



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

Commodity Supplemental Food Program

State Plan of Operation

(Submitted December 30, 2024)

Program Purpose

The Commodity Supplemental Food Program was established for the purpose of providing supplemental food and nutrition education to eligible persons through state and Local Agencies. Eligible persons include elderly persons (60 years or older) in low-income groups that may be vulnerable to malnutrition.

State Agency Identification and Contact Information

The North Dakota Century Code, Chapter 15-54, defines the state education agency as the Department of Public Instruction and defines Food Distribution Programs as "any program that provides federally donated agricultural commodities, products, and other foods or cash in-lieu of food to eligible participants".

The state education agency has authority to "administer federal funds designed to provide nonprofit child nutrition programs and food distribution programs for eligible adults." It also is authorized "to enter into a contract with any agency of the federal government so that the available federal funds may be used to the fullest extent possible by the state". Funds are received, deposited, and disbursed in accordance with state and federal law, regulations, and policies.

"The state educational agency may enter into such agreements with any agency of the federal government, with any person, public or nonprofit private agency, school institution, organization corporation firm foundation or entity and prescribe such regulations employ such personnel and take such other action as it may deem necessary to provide for the establishment maintenance operation and expansion of any child nutrition and food distribution program and to direct the disbursement of federal and state funds, in accordance with any applicable provisions of federal or state law."....

Administering Agency - The Department of Public Instruction of the State of North Dakota, hereinafter referred to as the State Agency, has been delegated administrative authority and responsibility to administer CSFP in North Dakota.

The State Agency shall keep a copy of the State Plan of Operation on file for public inspection.

Contact Information:

Child Nutrition and Food Distribution Programs
North Dakota Department of Public Instruction
600 E Boulevard Ave Dept. 201
Bismarck ND 58505-0440
Telephone: 701-328-2294 Fax: 701-328-9566

All policies of the State Agency involving, but not limited to, funding, travel, agreements and contracts are subject to prior approval by the State Superintendent of Public Instruction.

Local Agencies and Contact Information

In the State of North Dakota, Commodity Supplemental Food Program distribution shall be conducted locally through Local Agencies: 2 community action agencies, one food bank and one food pantry. Distribution sites through which Commodity Supplemental Food Program foods are distributed shall be at the discretion of the Local Agencies.

Hope Center Food Pantry: Located in the northeastern part of North Dakota in Devils Lake. Counties served: Ramsey, Eddy, Towner, and Benson

Distribution sites: Hope Center Food Pantry (Devils Lake, ND), Cando Food Pantry (Cando, ND), First Lutheran Church (New Rockford, ND)

Contact Information:

Hope Center
313 3rd Street NE
Devils Lake, ND 58301
Email: hopecenter@gondtc.com
Phone: 701-665-4673
<http://www.hopecenterdevilslake.com>

Great Plains Food Bank: Warehouses located in Fargo and Bismarck. Counties served: Barnes, Burleigh, Cavalier, Dickey, Emmons, Foster, Grand Forks, Grant, Griggs, Kidder, LaMoure, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Pembina, Rolette, Sheridan, Sioux, Stutsman, Walsh, Ward and Wells

Distribution sites: Bismarck, Mandan, Langdon, Linton, Hazelton, Strasburg, Minot, Elgin, Carson, Cannonball, Max, McClusky, Turtle Lake, Underwood, Center, Beulah, Cooperstown, Glen Ullin, Ellendale, LaMoure, Gackle, Lehr, Wishek, Jamestown, Steele, Valley City, Napoleon, Belcourt and Grand Forks

Contact Information:

Great Plains Food Bank
1720 3rd Ave North
Fargo, ND 58102
Email: info@greatplainsfoodbank.org
Phone: 701-232-6219
Fax: 701-232-3871
<https://www.greatplainsfoodbank.org>

Southeastern North Dakota Community Action Agency: Located in the eastern part of North Dakota in Fargo. Counties served: Cass, Nelson, Ransom, Sargent, Richland, Steele and Traill.

Distribution sites: Fargo, Forman, Lisbon, Wahpeton, Enderlin, Hillsboro, Mayville, Hankinson, Michigan

Contact Information:

Southeastern North Dakota Community Action Agency
3233 South University Drive
Fargo, ND 58104-6221
Email: agency@sendcaa.org
Phone: 701-232-2452
Toll Free: 1-800-726-7960
Fax: 701-298-3115

<http://www.sendcaa.org/>

Community Action Region VIII: Located in the western part of North Dakota in Dickinson. Counties served: Dunn, Billings, Golden Valley, Stark, Hettinger, Slope, Bowman, Adams Williams, Divide, McKenzie

Distribution sites: Dickinson and Williston

Contact Information:

Community Action Partnership in Dickinson
202 East Villard
Dickinson, ND 58601
Phone: 701-227-0131
Toll Free: 1-800-359-2243
Fax: 701-227-4750
<http://www.dickinsoncap.org/>

Agency Review Cycle

State staff will review each Local Agency on a two-year cycle. Reviews will be conducted at the Local Agency and at the distribution sites where client records are on file.

Income Eligibility and Other Eligibility Requirements

Eligibility criteria and income guidelines for participation in the Commodity Supplemental Food Program shall be in accordance with those established by the Food and Nutrition Service. Nutrition risk will not be a criterion when determining program eligibility. To ensure confidentiality, all interviews with potential recipients will be held privately.

Income limits shall be those established by the Food and Nutrition Service. Effective 3/1/2025, elderly persons (aged 60 or older) are income-eligible for CSFP if their household gross income is at or below 150% of federal poverty thresholds. Proof of income is not required.

For certification purposes, application forms will be available at Local Agency offices and at distribution sites that certify clients. Each applicant will be provided with a notice of eligibility or denial to participate in the program. The length of certification periods will be in accordance with 7CFR Part 247.16.

Upon receipt by the State Agency, any changes or revisions in the guidelines shall be immediately made known to all Local Agencies.

Program participation will be limited to individuals who live within the boundaries of the Local Agency service area. However, no citizenship or durational residence requirements are to be imposed as a condition of eligibility.

Waiting Lists

If caseload is not sufficient to provide benefits to all eligible individuals the Local Agency shall utilize a waiting list. Individuals on the waiting list shall be prioritized by date of application. Waiting lists shall include the name of the applicant, date of application, date placed on the waiting list, an address or

phone number of the applicant and the applicant's status. Individuals shall be notified of their placement on a waiting list within 10 days after they have requested program benefits.

Each applicant shall be informed in writing during the certification procedure of the right to a fair hearing and of the illegality of participation in the program with more than one Local Agency.

Case Determination

If the Local Agency determines at any time during the certification period that the household is no longer eligible to participate or is entitled to a reduced amount of USDA food due to the loss of a household member(s), the Local Agency shall provide the household, in writing at least 15 days before termination of eligibility of the reason(s) for ineligibility. The notice shall also include the applicant's or participant's right to request a fair hearing to appeal any decision made by the Local Agency regarding a denial or termination from the program. The reasons for ineligibility shall be properly documented and shall be retained on file at the Local Agency.

Certification Periods

Local Agency staff must assign all clients a certification period of three years.

Local Agency staff must verify the client's address and continued interest annually and have sufficient reason to determine that the participant still meets the income eligibility standards, which may include determining that the client has a fixed income. Local Agency staff must contact the client and document the completion of this verification using the Verification Log.

At the end of a client's certification period, the participant must complete the application process again to re-establish a new three-year certification period. When a new three-year certification period is established, Local Agencies must provide clients with a written notification of their eligibility in the program and their certification start and end date. Local Agencies may do this using the Case Determination form provided by the State Agency or an equivalent document containing all of the required information.

CSFP regulations at 7 CFR 247.8(b) require a signature by applicants or their caretakers as part of the CSFP certification process. However, the State Agency will allow local agencies flexibility during certifications to allow for electronic signatures, obtaining signatures by mail, through an in-home visit, or in-person at a scheduled time. Additionally, if certifications are conducted over the phone, a local agency staff member may sign (or print) their name on behalf of applicants as an interim measure during the certification interview, provided that the local agency subsequently obtains the applicant's signature through one of the methods described above.

The certification process is included in the NDDPI CSFP Standard Operating Procedures Manual.

Nutritional Risk Criteria

Nutrition risk will not be used as a criterion when determining program eligibility.

Plans for Serving Elderly and Caseload Needed

New Local Agencies and distribution sites will require prior approval of the State Agency. State Agency criteria for approval of distribution sites under consideration will include but not be limited to, the ability to administer the program according to USDA guidelines, service area needs, past performance,

if any, in operating a food program, adequacy and size of facility, and proposed program staffing and/or volunteer levels.

The Local Agencies will be responsible for CSFP operations, including, but not limited to, certification and food distribution. Case files are kept at the Local Agencies and at some distribution sites. Caseload slots are divided between the Local Agencies according to the number of clients they can service. Each Local Agency is responsible for specific counties in North Dakota.

Outreach

To ensure that potentially eligible households, including homebound elderly, are aware of the availability of the Commodity Supplemental Food Program, localized printed program information will be circulated via pamphlets, newsletters, bulletin board displays, posters, etc. The State Agency will encourage other state government agencies and other public and/or private agencies to disseminate information about general eligibility requirements for CSFP.

Local Agencies are working to expand services to ensure that the program is available to those eligible recipients in all counties in North Dakota.

Storage and Distribution

Storage

Each Local Agency shall provide a physical plant of adequate size, to provide for food protection, accessibility, sanitary facilities, and proximity to outlying districts or segments of the geographic area served. Storage and transportation of the foods must be in compliance with program regulations at 7 CFR 250. Food packs are packaged according to USDA regulations.

Ordering USDA Foods

Local Agencies are required to place their orders and receive their own shipments in WEBSCM. The State Agency reviews the order to ensure accuracy. The product is delivered to each Local Agency and/or distribution site, where it is stored until it is packaged into boxes and/or bags in preparation for household distribution.

Food Packages and Inventory Control

The state agency gave each local agency and/or distribution site that prepares food packages a food pack poster. The poster shows the designated amount of each food category required to make a complete two-month food pack. Recipients will be notified of their right to refuse or accept less than the quantity allowed on the guide rate.

For the purpose of inventory control and determining Local Agency orders, at the end of the distribution month, Local Agencies will report unit quantities to the State Agency. Local agencies are responsible for all food remaining at the end of the distribution period. The total inventory from all Local Agencies is reported on the FNS 153 Report.

Client/Proxy Identification

Local Agency staff will verify program eligibility prior to distributing food packages to recipients. In order to relieve the burden of providing identification at the time of distribution, local agency staff will allow participants or their proxies to self-attest to their identity by stating their name and signing or initialing a distribution list provided by the Local Agency. This process of identification will be in effect as of February 1, 2025. The State Agency does not foresee any risks or program integrity concerns associated with this new identification process. An ongoing evaluation will be conducted during the first

year of implementation by obtaining Local Agency feedback during quarterly virtual meetings.

The distribution list for each distribution period during the program year will be kept on file at the Local Agency or distribution site. CSFP distribution shall be on a day(s) at a time(s) and location(s) determined by the Local Agency. Distributions will take place bi-monthly in December, February, April, June, August, and October. Distribution lists for previous distributions will be reviewed as part of the State Agency program review.

Delivery Services

The State will allow drive-throughs during distributions. Local agencies can utilize a drive-through model in which local agency staff or volunteers place the CSFP food package directly into a recipient's vehicle. Pick-up of CSFP food packages can be done by appointment, with food packages placed for pick-up at a distance. Local agencies may also consider home delivery to eligible clients.

In addition to the local agency providing home delivery services, the state agency has the discretion to allow a for-profit company to provide home delivery of CSFP food packages if certain conditions are met. First, consistent with 7 CFR 250.4(c) and (d), an agreement or contract must be in place between the company and the Local Agency which ensures that the delivery service adheres to all CSFP program regulations (see also 7 CFR 247.4). At a minimum, a contract or agreement for these delivery services must require the company to provide:

- Safe storage and transportation of the foods in compliance with program regulations at 7 CFR 250;
- Verification of the identity of each CSFP participant through self-attestation and by verifying their identity by stating their name and signing or initialing a distribution list provided by the Local Agency.
- All applicable records required by the State and Local Agency; and
- An assurance that the privacy of participants will be maintained, consistent with 7 CFR 247.36.
- Civil rights training for all delivery personnel.

If the Local Agency plans to use CSFP administrative funds to procure this service, they must follow procedures outlined in 2 CFR 200, subpart E, and all applicable State and local procurement regulations. If the for-profit company is donating its services, the Local Agency does not need to follow procurement regulations but must still have a contract or service agreement in place, preferably a no-cost contract or agreement.

In order to conduct deliveries using a third-party delivery service, Local Agencies must be aware that employees of the for-profit delivery service are not permitted to carry out key Local Agency responsibilities, such as making participant eligibility determinations (see 7 CFR 247.5(c)(1-8) listing the major Local Agency responsibilities). Such employees may not be considered proxies for participants.

Use of Proxies

The State agency allows the use of proxies to minimize CSFP participants' need to visit local agencies. There is no federal requirement that limits the number of people for whom an individual can serve as a proxy, nor is there a federal requirement for local agencies to obtain a signature from participants when they designate a proxy. The State Agency will allow a proxy to serve more than one participant and/or allow participants to verbally confirm a proxy. However, proxies must be individually designated by each participant and participants cannot be required to designate a proxy.

Meeting the Needs of the Homebound Elderly

Local agencies will be encouraged to make every effort to meet the needs of the homebound elderly. Efforts will be coordinated with public and private agencies serving the needs of elderly populations including but not limited to local food pantries and local area churches. Local agencies will collaborate with the various agencies on the following:

- Identification of potential homebound elderly, outreach activities, establishment and promotion of a volunteer network, application processing; including the collection of appropriate information and documentation, and delivery of food packages.

Food package delivery to homebound participants will be conducted in the most feasible manner possible in the service area with consideration to the best interests of homebound participants. Recipients will be required to acknowledge receipt of the food package by signing or initialing a distribution list provided by the Local Agency.

Nutrition Education

The State Agency goals for nutrition education services will include the following:

- Shall emphasize the relationship of proper nutrition to the total concept of good health with special emphasis on the nutritional needs of the elderly population.
- Nutrition education will be provided within the context of ethnic, cultural and geographic preferences through use of supplemental and other nutritious foods
- Assist participants in obtaining a positive change in eating habits that will result in improved nutritional status and in prevention of nutrition related problems.

The State Agency will collaborate with the North Dakota State University / Family Nutrition Program in providing nutrition education opportunities for CSFP recipients that will assist households to achieve greater nutritional benefits from USDA foods. The State Agency will provide a nutrition newsletter that will be distributed to all clients along with their food pack.

The effectiveness of nutrition education efforts will be measured systematically by means of a survey developed by the State Agency and distributed to recipients and analyzed by a nutrition professional within Child Nutrition and Food Distributions Programs. Surveys will be provided to recipients in their food package. Results will be compiled on an annual basis.

Dual Participation

A household shall not be permitted to participate in the Commodity Supplemental Food Program at more than one distribution site at the same time. Each participant and new applicant shall be advised that dual participation is prohibited and of the consequences such participation entails.

To prevent dual participation, program participation will be limited to individuals, who are otherwise eligible to participate in the program, who live within the boundaries of the Local Agency's service area.

Claims

Local Agencies shall report and forward program complaints to the State Agency. The State Agency will monitor and investigate all complaints that are directed to it. Any complaints concerning irregularities in

handling, distribution, certification services and household rights will be fully investigated. Results of investigations shall be made available for review by the USDA Regional Office.

A claim may be filed against a recipient for USDA foods improperly received. In determining the cost effectiveness of pursuing a claim against an individual the State Agency will set a threshold of \$100.00 and pursue claims in excess of that dollar amount.

Agreements

A copy of the Commodity Supplemental Food Program Agreement is included.



United States
Department
of Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Blvd, Suite 903
Denver, CO 80204-3585

February 5, 2025
FD - 7-1

Ms. Melissa Anderson, FD Program Manager
Child Nutrition and Food Distribution Programs
North Dakota Department of Public Instruction
State Capitol Building
Bismarck, North Dakota 58505

Dear Ms. Anderson:

This constitutes approval of the North Dakota's amended State Plan for the Commodity Supplemental Food Program (CSFP), which was received in our office on February 3, 2025.

The State Plan amendment implemented several changes as a result of the Food Distribution Programs: Improving Access and Parity Final Rule, published on October 31, 2024. The revised State Plan increases income eligibility guidelines from 130 percent of the U.S. Federal Poverty Guidelines to 150 percent. Additionally, the plan was revised to add that the program will verify participant or proxy identity at distributions before receipt of USDA Foods by verbal self-attestation and through obtaining a signature or initials on the distribution list provided by the Local Agency.

Unrelated to the final rule, the State Plan also updated the certification period to three years for all participants.

As a reminder, CSFP State Plans are considered permanent in accordance with 7 CFR 247.6(a). Should changes occur in aspects of program administration that are described in the State Plan, please submit amendments for approval.

Thank you for your continued support of CSFP.

Sincerely,

For -
SABINA VELASCO, Branch Chief
Food Distribution Programs
Supplemental Nutrition Division

cc: Lynelle Johnson, Director, Child Nutrition and Food Distribution Programs, North Dakota DPI,
Bismarck, North Dakota