site. At the minimum, the nondiscrimination statement, or a link to it, must be included on the home page of the program information."

State agencies with questions should contact the appropriate FNS Regional Office.

**Original Signed**

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