



NORTH DAKOTA DEPARTMENT OF  
**PUBLIC INSTRUCTION**

**Commodity Supplemental Food Assistance Program  
(CSFP)**

**Standard Operating Procedures**

**February 2025**

**State of North Dakota  
Department of Public Instruction  
Kirsten Baesler, State Superintendent  
State Capitol  
Bismarck, North Dakota 58505**

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Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

(2) Fax: (202) 690-7442; or

(3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

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# 1. Introduction

The Commodity Supplemental Food Program (CSFP) is a federally funded program that provides nutritious USDA foods to low-income seniors. This manual outlines the procedures for administering CSFP in compliance with 7 CFR Part 247.

CSFP works to improve the health of the elderly population by supplementing their diets with nutritious USDA foods. In North Dakota, the North Dakota Department of Public Instruction (NDDPI), administers the CSFP. CSFP food packages do not provide a complete diet but rather are good sources of nutrients typically lacking in the diets of the target population.

USDA purchases food and makes it available to the NDDPI along with funds for administrative costs. USDA distributes food to the public and non-profit private local agencies in North Dakota. Local agencies determine applicants' eligibility, distribute the foods, and provide nutrition education. Local agencies also provide referrals to other welfare, nutrition, and healthcare programs, such as the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and Medicare.

Food packages include a variety of foods, such as shelf-stable milk, cheese, fruit juice, dry cereal, rice or pasta, peanut butter, canned meat or poultry or tuna, and canned fruits and vegetables.

For more information go to: <https://www.nd.gov/dpi/> or contact:

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

The NDDPI designates program responsibilities to local agencies (community action agencies, food pantries, and food banks) in North Dakota. Their responsibility is to distribute USDA foods locally. An agreement is entered into by the NDDPI and the local agency by using the SDA-SA CSFP Program Agreement. This agreement outlines the responsibilities of both the NDDPI and the local agency. The local agency is responsible for various aspects of the program, including serving the needs of all eligible participants in their geographic area, establishing distribution sites in sufficient numbers and appropriate locations, and monitoring distribution sites to verify program compliance. This agreement is permanent unless changes are made by the NDDPI.

Local agencies conduct client certification, receive direct shipments from USDA, and distribute food to the clients. Local agencies must also perform outreach activities to promote the CSFP and to identify areas within the service area that need further coverage.

A local agency directory is available on the NDDPI's website at <https://www.nd.gov/dpi/>.

## 2. Definitions

**2 CFR part 200**, means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by OMB. The part reference covers applicable: Acronyms and Definitions (subpart A), General Provisions (subpart B), Post Federal Award Requirements (subpart D), Cost Principles (subpart E), and Audit Requirements (subpart F). (NOTE: Pre-Federal Award Requirements and Contents of Federal Awards (subpart C) do not apply to the National School Lunch Program).

**7 CFR part 250** - the Department's regulations pertaining to the donation of foods for use in USDA food distribution programs.

**Applicant** - any person who applies to receive program benefits. Applicants include program participants applying for recertification.

**Caseload** - the number of people the NDDPI may serve on an average monthly basis over the course of the caseload cycle.

**Caseload cycle** - means the period from January 1 through the following December 31.

**Certification** - means the use of procedures to determine an applicant's eligibility for the program.

**Certification period** - the period during which a CSFP participant may continue to receive benefits under CSFP without a formal review of eligibility.

**CSFP** - the Commodity Supplemental Food Program.

**Disqualification** - the act of ending Program participation of a participant as a punitive sanction.

**Dual participation** - the simultaneous participation by an individual in CSFP at more than one distribution site.

**Fiscal year** - means the period from October 1 through the following September 30.

**FNS** - means the Food and Nutrition Service.

**Local agency** - a public or private nonprofit agency, including an Indian tribal organization, that enters into an agreement with the NDDPI to administer CSFP at the local level.

**Nonprofit agency** - a private agency or organization with tax-exempt status under the Internal Revenue Code, or that has applied for tax-exempt status with the Internal Revenue Service.

**Proxy** - any person designated by a participant or caretaker to obtain USDA Foods on behalf of the participant.

**State** - any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

**NDDPI** - the agency designated by the State to administer CSFP at the State level; an Indian tribe or tribal organization recognized by the Department of the Interior that administers the program for a specified tribe or tribes; or, the appropriate area office of the Indian Health Service of the Department of Health and Human Services.

**State Plan of Operation** - the document that describes the manner in which the NDDPI intends to administer the program in the State.

**Sub-distributing agency** - an agency or organization that has entered into an agreement with the NDDPI to perform functions normally performed by the State, such as entering into agreements with eligible recipient agencies under which USDA Foods are made available, ordering USDA Foods and/or making arrangements for the storage and delivery of such USDA Foods on behalf of eligible recipient agencies.

**USDA Foods** - nutritious foods purchased by USDA to supplement the diets of CSFP participants, also referred to as donated foods.

### **3. State and Local agency Responsibilities**

State and local agencies are responsible for administering the program in accordance with the provisions of this part, and with the provisions of part 250 of this chapter, as applicable. Although the NDDPI may delegate some responsibilities to local agencies, the NDDPI is ultimately responsible for all aspects of program administration. The following is an outline of the major responsibilities of state and local agencies; it is not intended to be all-inclusive.

The major responsibilities shared by state and local agencies include:

- Entering into required agreements
- Ordering USDA Foods for distribution
- Storing and distributing USDA Foods
- Establishing procedures for resolving complaints about USDA Foods
- Complying with civil rights requirements
- Maintaining accurate and complete records
- Conducting program outreach

The major responsibilities of local agencies include:

- Determining eligibility of applicants in accordance with eligibility criteria established by the NDDPI
- Complying with fiscal and operational requirements established by the NDDPI
- Ensuring that participation does not exceed the caseload assigned by the NDDPI
- Issuing foods to participants in accordance with the established food package guide rates
- Providing nutrition education and information on the availability of other nutrition and health assistance programs to participants
- Informing applicants of their rights and responsibilities in the program
- Meeting the special needs of homebound participants, to the extent possible
- Pursuing claims against participants

## **4. Application Process, Program Eligibility, and Certification Process**

### **Application Process**

Information for each applicant shall be recorded on the State of North Dakota CSFP Application. Any individuals requesting to apply shall be allowed to complete the application. If caseload slots are not available, eligible applicants shall be placed on a waiting list. Those who contact the local agency or distribution site should be informed of:

- Days and times applications are accepted
- Eligibility criteria and required documentation
- Application submission process

A program application is required for new clients and for clients whose certification period has ended.

### **Eligibility Criteria**

- Participants must be at least 60 years old.
- Income eligibility must be at or below 150% of the Federal Poverty Guidelines.
- Residency within the service area of the local agency is required. Migrant and seasonal farm workers entering a CSFP service area are considered to meet residency requirements upon meeting all other eligibility criteria.
- Elderly persons living in nursing homes are not eligible for CSFP benefits. Clients living in residential living or assisted living facilities where meals are provided are also not eligible for CSFP benefits.

## **Certification Process**

Applicants must complete a State of North Dakota CSFP Application form which collects the following information:

- Age and identification – Clients are asked to provide their date of birth and can attest to their age by checking the “Attest applicant’s age is 60 or over” on the application form. Some form of identification must be provided during the initial application process. Acceptable forms of identification include a State-issued I.D. or driver’s license, recent utility bill, or any non-junk mail showing the applicant’s name and address and dated within the past 30 days.
- Income—Proof of income is not required. Clients attest by listing their household size, and income sources and amounts and by signing the application form.
  - Income is defined as gross cash income before any deduction.
  - Income can include monetary compensation for services, including wages or salary, commissions, fees, tips, farming self-employment, non-farming self-employment, rental property, royalties, social security benefits, public assistance or welfare payments, Unemployment compensation, strike benefits, workman’s compensation, pensions, retirement pay or annuities.
  - SDAs must exclude from consideration all income sources excluded by legislation, which are listed under the SNAP regulations in 246.7(d)(2)(iv)(C).
- Residency – Clients must include their current address on the application form.
- All clients are given a three-year certification period. At the end of each certification period, a new application must be completed.
- Agencies must notify applicants of their eligibility status within 10 days by using the Case Determination Form or equivalent document.
- Annual verification – Local agency staff must verify the address, continued interest in the program, and have sufficient reason to determine that the participant still meets the income eligibility standards, annually. Local agency staff must contact the client and document this verification or recertification using the CSFP Verification Log.

## **5. Dual Participation, Transfers, and Program Violations**

### **Dual Participation**

The NDDPI must work with local agencies to prevent and detect dual participation. Local agencies must review the identification of all applicants when applying for the program and during the annual verification process. The local agency must ensure that the applicant signs an application form which includes a statement advising the applicant that he or she may not receive CSFP benefits at more than one CSFP site at the same time. Local agencies have been assigned specific service areas (counties) in which they may participate which prevents dual participation.

A participant found to be committing dual participation must be discontinued from participation at more than one CSFP site. If the dual participation resulted from the participant or caretaker of



the participant making false or misleading statements or intentionally withholding information, the local agency must disqualify the participant from CSFP unless the local agency determines that disqualification would result in a serious health risk. The local agency must also initiate a claim against the participant to recover the value of CSFP benefits improperly received. Whenever an individual's participation in CSFP is discontinued, the local agency must notify the individual of the discontinuance. The individual may appeal the discontinuance of benefits through the fair hearing process.

## **Transfers**

The NDDPI will ensure that local agencies continue to serve a participant who moves from one service area or county to another service area or county served by a different local agency and whose certification period has not expired. The participant must be given the opportunity to continue to receive CSFP benefits for the duration of the certification period.

The local agency will facilitate the process for participants to relocate during the certification period. Local agencies shall facilitate the transfer of case file documentation or similar documents to another local agency. The verification of certification is valid until the certification period expires and shall be accepted as proof of eligibility for program benefits. The local agency that determined the participant's eligibility must provide verification of the expiration date of the certification period to the participant upon request.

If the local agency has a waiting list, the participant must be placed on its waiting list ahead of all other waiting applicants.

## **Program Violations**

Program violations are actions taken by CSFP applicants or participants, or caretakers of applicants or participants, to obtain or use CSFP benefits improperly. Program violations include the following actions:

- Intentionally making false or misleading statements, orally or in writing
- Intentionally withholding information pertaining to eligibility in CSFP
- Selling USDA Foods obtained in the program, or exchanging them for non-food items
- Physical abuse, or threat of physical abuse, of program staff
- Committing dual participation

If applicants or participants, or caretakers of applicants or participants, commit program violations, the NDDPI may require local agencies to disqualify the applicants or participants for a period of up to one year. However, if the local agency determines that disqualification would result in a serious health risk, the disqualification may be waived. For program violations that involve fraud, the NDDPI must require local agencies to disqualify the participant from CSFP for a period of up to one year, unless the local agency determines that disqualification would result in a serious health risk. The NDDPI must require local agencies to permanently disqualify a

participant who commits three program violations that involve fraud. For purposes of this program, fraud includes:

- Intentionally making false or misleading statements to obtain USDA Foods
- Intentionally withholding information to obtain USDA Foods
- Selling USDA Foods or exchanging them for non-food items

The local agency must provide the individual with written notification of disqualification from CSFP at least 15 days before the effective date of disqualification. The notification must include the effective date and period of disqualification, the reason for the disqualification, and a statement that the individual may appeal the disqualification through the fair hearing process.

## **6. Appeals, Adverse Action Notifications, and Fair Hearings**

### **Appeals**

Local agencies must ensure that CSFP applicants and participants understand their right to appeal an adverse action through the fair hearing process. This process includes providing written notification of the individual's right to a fair hearing along with notification of the adverse action, CSFP Appeals Process.

### **Adverse Action Notifications**

The CSFP Case Determination Form notifies applicants and clients of their rights. It states,

“You may receive a Fair Hearing if you DO NOT agree with our decision. At the hearing, you will be allowed to explain why you disagree. The Hearing Officer will decide the final action to be taken based on the requirements and rules of the program. To request a Fair Hearing, call (701)328-2263. To find out more about how a Fair Hearing works or if free legal advice is available, call or write us at our program address.”

Examples:

- A person found ineligible for CSFP during the certification process shall be notified in writing of the reason(s) they are not eligible for the program and their right to a fair hearing on the CSFP Case Determination form within 10 days from the date of application. A copy of the CSFP Case Determination form must be kept in the client's case file along with the completed CSFP Application for participation.
- If a local agency has evidence that a participant is no longer eligible for CSFP benefits during the certification period, it must provide the participant with a written notification of discontinuance, including the reason for discontinuance, at least 15 days before the effective date of discontinuance, using the CSFP Case Determination form. If determined

during the annual verification process, documentation of the notification must be maintained on the CSFP Certification Verification Log and a copy of the CSFP Case Determination form must be kept in the client's case file.

- If a participant is no longer eligible for CSFP benefits due to a violation of the local agency's established "No-Show" policy, the local agency must provide the participant with a written notification of discontinuance, including the reason for discontinuance at least 15 days before the effective date of discontinuance using the CSFP Case Determination form. Documentation of the notification must be maintained on the CSFP Certification Verification Log and a copy of the CSFP Case Determination form must be kept in the client's case file.
- If a local agency does not have sufficient resources, such as a sufficient number of caseload slots, to continue providing benefits to the participant(s) for the entire certification period, the Local agency must provide the participant(s) with a written notification of discontinuance including the reason for discontinuance at least 15 days before the effective date of discontinuance using the CSFP Case Determination form. Documentation of the notification must be maintained on the CSFP Certification Verification Log and a copy of the CSFP Case Determination form must be kept in the client's case file.
- CSFP applicants or participants, or caretakers of applicants or participants, who commit program violations may be disqualified for a period of up to one year in accordance with 7 CFR 247.20.
  - The local agency must provide the participant(s) with a written notification of discontinuance, including the reason for discontinuance, at least 15 days before the effective date of discontinuance using the CSFP Case Determination form. Documentation of the notification must be maintained on the CSFP Certification Verification Log and a copy of the CSFP Case Determination form must be kept in the client's case file. Program violations include the following actions:
    1. Intentionally making false or misleading statements, orally or in writing
    2. Intentionally withholding information pertaining to eligibility in CSFP
    3. Selling USDA foods obtained in the program, or exchanging them for non-food items
    4. Physical abuse, or threat of physical abuse, directed at program staff/volunteers
    5. Participating in two CSFP sites at the same time
  - Disqualification may be waived if the local agency determines that disqualification would cause a serious health risk. Waiver for Disqualification from the Commodity Supplemental Food Program (Attachment K) must be

documented and retained in the client's case file. A participant who commits three program violations that involve fraud must be permanently disqualified from participation in CSFP. In accordance with 7 CFR 247.20(b), for the purposes of this program, fraud includes:

1. Intentionally making false or misleading statements to obtain CSFP commodities
2. Intentionally withholding information to obtain CSFP foods
3. Selling USDA foods or exchanging them for non-food items

In all situations where the client is ineligible for program benefits or terminated from the program either temporarily or permanently, the CSFP Case Determination form must be used because it includes a statement of the individual's right to appeal the adverse action through the fair hearing process and a statement that informs the individual that program standards are applied without discrimination of race, color, national origin, age, sex or disability. Individuals wishing to appeal ineligibility for discontinuance of or disqualification for CSFP benefits have 60 days from the date of notice of adverse action. A request for a hearing is defined as any clear expression (preferably written) by the individual, guardian, or other representative that an opportunity to present its case to a Hearing Officer is desired. Appeals process instructions are located on the CSFP Case Determination form and on the CSFP Appeals Process.

## **Fair Hearing Procedures for Individuals and Local Agencies**

### **Individuals**

Individuals have a right to a fair hearing and may appeal any decision made by the local agency regarding the denial or discontinuance of program benefits, disqualification from the program, or a claim to repay the value of USDA foods received as a result of fraud. Local agencies have a right to appeal any action by the State with monetary consequences.

To initiate an appeal, an individual, or an individual's caretaker, may request a fair hearing by making a clear expression, verbal or written, to a State or local agency official, that an appeal of the adverse action is desired. The request for appeal must be made within 60 days from the date the agency mails or gives the individual the notification of adverse action. The state or local agency may deny a request for a fair hearing when:

- The request is not received within 60 days
- The request is withdrawn in writing by the individual requesting the hearing or by an authorized representative of the individual
- The individual fails to appear, without good cause, for the scheduled hearing

Participants who appeal the discontinuance of program benefits with the 15-day advance notification period required must be permitted to continue to receive benefits until a decision on

the appeal is made by the hearing official, or until the end of the participant's certification period, whichever occurs first. However, if the hearing decision finds that a participant received program benefits fraudulently, the local agency must include the value of benefits received during the time that the hearing was pending, as well as for any previous period, in its initiation and pursuit of a claim against the participant.

The State or local agency must give an individual at least 10 days advance written notice of the time and place of the hearing and include the rules of procedure for the hearing.

- The individual may examine documents supporting the State or local agency's decision before and during the hearing
- Be assisted or represented by an attorney or other persons
- Bring witnesses
- Present arguments
- Question or refute testimony or evidence, including an opportunity to confront and cross-examine others at the hearing
- Submit evidence to help establish facts and circumstances

The hearing officer must be an impartial official who does not have any personal stake or involvement in the decision and was not directly involved in the initial adverse action that resulted in the hearing. A hearing decision must be made, and the individual must be notified of the decision in writing within 45 days of the request for the hearing. If the hearing decision is in favor of an applicant who was denied CSFP benefits, the receipt of benefits must begin within 45 days from the date that the hearing was requested, if the applicant is still eligible for the program. If the hearing decision is against the participant, the State or local agency must discontinue benefits as soon as possible, or at a date determined by the hearing official. A hearing report shall be available for public inspection and copying but shall ensure confidentiality.

### **Local Agencies**

All requested fair hearings will be conducted within 30 days from the date the department receives the request for a hearing unless waived by the local agency in writing. Those requesting a hearing will be notified in writing a minimum of ten days in advance of the time and place of the hearing and of the hearing procedure. Hearings will be conducted by a State Administrative law judge. The local agency will be notified in writing of the decision of the administrative law judge within 30 days of the hearing. All decisions shall be based on the evidence presented at the hearing. Appeals and hearings shall be conducted in accordance with the State laws.

## **7. Caseload Allocations, Waitlists and “No Show” Policies**

### **Caseload Allocations**

The NDDPI assigns caseload allocation to each local agency depending upon the maximum level approved by the USDA. The NDDPI monitors participation levels to ensure that local agencies are serving at or above their caseload capacity. When local agencies are not serving at or above their caseload capacity, slots may be moved to other local agencies that have a waiting list or who can expand program participation in their service area.

### **Waitlists**

When active clients exceed the assigned caseload level the local agency must implement a waiting list. Local agencies are responsible for notifying the NDDPI when they have exceeded the assigned caseload level. Requests for additional caseload must be emailed to the NDDPI.

Notification will be sent to the applicant in writing within 10 days of the request for benefits when waiting lists are in place. Certifying officials may use the CSFP Case Determination form or another suitable alternative to notify the client of their certification period and that they have been put on a waiting list. The date that the written notice is provided to applicants must be entered on the written notification and a copy must be kept in the client case file. When caseload slots become available, applicants on the waiting list will be served on a first-come, first-served basis.

### **“No Show” Policies**

When there are “No Shows” or when boxes remain undistributed after the monthly distribution period, sites may offer food boxes to clients on the waitlist starting with the first person on the list. This process may be repeated each month when there are undistributed food packages after the monthly distribution period ends. Each time this process is repeated, the certifying official must start with the first person on the waiting list.

Local agencies can create their own “No Show” policies for those clients who repeatedly fail to pick up food boxes during distribution periods or who fail to respond to home delivery notifications. These types of situations can cause decreases in participation levels and a potential loss in caseload levels. Local agencies are encouraged to work with these clients to determine their need or desire to participate in the program before discontinuing them from the program.

## **8. Food Distribution Procedures**

### **Food Package Assembly**

The CSFP Food Package Poster lists food required to be included in food packages. Partial food packages should not be distributed. Each local agency must devise a food package tracking system to identify the content of each food package so that an accurate, by-unit count can be conducted at the end of each distribution period. Ending inventories are submitted to the NDDPI and are entered on the CSFP Inventory Worksheet.

### **Distribution Sites**

Local agencies are responsible for recruiting and/or establishing food distribution sites. Each site must conform to local, state, and federal health standards and must be monitored by the local agency to ensure proper food handling, storage, distribution procedures, and recording requirements are maintained.

If local agencies allow distribution sites to store USDA foods, they must ensure that the sites under their jurisdiction provide adequate care and security for the food while in their possession. Foods shall be stored in adequate and secure areas at each distribution site to safeguard them from spoilage, infestation, fire, and other losses.

### **Distribution Procedures**

Distributions of CSFP food packs must be open to all active CSFP clients. No membership is required, and no fees are charged to receive a CSFP food package. Participants and proxies must sign or initial the CSFP Distribution Signature Sheet or equivalent document before receiving a food package. Signature sheets must be stored in a secure location. Food packages may not be given to anyone other than certified participants and proxies.

The local agency may determine its preferred distribution method:

- Home delivery (preferred)
- Drive up or drive through
- Designated location for pick up (specific date and time)

Local agencies and site managers must contact participants who missed a pickup appointment and follow their “no-show” policy for guidance.

Participants pick up food packages at their designated distribution site once every two months during the site’s normal hours of operation or as otherwise noted by the site. Distribution months are October, December, February, April, June, and August.

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. Local agencies that have clients that use a proxy to obtain their food pack on their behalf must:

- Require that the participant authorizes proxies on the CSFP application form.
- Require that the period of time such a designation is intended to cover be reflected in the written designation.
- Determine whether participants receive the food package released to proxies for delivery.

Distribution site staff or volunteers must deliver food packages to homebound participants by the end of the first month of the two-month distribution period. Participants or their authorized proxy must sign for the receipt of food packages.

Undistributed food packages remaining at the end of the month or food refused/returned by clients shall be put back into the local agencies' end-of-month physical inventory listed on the CSFP Inventory Worksheet.

## **9. Food Ordering Procedures**

Local agencies are required to place and receive orders based on their food needs for each distribution. The NDDPI provides local agencies with a schedule for each calendar year for when orders are due and expected delivery dates.

Multi-food orders are placed in the Web-Based Supply Chain Management (WBSCM) system. NDDPI is the State Distribution Agency (SDA). In the system, local agencies are referred to as Recipient Agencies (RAs).

Level 1 Access to USDA's e-Authorization system and proper linkage are prerequisites to access WBSCM. At least one person at each local agency must apply for Level 1 access to USDA e-Authorization for WBSCM. Instructions for setting up a Level 1 user in WBSCM are included in the training document "When the State Sets Up Your WBSCM Account". Local agency staff complete the CSFP Ordering Tool and use it to enter multi-food orders in WBSCM.

### Step 1

- Local agencies complete the CSFP ordering tool to determine the desired food pack contents and quantities needed to fulfill food packs for the next distribution
- If any part of the worksheet is filled out incorrectly it can directly affect the amount of food available for the food packs.
- The last tab in the workbook will calculate the total amount of each food item to order.



### Step 2

- The local agency enters the quantities needed into WBSCM on a multi-food order. The training document “Creating an Order in WBSCM” is available to guide users in WBSCM.
- When the USDA foods are delivered, the local agency must use the bill of lading (BOL) to make sure the correct quantity of foods is delivered and in good condition. Note any discrepancies or damages on the paperwork provided by the USDA delivery driver and not on the BOL for documentation during receipt in WBSCM.
- Changes can be made to any multi-food order up to five business days prior to the delivery date. The training document “Updating an Order in WBSCM” is available to guide users in WBSCM.

### Step 3

- The local agency must enter the receiving information into WBSCM to complete the order. All discrepancies and damages must be reported accordingly. The training document “Receiving Orders in WBSCM” is available to guide users in WBSCM. All orders must be reported as received in WBSCM within 2 business days of receiving the delivery from the multi-food warehouse.

## **10. Storage and Inventory Management of USDA Foods**

### **Storage of USDA Foods**

State and local agencies must provide for the storage of USDA Foods that protect them from theft, spoilage, damage or destruction, or other loss. State and local agencies may contract with commercial facilities to store and distribute USDA Foods. The required standards for warehousing and distribution systems and for contracts with storage facilities are included in 7 CFR 250.12 and 250.14. The first-in, First-Out (FIFO) method must be followed.

### **Inventory Records and Reporting**

Local agency staff members are responsible for maintaining a system that accounts for all foods received and distributed in accordance with program regulations and for submitting required reports.

Monthly inventory reports must be submitted to the NDDPI via the CSFP Inventory Worksheet. This bi-monthly report is used to collect local agency-ending inventory amounts. The local agency does a per-unit inventory count at the end of the distribution month. Inventory counts must be done at the end of October, December, February, April, June, and August. Inventory

counts must be entered on the CSFP Inventory Worksheet. Local agencies must ensure that inventory counts are entered correctly on the worksheet. Participation for the current distribution must also be recorded on the worksheet along with the number of boxes or bags needed for the next distribution. Local agencies must report any damage or spoilage to NDDPI when submitting the CSFP Inventory Worksheet. A written explanation is required for each and every food loss or damaged item.

The NDDPI maintains a master CSFP Inventory Worksheet and periodically forwards updates to the local agencies. As requested, the report is due to the NDDPI bi-monthly.

## **11. Administrative Funding for Local Agencies**

The NDDPI allocates administrative funds to each local agency based on quarterly participation levels. When funding is available, the NDDPI uses participation levels to determine the portion of available funds that will be allocated to each local agency. Funding is allocated via a grant award through the NDDPI's grants management system, Webgrants. Local agencies are required to submit requests for reimbursement in Webgrants on a quarterly basis, as funding is available.

Administrative funds may be used for costs that are necessary to ensure the efficient and effective administration of the program. Some examples of allowable costs in CSFP include:

- Storing, transporting, and distributing foods
- Determining the eligibility of program applicants
- Program outreach
- Nutrition education
- Audits and fair hearings
- Monitoring and review of program operations
- Transportation of participants to and from the local agency, if necessary

In addition to those costs determined to be unallowable, some specific examples of unallowable uses of administrative funds in CSFP include:

- The cost of alteration of facilities is not required specifically for the program
- Actual losses that could have been covered by permissible insurance (through an approved self-insurance program or by other means)

Capital expenditures, which include the acquisition of facilities or equipment, or enhancements to such capital assets, with a cost per unit of at least \$5,000, are allowable only with prior approval of FNS. Examples of equipment include automated information systems, automated data processing equipment, and other computer hardware and software.

The procedures that State and local agencies must follow in procuring property, equipment, or services with program funds, or disposing of such property or equipment, are contained in 2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415, which set

out the principles for determining whether specific costs are allowable. State, local, and Indian tribal governments must comply with 2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415, while nonprofit subgrantees must comply with 2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415. State and local agencies may use procurement procedures established by State and local regulations as long as these procedures do not conflict with Federal regulations. Federal regulations do not relieve State or local agencies from responsibilities established in contracts relating to the procurement of property, equipment, or services. The NDDPI is the responsible authority regarding the settlement of all contractual and administrative issues arising out of procurements for the program.

Program income is income directly generated from program activities. It includes, for example, income from the sale of packing containers or pallets, and the salvage of USDA Foods. Program income does not include interest earned from administrative funds. State and local agencies must use program income for allowable program costs, in accordance with 2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415.

The NDDPI must use funds recovered as a result of claims actions against sub-distributing or local agencies in accordance with the provisions of § 250.17(c) of this chapter. The NDDPI must use funds recovered as a result of claims actions against participants for allowable program costs. The NDDPI may authorize local agencies to use such funds for allowable program costs incurred at the local level.

## **12. Civil Rights Compliance**

State and local agencies must comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by federal and state regulations.

### **Non-discrimination Statement and “And Justice for All” Poster**

Each local agency, distribution site, and certification site must prominently display the “And Justice for All” poster, which is also available on the web at <https://www.fns.usda.gov/cr/and-justice-all-posters> and translated into several different languages.

Written materials used to promote or advertise the program must contain the non-discrimination statement and procedures for filing a complaint. If the material is too small to permit the full statement to be included, the material will, at a minimum, include the statement, in print size no smaller than the text, that “*This institution is an equal opportunity provider.*” Contact the NDDPI for the most up-to-date full non-discrimination statement.

## **Civil Rights Training**

All staff must receive annual training on all aspects of civil rights compliance. Staff should be able to identify civil rights complaints, know what to do if they receive one, and understand that filing a complaint is an individual's basic right.

NDDPI annual civil rights training is located on the website at: [Child Nutrition Programs Civil Rights Training | North Dakota Department of Public Instruction](#)

After reading through the Civil Rights training document, local agency staff should sign and date the completion portion of the training document. All training documentation must be turned into NDDPI for recording in NDFoods.

## **Civil Rights Complaint Procedures**

All complaints alleging discrimination based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA will be accepted, either verbally or written. In the event of a verbal complaint, the person to whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- Name, address, and telephone number or other means of contacting the complainant
- The specific location and name of the NDDPI, local agency, or other volunteer staff delivering the service or benefit.
- The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants.
- The basis on which the complainant believes discrimination exists. The bases for nondiscrimination are race, color, national origin, age, disability or sex.
- The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action.
- The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

All complaints, either verbal or written, received by the local agency or NDDPI alleging discrimination shall be referred to the USDA-FNS/MPRO and processed in accordance with the complaint processing procedures and timelines in FNS Instruction 113-1.

## **FNS-191 Racial/Ethnic Data Collection**

Each local agency shall collect the number of participants receiving food packages by racial/ethnic category during the month of April each year. This count must be collected as a manual head count of food package recipients. Counts must be submitted by the due date each

year to the NDDPI on Form FNS-191 Racial/Ethnic Group Participation using the instructions and categories provided.

### **Non-English or Limited-English Speakers**

If a significant proportion of the population in an area is comprised of non-English or limited-English-speaking persons with a common language, the NDDPI must ensure that local agencies inform such persons of their rights and responsibilities in the program, as listed under § 247.12, in an appropriate language. State and local agencies must also ensure that bilingual staff members or interpreters are available to serve these people.

If a significant proportion of the population in an area is comprised of non-English or limited-English speaking persons with a common language, the NDDPI must ensure that local agencies provide other program information, except application forms, to such persons in their appropriate language.

### **Recordkeeping Requirements**

State and local agencies must maintain accurate and complete records relating to the receipt, disposal, and inventory of USDA Foods, the receipt and disbursement of administrative funds and other funds, eligibility determinations, fair hearings, and other program activities. State and local agencies must also maintain records pertaining to liability for any improper distribution of, use of, loss of, or damage to USDA Foods, and the results obtained from the pursuit of claims arising in favor of the State or local agency. All records must be retained for a period of three years from the end of the fiscal year to which they pertain, or, if they are related to unresolved claims actions, audits, or investigations, until those activities have been resolved. All records must be available during normal business hours for use in management reviews, audits, investigations, or reports of the General Accounting Office.

## **13. Program Monitoring and Compliance**

The NDDPI must perform an on-site review of all local agencies and of all storage facilities utilized by local agencies at least once every two years. As part of the on-site review, the NDDPI will evaluate all aspects of program administration, including certification procedures, nutrition education, civil rights compliance, food storage practices, inventory controls, and financial management systems. In addition to conducting on-site reviews, the NDDPI will evaluate program administration on an ongoing basis by reviewing financial reports, audit reports, food orders, inventory reports, and other relevant information. Non-compliance issues are addressed through corrective action plans.

In addition to conducting on-site reviews, NDDPI will conduct a physical inventory count of all CSFP inventory at least annually. This will be done in conjunction with an on-site review if one is being conducted during that year.

The NDDPI must record all deficiencies identified during the review and institute follow-up procedures to ensure that local agencies and sub-distributing agencies correct all deficiencies within a reasonable period of time. To ensure improved program performance in the future, the NDDPI may require that local agencies adopt specific review procedures for use in reviewing their own operations and those of subsidiaries or contractors. The NDDPI must provide copies of review reports to FNS upon request.

## **14. Local agency Staff Training**

Local agencies must ensure that all staff and volunteers have been properly trained on program rules and customer service requirements, as laid out in the civil rights training. When onboarding new staff, local agencies can request virtual or in-person training by the NDDPI as needed. NDDPI staff may also recommend additional program training for local agencies as corrective action if program deficiencies are found during a monitoring visit. Local agencies can use the CSFP Standard Operating Procedures manual as a resource for training.

## **15. Nutrition Education**

The local agency must provide nutrition education that can be easily understood by participants and is related to their nutritional needs and household situations. The local agency must make nutrition education available to all participants. The local agency must provide nutrition education that includes the following information, which should account for specific ethnic and cultural characteristics whenever possible:

- The nutritional value of USDA Foods and their relationship to the overall dietary needs of the population groups served
- Nutritious ways to use USDA Foods
- Special nutritional needs of participants and how these needs may be met
- The importance of health care, and the role nutrition plays in maintaining good health
- The importance of the use of the foods by the participant to whom they are distributed, and not by another person

The NDDPI provides all local agencies with a nutrition newsletter that can be provided to all participants and meets all of the requirements under regulation.