

Section 3

Managing the Program

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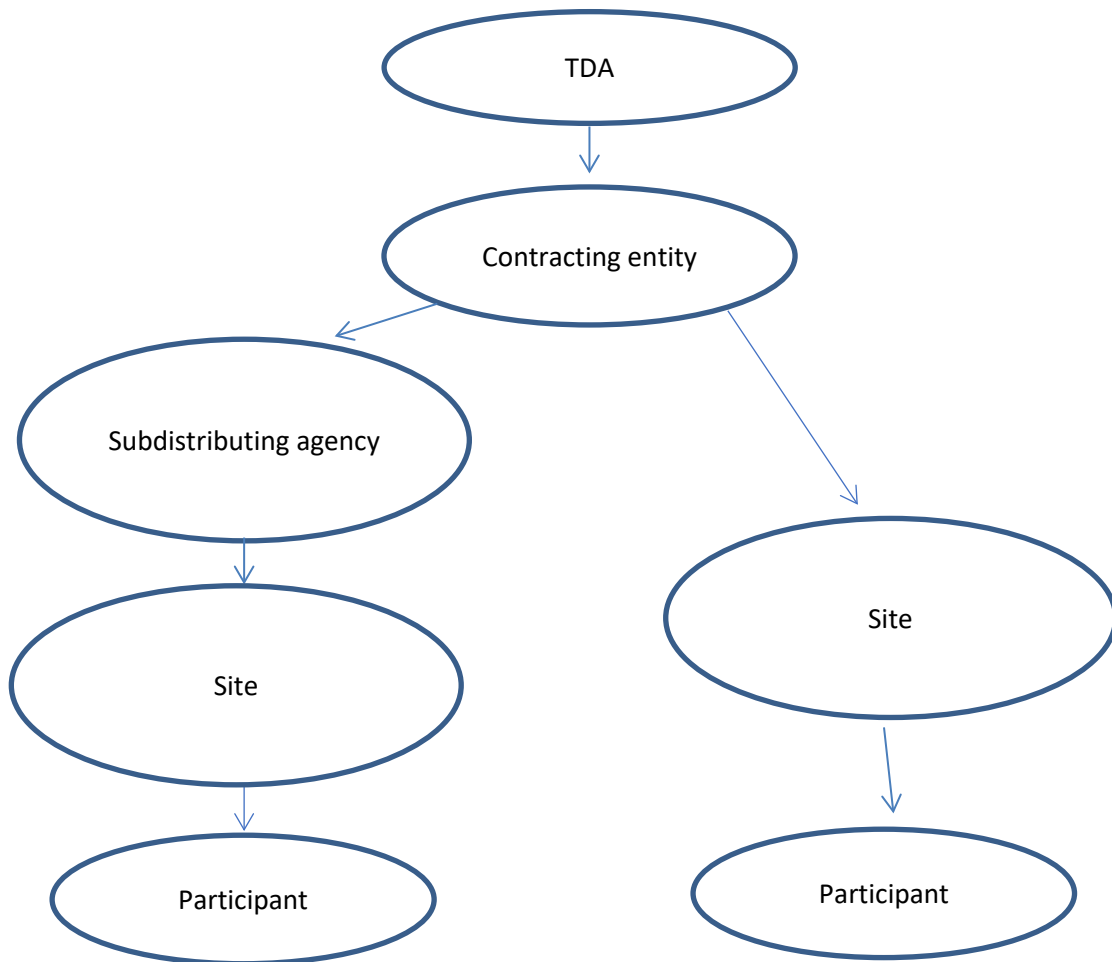
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Section 3 Managing the Program

CSFP Structure

The graphic below defines and illustrates the existing structure between some entities involved in the Commodity Supplemental Food Program (CSFP). The terms are defined throughout this section, as necessary. The terms can also be found in *CSFP Handbook*, Section 9, *Terms, Definitions, and Acronyms*.



Contracting Entities (CEs)

contracting entity (CE) – An entity that holds a CSFP Agreement with the Texas Department of Agriculture (TDA) to receive, store, handle, and deliver USDA Foods.

While operating CSFP, CEs must comply with program requirements found in the following:

- *Commodity Supplemental Food Program Agreement Between Contracting Entity and the Texas Department of Agriculture (CSFP Agreement)*, including:
 - Controlling inventory
 - Completing and submitting an annual inventory report
 - Completing and maintaining a record of storage facility reviews (completed in conjunction with the annual inventory)
 - Reporting changes that may affect the terms and conditions
 - Agreeing to be monitored by the U.S. Department of Agriculture (USDA) and TDA
 - Reviewing and monitoring subagencies to ensure CSFP compliance
- *Application for Participation/Plan of Operation*
- Federal and state rules and regulations
- USDA policies, as issued by that agency
- TDA policies, including those outlined in this Handbook
- Additional guidance provided by TDA

For more information about CEs, refer to Section 2, *Program Application*.

Subdistributing Agencies

subdistributing agency – An entity (usually a food bank) that holds a CSFP agreement with a CE. Not all CEs have subdistributing agencies.

subagency – The collective term for subdistributing agencies and sites.

If a CE cannot fulfill one or more of the requirements identified in the CSFP Agreement and *Application for Participation/Plan of Operation*, the CE may be able to enter into a written agreement with a subdistributing agency to fulfill these requirements. These agreements are subject to TDA approval. TDA will approve or deny these agreements during the application process.

Sites

Before operating CSFP at a site where USDA Foods are distributed or stored, the CE or subdistributing agency must conduct a site visit to verify the site's ability to operate in full compliance with the requirements of the agreement it holds.

When selecting CSFP sites, CEs must evaluate the administrative cost and ability of the site to operate CSFP in light of the *CSFP Agreement Between Contracting Entity and Site* (Form H1501).

Each site must have a site coordinator that is separate and apart from the CE's administrative staff. At distribution sites, the CE must plan for and instruct the site coordinator on the proper handling of a USDA Foods package when a participant is unavailable. If USDA Foods remain after a household distribution, CEs must ensure that the USDA Food package is either:

- Returned to the CE's or subdistributing agency's storage site **or**
- Stored properly at the site according to the terms and conditions of the agreement it holds.

CEs and subdistributing agencies must train sites to properly handle and store USDA Foods. Before storing a USDA Food package for a period of one day or longer, CEs must complete and sign the *CSFP Agreement Between Contracting Entity and Site* (Form H1501) with the agency that will store the package.

Sites at religious organizations must adhere to additional guidance. For more information, refer to "Participant Rights and Responsibilities" in this handbook section.

Site List

Use *Site Information* (Form H1503) to maintain a complete list of all sites. During the program year, CEs must revisit each site to monitor program operations and verify compliance with program requirements according to the *CSFP Agreement Between Contracting Entity and Site* (Form H1501). Refer to *Monitor Reviews by Contracting Entities* in this handbook section for specific instructions related to these visits.

Adding Sites

During the program year, a CE may wish to add or eliminate a site. The addition or elimination of a site is a change (that is, an amendment) to the *Application for Participation/Plan of Operation*. If the CE wishes to add a new site, it must take the following steps:

- Visit the site to verify that it will operate in full compliance with the requirements mandated in *Agreement Between Contracting Entity and Site* (Form H1501).
- Execute *Agreement Between Contracting Entity and Site* (Form H1501) with each site that will certify the eligibility of applicants or that will transport, distribute, or store USDA Foods.
- Complete *Site Information* (Form H1503) for each certification, distribution, or storage site.
- Notify TDA of the new site by submitting the amended *Site Information* (Form H1503) to the Program Specialist¹ when requested to do so.

Eliminating Sites

If a CE wishes to eliminate a site, it must notify the Program Specialist, who will provide guidance.

¹ Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325).

Program Administration

Training

TDA provides training for new CEs. TDA may train CEs via webinar, classroom, or on-site, as necessary. CEs provide training to subagencies.

CEs and subdistributing agencies must train staff and volunteers before they initially assume any CSFP duty and each program year thereafter. CEs should notify all personnel of the date, time, location, and importance of attending a training session. Training must be documented, and the records retained for three years after the close of the fiscal year.

The staff and volunteers of CEs and subagencies must be trained in the following tasks:

- Properly transporting, storing, handling, and using USDA Foods
- Applying eligibility criteria for participants
- Following written application procedures
- Ensuring client rights (including civil rights requirements)
- Following complaint procedures
- Processing participant applications
- Assisting applicant seniors to complete their applications
- Referring residents from other contracted service areas to locations where they may apply for USDA Foods

CEs must maintain a record of trainings and attendees (sign-in sheets) which includes the following:

- Date of training,
- Location of training,
- Training topics,
- Name(s) and signature(s) of attendees, and
- Name of the trainer.

CEs must retain this documentation with its program records.

Monitor Reviews by Contracting Entities

CEs must monitor (regularly, at least annually) their administrative and site personnel and subagencies to make certain the following steps are taken:

- Ensure program compliance.
- Investigate reported problems.
- Determine whether to operate a site during the following program year.
- Verify and ensure proper use of USDA Foods.

CEs must record and track compliance or operational issues² on their compliance monitoring forms. If the monitor review reveals problems, CEs must take appropriate action to correct the noncompliance. At its discretion, TDA may collect information about the content of CEs' findings for sites.

NOTE: TDA recommends CEs select sites for monitoring where site supervisors have had a poor performance record during previous program years or where supervisors could not implement or complete corrective action. Depending on the previous performance problems, TDA may not approve such sites at the time of renewal.

Independently or in coordination with TDA, as appropriate, CEs will review subdistributing agencies and the sites served by those agencies to take the following steps:

- Evaluate their operations and activities (including evaluating the extent to which the agencies inform eligible populations of the availability of USDA Foods)
- Ensure CSFP compliance, according to the terms and conditions of their agreements, including (but not limited to) the following:
 - Receiving, handling, distributing, and using USDA Foods, according to the *CSFP Agreement and Application for Participation/Plan of Operation*
 - Adhering to nondiscrimination requirements
 - Providing eligible persons and households equal access to USDA Foods (including the elderly, persons with disabilities, and homebound persons)
 - Means-testing households
 - Evaluating the frequency of meal service or USDA Foods distribution, the quantity of USDA Foods included in meals or food packages, and other factors, as may be necessary

Nutrition Education

CEs must provide nutrition education³ that can be easily understood by participants, that is related to their nutritional needs and household situations, and that accounts for specific ethnic and cultural characteristics whenever possible. The CE must make nutrition education available to all participants. (7 CFR § 247.18(b))

The Goal of Nutrition Education

The goal of nutrition education is to provide both immediate and long-term improvement in the health status of participants. Nutrition education should be thoroughly integrated into program operations. Nutrition education has a dual purpose: 1) ensuring that CSFP foods are properly used and 2) emphasizing the relationship of proper nutrition to the total concept of good health.

Nutrition Education's Five Topics

The CE must provide nutrition education that includes the following information:

² For a definition of this term, see *CSFP Handbook*, Section 9, *Terms, Definitions, and Acronyms*.

³ For more about CSFP's Nutrition Education Plan, go to www.SquareMeals.org, choose "Programs" then "Commodity Supplemental Food Program," click on "CSFP Resources," then scroll down to "Nutrition Education Plan and Evaluation Process."

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

Implementing Nutrition Education

The CE's nutrition education materials must meet the following expectations:

- Cover the five topics listed above.
- Be accurate, current, and relevant in content.
- Be based on sound, established, and scientific evidence.
- Account for specific ethnic and cultural characteristics whenever possible.
- Be tailored to meet any limitations experienced by participants, such as lack of running water, lack of electricity, and limited cooking or refrigeration.

What Does Nutrition Education Look Like?

Examples of nutrition education include the following:

- Cooking demonstrations;
- Nutrition handouts or newsletters;
- Written information about health issues;
- Introduction to online resources such as USDA's website and MyPlate;
- Recipes incorporating CSFP foods; and
- Nutrition classes.

Evaluation of Nutrition Education

Annually, each CE must evaluate the effectiveness of its nutrition education program using TDA's guidance. Homebound elderly should also be included in the evaluation process. Information provided by the completed evaluations shall be considered in formulating future plans, goals, and objectives for the CE's nutrition education plan. Copies of evaluation results must be kept on file by the CE and must be made available to TDA staff during compliance reviews.

Filing and Submitting Monthly Claims

A CE's claim is the actual participation report submitted to receive financial assistance with administrative costs associated with CSFP operations. TDA reimburses claims depending on the availability of funds.

Only a person authorized by the CE's User Access Manager (as designated on Form FND-135) may enter the claim in TX-UNPS.

Due Dates

Monthly reimbursement claims must be received by TDA in TX-UNPS in a timely manner. TDA recommends monthly claims be submitted no later than 60 days after the claim month has ended.

All claims must be submitted no later than November 29, which is 60 days after the close of the federal fiscal year. TDA will not accept claims for reimbursement of costs of distributing USDA Foods after this date.

Identifying Costs Separately

Monthly claims must separately identify the direct and indirect costs of distributing USDA Foods. As authorized by contracts and as funds are available, CEs must include special transportation costs on monthly claims, as instructed by TDA. CEs may also include on claims the reimbursable costs of distributing non-USDA Foods.

Adjusted Claims

If TDA processes an adjusted claim for a month in the current program year, TDA will reconcile any overpayment or underpayment against any outstanding claims for the current program year. If the outstanding claims do not reconcile the adjusted claim, TDA will process payment to the CE for any underpayment and will require the CE to submit any remaining overpayment.

Claims for Reimbursement

TDA reimburses CEs for their actual, allowable costs of storing, transporting, and distributing USDA Foods, as administrative funds are available, according to the terms and conditions of the CSFP Agreement.

Annual CSFP Budgets

During the annual application approval process and as requested by TDA thereafter, CEs must submit budgets to project the costs of storing, transporting, and distributing USDA Foods during a specified period. The annual budget should also include outreach and nutrition education.

NOTE: A budget is a planning document and is not the amount that TDA will reimburse the CE.

FNS-153 Monthly Report

CEs must submit the *Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report* (FNS-153) monthly to TDA. (7 CFR §247.29(b)(2)) The FNS-153 report reconciles the amount of CSFP inventory issued by the CE to the number of participants issued CSFP food packages each month. The report also lists the total remaining CSFP inventory after distributions were issued. A CE will also use this report to account for any food items used in cooking demonstrations for nutrition education.

NOTE: Inventory is the responsibility of the CE until it is in possession of the participant. If a CE

or site was unable to issue all distributions, the unissued inventory must be included in the total ending inventory.

Prior to the end of the reporting month, TDA will email the report template to CEs with a deadline for completion and submission back to TDA. Deadline to submit the FNS-153 is typically the 5th business day of the following month.

Participation and Distribution

Participants may receive one food package distribution every month or two distributions bi-monthly. The number of participants (FNS-153, Box 4G) must reflect the number of participants in receipt of distributions that month, regardless of the total number of distributions issued to each participant.

The total activity number (FNS 153, Box 13) reflects the number of food package distributions issued that month. If all participants were issued one distribution each that month, the number of participants should match the total activity number. These numbers will not match, however, if any participants received two distributions that month due to a bi-monthly distribution schedule. CEs must explain any discrepancy between the number of participants and the total activity number in the remarks section (Box 16). In this case, the discrepancy is due to issuance of bi-monthly distributions.

Caseload Management

TDA regularly monitors and works with CEs to maximize caseload⁴ usage. Depending on a CE's caseload usage rates, TDA may adjust the CE's caseload per either a statewide adjustment or the CE's participation rate. In this case, TDA will make every effort to prevent discontinuance of service due to the CE's caseload adjustment. Additionally, TDA may review a CE's policies and procedures to ensure service to participants in each service area. A CE's distribution method is subject to review and approval by TDA. TDA maintains the right to adjust caseload and administrative funding.

Enrolling Participants

Other Public Assistance Programs

CEs must inform applicants in writing of other public assistance programs for which applicants might be eligible. (7 CFR §247.12(a)(3)) CEs must also make referrals as appropriate to the following programs:

- Supplemental Security Income (SSI)
- Medical assistance provided under Title XIX of the Social Security Act, including medical assistance provided to a qualified Medicare beneficiary
- Supplemental Nutrition Assistance Program (SNAP)

TDA recommends that CEs also inform elderly applicants of the Senior Farmers' Market Nutrition Program (in limited areas) and the Child and Adult Care Food Program, which is offered in some adult

⁴ The number of participants, assigned by USDA, that the state will serve and apportioned to each CE.

day care centers, if the CE is aware of the availability of these programs within its service area.

Participant Application Process

The application process must be completed in a space that provides confidentiality. To accomplish this, the waiting area must be separated from the application area.

Written Application Procedures

CEs must maintain written procedures for the application process. The procedures must be available for monitor and compliance reviews at all levels of distribution — the CE level and the site level. The CE is responsible for training sites on the application procedures. Within the application procedures, the *Written Notice of Beneficiary Rights* and the *Participant Rights and Responsibilities* form must be provided.

Electronic information

A CE and sub-agency may record participant and applicant information, including signatures, electronically. CEs and sub-agencies must protect electronic information to ensure confidentiality.

Confidentiality

CEs must protect the confidentiality of any information that has been provided on an application, whether the application is paper or electronic. For instance, CEs must ensure that information is physically secure against theft or misuse.

The CE may use the information to determine eligibility for CSFP benefits and to verify income.

A CE may release information only for the following two purposes:

1. To aid the administration and enforcement of the CSFP
2. To assist with the investigation and prosecution of CSFP violations

Participant Rights and Responsibilities Form

CEs or sites must provide *Participant Rights and Responsibilities* (Form H1516) at application, at denial of certification, and at termination. The form gives brief instructions about how to request a fair hearing, as well as information about other rights and responsibilities of participants.

Participant Application (Form 1504)

Low-income persons sixty years old and older may apply to participate in the CSFP. A proxy may apply on behalf of the applicant. For detailed information on the proxy, see *The Proxy* in this handbook section.

To establish eligibility, applicants must provide their name, age, address, household size, and household

income on an application such as Form H1504, *Participant Application*.⁵ (7 CFR §247.8) Form H1504 serves as a guide for the information to be requested from the applicant. To certify and document the eligibility of applicants for CSFP benefits, the CE may use Form H1504 or another paper or electronic application to collect participant information. If the CE chooses not to use Form H1504, the alternative paper or electronic application must include all elements required by regulation and must not require additional information. Participant applications must be filled out completely, including the participant and CE/Site Official signatures, and the eligibility determination.

CEs may request additional data but must ensure that the federally allowed information to determine CSFP eligibility is collected first. Further, the collection of additional data must not be a real or perceived barrier to participation in CSFP. If a CE uses other forms during the CSFP application process, the form must specify that a participant (or eligible applicant) will receive USDA Foods through CSFP even if a participant refuses to provide the additional data. **Only the information collected on the *Participant Application (Form 1504)* can be requested for a participant to obtain USDA Foods.**

NOTE: The certification statement and nondiscrimination statement must be included on the CE-created form.

There are no citizenship requirements for participation in the CSFP. CEs and sites cannot require applicants or participants to prove citizenship.

Applicants must reside within a designated CSFP service area on the day of certification to be eligible to participate in the CSFP. Examples of service areas include, but are not limited to, county or counties, zip codes, or neighborhoods. Proof of residency is not required.

Regardless of the availability of CSFP caseload and the potential ineligibility of an applicant, a CE must complete Form H1504 or a similar application form for each individual who wishes to participate in CSFP.

Full name, address, and date of birth

The CE must ensure that the full name, address, and date of birth of the applicant are entered on the *Participant Application (Form H1504)* or similar application form. At the time of application, as well as distribution, some form of identification for each applicant must be provided. Identification may include, but is not limited to, any of the following:

- Birth certificate
- Baptismal certificate
- Health card
- Identification card
- Driver license
- Military ID
- Veteran ID
- Passport

⁵ Located at www.Squaremeals.org. Choose “Programs” then “Commodity Supplemental Food Program,” click on “CSFP Administration/Forms,” then put the form name in the appropriate search field.

- Refugee visa

Participant Rights and Responsibilities

The following statement shall be read by, or read to, the applicant or the applicant's caretaker at the time of certification:

Standards for participation in the program are the same for everyone regardless of race, color, national origin, age, sex, or disability. You may appeal any decision made by the site regarding your denial or termination from the program. If your application is approved, the site will make nutrition education available to you, and you are encouraged to participate.

NOTE: When a significant proportion of the population that the CE serves is composed of non-English or limited English speaking persons who speak the same language, the sentences shall be stated to such persons in a language they understand.

Participants must consent to the release of information to the following:

- CSFP staff
- Another CFSP agency, if transferring sites and to prevent dual participation
- USDA
- TDA
- The site
- The CE

CEs or sites must provide *Participant Rights and Responsibilities* (Form H1516) at application, at denial of certification, and at termination.

Income Eligibility

On the day of certification, applicants must meet income eligibility guidelines:

- Household income must meet income eligibility guidelines on *Income Eligibility Guidelines for the Elderly* (Form H1666).
- Eligibility for SNAP benefits does not make applicants automatically eligible for CSFP benefits. Applicants must meet the income eligibility guidelines for CSFP.
- Applicants who meet all other CSFP eligibility requirements cannot be denied CSFP benefits simply because they participate in SNAP.
- Applicants who meet the income eligibility requirements for CSFP also meet the income requirements for the Senior Farmers' Market Nutrition Program.⁶

TDA posts the updated federal income guidelines online each year. The CE may obtain a copy of the guidelines by accessing the TDA website at www.SquareMeals.org. Choose "Programs," then "Commodity Supplemental Food Program;" click on "CSFP Income Eligibility Guidelines."

⁶ Organizations interested in applying for the Senior Farmers' Market Nutrition Program should go to www.SquareMeals.org and choose Programs, then Senior Farmers Market Nutrition Program.

NOTE: Household size and income only factor into an **individual applicant's** eligibility. Multiple people in one household could individually qualify using the same household size and income. If multiple people in one household meet the eligibility requirements, each eligible person in the household may receive a caseload slot.⁷

Determining Household Size

When determining the household size, CEs must include all related and unrelated individuals, exclusive of boarders,⁸ who are not residents of an institution, but who live as one economic unit and for whom food is customarily purchased and prepared in common.

Determining Household Income

When determining household income, CEs must calculate the total gross income of all household members before deductions. Total net household income is not valid when determining income eligibility.

Applicants are not required to provide proof of income; however, all sources of the applicant's household income, not excluded below, must be used to calculate the total gross income of all household members.

The following items are excluded from consideration as income for households when determining program eligibility:

- Supplemental Nutrition Assistance Program (SNAP) benefits
- Family Subsistence Supplemental Allowance
- National Flood Insurance Program payments
- Filipino Veterans Equity Compensation Fund payments authorized by the American Recovery and Reinvestment Act of 2009 for certain veterans, or for surviving spouses of veterans, who served in the military of the Government of the Commonwealth of the Philippines during World War II.
- Lump sums or periodic payments from the *Cobell* settlement

The value of CSFP benefits may not be considered as income or resources when determining eligibility for other public assistance programs. Contact the Program Specialist⁹ if you have a question about an item that might be excluded from consideration as income.

Total gross income (before deductions) for all household members

Applicants must provide their total gross income from all sources of income. Refer to *Determining Household Income* below for a list of income sources that are excluded. For example, SNAP benefits do not count as income for purposes of determining income eligibility in CSFP. Applicants with zero income are income-eligible. On the *Participant Application*, indicate zero income.

⁷ A caseload slot is the actual available benefit for a participant.

⁸ See *CSFP Handbook*, Section 9, *Terms, Definitions, and Acronyms* for a definition of this term.

⁹ Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325).

Applicants are required to provide income information; however, applicants are not required to provide proof of income.

Applicants must indicate the number of household members.

Determination of Eligibility

After reviewing all data elements on the application, CEs must determine the applicant's eligibility by selecting one of these options:

1. Eligible
2. Eligible and on Waitlist
3. Ineligible

Eligible

Only those applicants who meet all eligibility criteria are eligible for CSFP benefits.

Eligible and on Waitlist

Only applicants who meet all eligibility criteria can be certified for CSFP benefits. However, when a CE does not have available caseload, each CE must maintain a waitlist of applicants. The best practice is to determine eligibility before placing an applicant on the waitlist to enable the CE to move quickly when a caseload slot opens. For more information, see *The Waitlist* in this handbook section. The applicant must be notified of placement on a waitlist within ten days of application.

Not Eligible

Applicants must be low-income and elderly. Otherwise, the applicant is ineligible. See *Enrolling Participants* in this handbook section for details regarding eligibility.

NOTE: CEs or sites may use the *Application Notification* (Form H1515)¹⁰ when an application has been denied or terminated. This form provides an applicant with an explanation for denial or termination and an applicant's right to a fair hearing.

¹⁰ Go to www.SquareMeals.org. Choose "Programs" then "Commodity Supplemental Food Program," click on "CSFP Administration/Forms," then put the form name in the appropriate search field.

The Waitlist

The waitlist contains eligible applicants¹¹ who are waiting for a caseload slot. When a caseload slot becomes available, the CE must certify a wait-listed applicant in the order they applied. The waitlist must include at least the following:

1. The applicant's name,
2. Address or telephone number, and
3. The date the applicant is placed on the waitlist.

NOTE: CEs may only certify an eligible applicant if a caseload slot is available for that applicant. If an applicant is determined eligible but no caseload slot is available, that individual is placed on the waitlist. Once a caseload slot opens, the CE may then certify and begin distributing to the applicant.

The table below contains further details about the waitlist.

Waitlist Details	
<i>When the applicant remains on the waitlist fewer than six months, the Eligibility Specialist must . . .</i>	Confirm the following information: <ul style="list-style-type: none"> • Has your address changed? • Do you still want to receive CSFP benefits? • Does the CE or site believe that the participant still has an income that meets eligibility requirements?
<i>When an applicant remains on the waitlist longer than six months, the Eligibility Specialist must . . .</i>	. . . Perform a full certification before providing the applicant benefits.
<i>When a participant transfers to a CE's service area that doesn't have a caseload slot, the participant. . .</i>	. . . Must be served even if caseload is temporarily exceeded ¹²

Per USDA policy, for an individual who has remained on the waitlist for greater than six months, the CE or site must perform a full certification before providing that individual with benefits.

¹¹ The best practice is to determine eligibility before placing an applicant on the waitlist to enable the CE to move quickly when a caseload slot opens.

¹² See *Transfer of Certification* in this handbook section.

Certifying Participants

CEs may certify eligible participants for a period not to exceed three (3) years, and on an annual basis, the CE must verify continued eligibility as outlined below.¹³

Certification

CEs may certify eligible participants for a period not to exceed three (3) years. The certification period begins the first month the participant receives benefits and extends to the final day of the month in which eligibility expires. For example, if an applicant is determined to be eligible and certified on May 13, 2021, the three-year certification period would begin May 2021 and expire on May 31, 2024.

When a caseload slot becomes available and the applicant on the waitlist begins to receive benefits, the certification period begins the month that benefits begin. For example, an applicant is determined to be eligible on June 8, 2021, and was placed on the waitlist. Caseload opened on July 2, 2021, and benefits were received the same day. The certification period for this participant would expire on July 31, 2024.

Additionally, CEs must perform the following notification responsibilities:

1. Each applicant shall be informed during certification of the right to a fair hearing and of the illegality of participation in the CSFP with more than one CE or site.
2. A person found ineligible for the CSFP during a certification visit shall be advised in writing of the ineligibility and of the right to a fair hearing according to *Appeal for Fair Hearing* in this handbook section. CEs must properly document the reasons for ineligibility and maintain the documentation with its program records.
3. A person found ineligible for the CSFP at any time during the certification period shall be advised in writing 15 days before termination of eligibility of the reasons for ineligibility and of the right to a fair hearing.
4. Each participant shall be notified at least 15 days before the expiration of each certification period that eligibility for the CSFP is about to expire.
5. Each participant shall receive an explanation of how the food delivery system at the site operates.
6. Each participant shall be advised of the importance of participating in ongoing routine health care, the types of health services available, where they are located and how they may be obtained.

Ensure full use of caseload

There are various methods to ensure full caseload use. Several of these are the waitlist, temporary certification, and the use of proxies. Ensuring full use of caseload allows TDA to request additional caseload.

Frequent, Positive Communication. A key component of full caseload utilization is frequent and positive communication, which enables CEs to meet the following responsibilities:

¹³ For the purpose of this Handbook, CE is used when discussing the certification of participants; however, site personnel, such as an eligibility specialist, may certify eligible participants on behalf of the CE.

- Serve as many participants as possible.
- Provide clear expectations to participants.
- Address challenges with food package pickup or home delivery.

At Initial Certification. Participants must be informed within ten days of the date of application of distribution time, location, distribution method, and date, including delivery to homebound participants. CEs may choose to provide calendars, flyers, and/or welcome packets with this information. CEs must explain the process of distribution (such as waiting in line, taking a number, etc.).

Regularly Phone/Texting. CEs or sites can call/text participants to confirm the date, time, and location of the distribution, and the participant’s intention to participate that month. When CEs know in advance that some caseload slots will not be filled by participants, they can distribute it to wait-listed applicants via a temporary certification.

Missed Distribution. It is a best practice for CEs to contact participants who miss a distribution. This contact allows the CE to arrange, if possible, an alternative pickup or delivery date or time. When contacted, participants can express their intention to continue participation.

Early Distribution. To the extent possible, CEs should distribute food packages early in the month. This allows sites to make arrangements for unforeseen circumstances, such as staff shortages, road closures, lack of electricity, or poor weather conditions. If unforeseen circumstances prevent distribution and the distribution cannot be rescheduled during the same month, CEs must contact TDA.¹⁴

Upon expiration of the certification period, the CE must conduct a formal review of the participant’s eligibility based on the applicable portion of *Participant Application* (Form H1504).

Temporary Certification

CEs may issue temporary monthly certifications to fully utilize caseload if a certified participant is unable to receive CSFP benefits. The CE may provide a temporary certification period, not less than one month in length, to wait-listed applicants to receive temporary benefits.

When temporary certification begins, the CE must clarify several points:

- The benefits are temporary.
- Once temporary certification ends, the recipient might
 - Receive a temporary certification extension,
 - Be certified for a period not to exceed three (3) years, or
 - Be placed back on the waitlist.

The *Temporary Certification* (Form H1509)¹⁵ provides the necessary information to the temporarily certified participants. If CEs choose not to use this form, they must nevertheless provide the participant

¹⁴ Email CommodityOperation@TexasAgriculture.gov or call 1-800-TEX-MEAL.

¹⁵ Go to www.SquareMeals.org. Choose “Programs” then “Commodity Supplemental Food Program,” click on “CSFP Administration/Forms,” then put the form name or number in the appropriate search field.

with the information in the bullet points above.

EXAMPLE: A participant missed the regular distribution in November. Although Star Food Bank made reasonable efforts, the food bank was unable to reach the participant. To fully utilize caseload, the food bank certifies the first wait-listed applicant for one month and gives the participant the Temporary Certification form.

NOTE: While temporary certification is generally granted on a month-to-month basis to participants on the waiting list, there may be circumstances where temporary certification may be granted for more than one month at a time.

EXAMPLE: TDA may request a CE to increase caseload temporarily to help compensate low performance at another CE. The length of time needed for the temporary caseload increase was determined to be four months. Therefore, CEs could grant a four-month temporary certification period to participants from the waitlist rather than month-by-month.

CEs must consult with TDA prior to granting a temporary certification period for greater than six months.

Annual Validation

As noted above, the certification period may not exceed three (3) years, and on an annual basis, the CE must verify that the following conditions are met:

- 1) The participant's address remains the same.
- 2) The participant still wants to receive CSFP benefits.
- 3) The CE has sufficient reason to believe that the participant still meets income eligibility standards.

If any of these three conditions are not met, the CE must conduct a formal review and, if determined to meet eligibility requirements, certify the participant for another period not to exceed three (3) years. The CE may use any method of its choice to conduct the annual validations. For example, the CE may conduct the annual validation over the phone or in person.

The CE or site must maintain documentation that the annual validation is conducted. During compliance reviews, TDA will review and verify the documentation. Page 3 of the *Participant Application* (Form H1504) may be used to document the annual validation.

Notification Requirement for Certification Expiration

CEs must notify participants in writing at least 15 days before the certification expires. CEs may use the *Certification Expiration Notice*¹⁶ to notify CSFP participants that certification expiration is approaching. This form is not required; however, CEs must provide written notice and inform participants that program standards are applied without discrimination by race, color, national origin, sex, or disability. (7 CFR § 247.16(d))

¹⁶ Go to www.SquareMeals.org. Choose "Programs" then "Commodity Supplemental Food Program," click on "CSFP Administration/Forms," then put the form name or number in the appropriate search field.

Dual Participation

Dual participation means participation by an individual in CSFP at more than one distribution site. CEs and sites must protect against dual participation. Participants found dually participating may be discontinued from the CSFP. For more information on discontinuance, see *Discontinuance* in this handbook section.

Transfer of Certification

Occasionally, a CSFP participant must transfer from one CE or site to another, either within or outside of the jurisdiction of TDA. The participant's certification remains valid until the certification period expires, so sites must serve transferring participants through the end of their current certification. TDA knows this might cause CEs to exceed caseload across several months. This fluctuation is acceptable.

To verify a current certification, the CE completes the *Participant Transfer Form*. The CE may give the form to the participant or may mail or email the form. However, the use of the *Participant Transfer Form* is not mandatory. As an alternative, CEs may use other verification methods, which must include the following information:

- Participant's name, address, and signature
- The date
- The date the certification began
- The date the certification expires
- Signature and printed or typed name of the eligibility specialist in the originating jurisdiction
- Name, address, and phone number of the current CE
- CE or site's representative signature

When the transferring participant's certification expires, the transferring participant shall be placed at the top of the waitlist, ahead of all other applicants. Refer to *Eligible and on Waitlist* in this handbook section for additional instructions. CEs must keep records of transfers.

Discontinuance

Discontinuance is the cessation of administering CSFP, which can occur for reasons including, but not limited to, the following:

- A participant becomes ineligible during the certification period.
- A participant misses two (2) consecutive distributions.
- Insufficient number of caseload slots.
- A participant found to be committing dual participation must be discontinued from participation at more than one CSFP site

The CE must provide the participant with a written notification at least 15 days before the discontinuance becomes effective. The CE has two options for notification, each discussed below.

If the CE chooses to provide *each* discontinued participant a written notification, the following

information must be included on it:

1. The effective date of discontinuance.
2. A statement of the individual's right to appeal the discontinuance.
3. A statement informing the participant that the CSFP is administered without discrimination by race, color, national origin, age, sex, or disability.

NOTE: CEs or sites may use the *Application Notification (Form H1515)*¹⁷ when an application has been denied or terminated. This form provides an applicant with an explanation for denial or termination and an applicant's right to a fair hearing.

When a participant misses distributions, however, it can be difficult to notify *each* of them in writing of discontinuance. In this case, CEs have the option to post a CSFP Missed Distribution Notice. If the CE chooses the notice, it must be posted with the "And Justice for All" poster at each site. The Missed Distribution Notice satisfies the requirement to notify participants of discontinuance due to repeated missed distributions.

A participant that appeals the discontinuance within the 15 days of notification will continue to receive CSFP benefits until the hearing official reaches a decision. However, the applicant that is denied benefits at initial certification, or at subsequent certifications, may appeal the denial of benefits but will not receive benefits while awaiting the hearing.

The Proxy

A proxy is a person designated by a participant, or by the caretaker of the participant, to act for the participant as necessary throughout every process of CSFP. For example, proxies can provide a signature on forms. Proxies may also act for the participant at application, certification, food package distribution, and recertification. A proxy must provide proof of identification before picking up a food package.

Requirements

CEs must collect at least the following information:

1. Participant's name
2. Name of site
3. Authorization, including proxy name
4. Participant's signature
5. Duration of proxy

The CE must maintain each written proxy designation on file. Proxy identification must be reviewed at each application, certification, food package distribution, and recertification.

Proxy Change

There are two ways to change a proxy:

- In a written statement, signed by the participant, or
- In-person at the CE or site, where proxy changes are noted and maintained in the participant file

Multiple Proxies

A participant may designate as many proxies as necessary to ensure that the food package is picked up. Likewise, a single proxy can be designated by multiple participants.

Sites Located at Religious Organizations

CSFP distribution can involve several different organizations. For instance, some religious organizations administer a site, while other religious sites provide space for CSFP without administering the program itself. Federal civil rights laws address explicitly religious activities at such sites:

- Organizations must not engage in explicitly religious activities as part of CSFP, including overt religious content such as worship, religious instruction, or proselytization.
- An explicitly religious activity at a site must be separated in time or location from CSFP services.
- Organizations must not require participants or applicants to participate in explicitly religious activities to receive CSFP.

CSFP and Explicitly Religious Activities

The following table provides examples to guide explicitly religious activities at CSFP sites. TDA encourages CEs to contact the Program Specialist¹⁷ with questions about specific circumstances.

<i>It is acceptable to . . .</i>	<i>It is unacceptable to . . .</i>
Hang a cross on a wall at the CSFP site.	Require participants to stand by a cross and recite a prayer before CSFP distribution.
Place a menorah on a table at the site during the holiday season.	Refuse USDA Foods to participants who do not practice the Jewish faith.
Display faith-based pamphlets at the front or back of the site for interested people.	Insert faith-based pamphlets into CSFP bags or boxes that will be distributed to participants.

¹⁷ Email CommodityOperations@TexasAgriculture.gov or call 877-TEX-MEAL (877-839-6325).

<i>It is acceptable to . . .</i>	<i>It is unacceptable to . . .</i>
Have a religious official, such as a pastor, assist with CSFP distribution.	Require or encourage participants to have a religious conversation before CSFP distribution.
Hold a prayer service on the second level of a church building while CSFP distribution occurs on the lower level.	Hold a prayer service in the same room and at the same time as CSFP distribution.
Invite participants or applicants to participate in a voluntary — and clearly separate — prayer before CSFP distribution.	Lead participants in prayer at the beginning of CSFP distribution.

Written Notice of Beneficiary Rights

Sites must protect participants’ rights regarding participation in religious activities.

All sites must provide all applicants with a *Written Notice of Beneficiary Rights*¹⁸ upon application for benefits and all participants with the notice at food distributions or deliveries.

The *Written Notice of Beneficiary Rights* must inform applicants and participants that:

- The site will not discriminate against participants based on religion or religious belief; a refusal to hold a religious belief; or a refusal to attend or participate in a religious practice.
- The site will not require participants to attend or participate in any explicitly religious activities. Participants’ participation in these activities must be purely voluntary.
- The site must separate, in time or location, any privately funded, explicitly religious activities from activities supported with USDA direct assistance.
- The site will provide contact information to report violations of these protections (including denials of services or benefits) by either a site, a subdistributing agency, or a CE.

The written notice must also inform applicants and participants about how to obtain information from either USDA and/or TDA about other federally funded service providers in their area.

The CE and site must maintain written procedures for the application process, including how the CE will provide the *Written Notice of Beneficiary Rights* to applicants. The procedures must be available for compliance reviews at all levels of distribution. The CE and subdistributing agencies are responsible for training site personnel about application procedures.

¹⁸ Go to www.SquareMeals.org. Choose “Programs” then “Commodity Supplemental Food Program,” click on “CSFP Administration/Forms,” then put the form name in the appropriate search field.

Refusal of USDA Foods

Recipients may refuse any USDA Foods they cannot use or do not want. Refusal will not affect eligibility. Refused items must be returned to CE and placed in inventory.

Household Responsibilities

Households bear the following responsibilities:

- Cooperate (to the extent the household is capable) to clarify or provide the information needed to establish eligibility.
- Repay, on-demand, to the CE the value of USDA Foods received if an error in eligibility is found because of erroneous information provided by the household. If the household received multiple food packages, the CE may deny the household distributions of USDA Foods for the same number of months as the extra issuances.
- Not sell or exchange USDA Foods.
- Report changes in circumstances, such as income or household size.

NOTE: During a certification period, CEs must act on reported changes affecting eligibility or amount of benefits and document changes that include pertinent information (such as a change of address). CEs must act on other changes only when/if the household requests recertification.

Orderly Distribution

Participants have the responsibility to contribute to an orderly distribution.

An orderly distribution allows participants to be served in a safe and nonthreatening atmosphere. Occasionally, however, a site might face recurring issues with a disruptive participant. In such a case, the site can coordinate with local law enforcement officials to ensure the safety of volunteers and participants. Contact the Program Specialist¹⁹ with questions, comments, or concerns.

When the participant is no longer disruptive, he or she can receive a food package at that distribution. However, the distribution might end before the disorderly participant is calm enough to receive a distribution. In this case, the CE or subagency must serve the participant at his or her next regularly scheduled distribution.

Fraud, Negligence, and Misuse

CEs, subdistributing agencies, sites, and participants must report fraud, misuse, or negligence.²⁰

fraud – The intentional concealment or willful misrepresentation of information to receive USDA Foods.

¹⁹ Email CommodityOperations@TexasAgriculture.gov or call 1-877-TEX-MEAL (1-877-839-6325).

²⁰ For additional information see “Program Violations” in Section 8 of this handbook.

negligence – Improper distribution or use of USDA Foods; or failure to properly store, handle, or care for the food.

misuse of USDA Foods – Includes (but is not limited to) selling, trading, or giving USDA Foods to ineligible persons.

Procedure for Reporting

CEs must create and follow written procedures for reporting fraud, negligence, and misuse of foods, whether the offense occurs on the part of CEs, subdistributing agencies, sites, or participants. The procedure must include information such as the amount of USDA Foods involved, location of the incident, suspected parties, and other details and facts. CEs assume financial liability for negligent or fraudulent administration of CSFP if CEs are aware of such activity but choose not to report to TDA.

As always, record maintenance is required. CEs, subdistributing agencies, and sites must keep and maintain records for three years after the end of the federal fiscal year to which they pertain.

Program Documentation

TDA can only observe the CE's daily operation of the program when conducting compliance reviews and audits. Therefore, TDA must rely on the records that the CE retains to determine compliance with CSFP requirements and to verify the reimbursement to which the CE is entitled. If a CE's records do not support eligibility or claims for reimbursement, the CE will be required to repay the unsupported amount.

Record Retention

CEs must retain all documents relating to participation in CSFP, such as claims and supporting documents that are specific to a particular federal fiscal year, for three years from the end of that federal fiscal year. These documents include, but are not limited to, eligibility determinations, financial documents, supporting documents, distribution receipt, and statistical records.

EXAMPLE: All documents specific to CSFP program year 2021 must be retained until September 30, 2024.

Every application creates a record, even an application denied because of ineligibility. Therefore, denied applications are subject to record retention requirements. For more information, see "Ineligible Applicants" in this handbook section.

However, if audit findings, claims, litigation, or investigation findings have not been resolved, all forms and records must be retained beyond the required period until all issues are resolved. These issues are considered resolved when a final order is issued in litigation, or when the CE and TDA sign a written agreement indicating that the audit findings, claims, or investigation findings have been resolved.

Availability of Records

Each CE, as well as each of its subagencies, must allow TDA, USDA, U.S. Government Accountability Office (GAO), and representatives of other appropriate agencies to inspect facilities and records and to audit, examine, and copy records during normal working hours.

CEs must maintain separate records for each subagency, and CSFP records must be maintained separately from records of other programs. CEs must make records available to TDA upon request and during an administrative review. Such records include, but are not limited to, the following:

- CE findings of subdistributing agencies
- Number of participants served
- Salvage license
- Documents concerning the application for participation
- Storage and warehousing practices
- Inventory controls
- Site monitor review records
- All required CSFP forms
- Budget records (applicable only to CEs)
- Records of training
- Cost allocation records
- Program agreements
- Procurement records
- Single audit records
- Civil rights compliance
- Other documents, as determined by TDA

Record maintenance requirements apply even if the *CSFP Agreement and Application for Participation/Plan of Operation* are terminated or not renewed.