



DEPARTMENT OF
**PUBLIC HEALTH &
HUMAN SERVICES**



Montana Commodity Supplemental Food Program CSFP 2025 Program Manual

This program manual provides an overview of the Montana Commodity Supplemental Food Program (CSFP) and its activities, as well as the program's requirements. It is primarily for CSFP participating local agencies and sub-distributing agencies to aid in implementing and managing CSFP in their areas.

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Food and Nutrition Service
U.S. DEPARTMENT OF AGRICULTURE



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DEFINITIONS

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

Caseload means the number of persons the State agency 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 means the period during which a CSFP participant may continue to receive benefits under CSFP without a formal review of eligibility.

USDA Foods means nutritious foods purchased by USDA to supplement the diets of CSFP participants.

CSFP means the Commodity Supplemental Food Program.

Disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of such individuals.

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

Dual participation means 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.

Food Banks means eligible non-profit local agencies within Montana.

Homebound participants are defined as persons who are, in the judgment of the local agency, unable to obtain monthly food packages without assistance provided by or through the local agency.

Local agency means a public or private nonprofit agency, including an Indian tribal organization, which enters into an agreement with the State agency to administer CSFP at the local level.

Nonprofit agency means 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.

Participant means person at least 60 years of age that receives USDA Foods through CSFP.



Proxy means any person designated by a participant, or by the participant's adult parent or caretaker, to obtain supplemental foods on behalf of the participant.

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

State means 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.

State agency means 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 means the document that describes the way the State agency intends to administer the program in the State.

Subdistributing agency generally means an agency or organization that has entered into an agreement with the State agency 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 planning for the storage and delivery of such USDA Foods on behalf of eligible recipient agencies. **For sake of clarity, Montana's CSFP program uses the term Subdistributing agency to mean any organization the local agency has an agreement with to administer CSFP.**

USDA means the United States Department of Agriculture

USDA implementing regulations include the following: 2 CFR part 400, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR part 415, General Program Administrative Regulations; 2 CFR part 416, General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments; and 2 CFR part 418, New Restrictions on Lobbying.



CHAPTER 1: GENERAL PROGRAM INFORMATION

Welcome to the Montana Commodity Supplemental Food Program (CSFP) program manual. CSFP participating local agencies and sub-distributing agencies are responsible for reading, understanding, and adhering to the provisions and guidelines presented in this manual. Updates and changes may be made as needed by DPHHS. Notification of changes will be made.

To aid in reviewing the information in this manual, each section includes a chapter heading that provides a brief overview of the information included in that section and which agency (state or local) that is primarily responsible for administering the activities listed.

The purpose of this section is to provide a general overview of the CSFP program, including its history and background, as well as general program-related topics.

1.1 Background

CSFP works to improve the health of persons with low-income, at least 60 years of age, by supplementing their diets with nutritious USDA Foods. The MT Department of Public Health and Human Services (DPHHS), Intergovernmental Human Services Bureau (IHSB) administers the CSFP program in Montana. CSFP is administered at the federal level by the Food and Nutrition Service (FNS), an agency of the U.S. Department of Agriculture (USDA).

Through CSFP, USDA distributes both food and administrative funds to participating states and Indian Tribal Organizations (ITOs). USDA Foods are offered to certified participants as CSFP food packages. These do not provide a complete diet but rather are good sources of the nutrients typically lacking in the diets of the beneficiary population.

The CSFP program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (PL 93-86). Federal regulations covering CSFP can be found in 7 CFR Parts 247 and 250.

The monthly food packages contain a variety of foods with important nutrients, including protein, calcium, iron, vitamins A, C, and D, and fiber. USDA Foods in CSFP align with the Dietary Guidelines for Americans and contain reduced amounts of sodium, saturated fat, and added sugar.

Food packages include a variety of foods, such as non-fat dry milk, shelf-stable milk, juice, hot or ready-to-eat cereal, rice or pasta, peanut butter or dry beans, canned meat or poultry, tuna or salmon, and canned fruits and vegetables.

Local agencies determine the eligibility of applicants, distribute the food, and provide nutrition education. Local agencies also provide referrals to other welfare, nutrition, and health care programs.



Participants must reside in the state of Montana, within a CSFP service area, be at least 60 years of age, and have income at or below 150% of the federal poverty income guidelines.

1.2 History of CSFP

CSFP began in 1969 and originally aimed at providing food to pregnant or postpartum women, infants, and children up to age six. In 1973, the program was officially authorized and funded with the Agriculture and Consumer Protection Act. The 1977 Farm Bill established its current name.

Eight years later, with the Food Security Act of 1985, the program expanded to include senior participation, albeit at a lower priority than the original ones. However, in the Food, Conservation, and Energy Act of 2008, the priority status in program participation that was given to women, infants, and children before seniors was removed, and food packages were distributed more equally.

With the Agricultural Act of 2014, the CSFP stopped serving women and newly eligible children and focused only on serving seniors. As of February 2016, the remaining women and children participating in the program have been completely phased out of the program.

CSFP began in the State of Montana in 2000 and is available in all counties. CSFP works with 12 local agencies throughout the state to operate the program at the local level through food pantries and other outlets. This program has been extremely effective in helping to meet the needs of low-income seniors in rural areas.

1.3 The Purpose and Scope of CSFP

Through CSFP, the state agency provides nutritious USDA food packages to help local agencies meet the nutritional needs of low-income participants.

Local agencies may serve eligible persons up to the caseload limit assigned to them by IHSB. Caseload is defined as the number of persons who may be served on an average monthly basis over the course of the caseload cycle, which extends from January 1 through the following December 31.

1.4 CSFP Manual Guidelines

This CSFP program manual is written in accordance with the most recent revision of the Code of Federal Regulations (7 CFR) - Agriculture - Parts 250 and 247, applicable federal policies and instructions from USDA. The CSFP program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973.

The policies and procedures outlined in this manual are specific to CSFP and must be followed by CSFP-participating local agencies and subdistributing agencies. This manual is updated annually to coincide with the start of the federal fiscal year on October 1. Any updates to policies or procedures will be provided via Policy Bulletins. Compliance with updates to this manual is required for all CSFP participating local agencies and subdistributing agencies.



For CSFP program manual questions and to request a copy of the manual please email program staff at hhsfooddistribution@mt.gov

1.5 CSFP Program Responsibilities

USDA has designated the Montana Department of Public Health and Human Services (DPHHS), Human and Community Services Division (HCSD), Intergovernmental Health Services Bureau (IHSB), as the distributing agency responsible for the administration of the CSFP. In accordance with 7 CFR 247 and applicable regulations in 7 CFR 250, IHSB is responsible for effective program administration. IHSB issues contracts and contract amendments for local level administration of the program.

IHSB is responsible for the oversight of this program and will provide technical assistance and support in relation to regulations and guidance from USDA.

1.6 CSFP Regulatory Authority

Legal Basis:

The program is authorized under Section 4(a) of the Agriculture and Consumer Protection Act of 1973.

Federal Regulations:

The CSFP is defined in Title 7 – Agriculture, Code of Federal Regulations Chapter II – Food and Nutrition Service, Department of Agriculture, Parts 247 and 250 referred to here after as 7 CFR 247 and 7 CFR 250. Local Agencies shall comply with all applicable parts of this and related federal regulations. Regulations are available at:

7CFR 247: [eCFR :: 7 CFR Part 247 -- Commodity Supplemental Food Program](#)

7CFR 250: [eCFR :: 7 CFR Part 250 -- Donation of Foods for Use in the United States, Its Territories and Possessions and Areas Under Its Jurisdiction](#)

Food Distribution National Policy Memoranda issued about the CSFP serve to clarify the regulations and provide guidelines. Local agencies shall comply with all Food Distribution National Policy Memoranda, CSFP and Food Distribution Policy Memoranda are available at:

[FNS Documents & Resources | Food and Nutrition Service](#)

Information about other USDA Food Distribution Programs may be found at: [Food Distribution | USDA](#)

1.7 CSFP Administering Agencies

CSFP is administered at the Federal level by USDA's Food and Nutrition Service (FNS), which provides USDA Foods, assigns caseload, and allocates administrative funds to State agencies. State agencies are responsible for administering the program at the State level. The State agency may select local agencies to administer the program in local areas of the State. The State agency



must provide guidance to local agencies on all aspects of program operations. The State agency may also select subdistributing agencies (e.g., another State agency, a local governmental agency, or a nonprofit organization) to distribute or store USDA Foods, or to perform other program functions on behalf of the State agency. Local or subdistributing agencies may also select other agencies to perform specific program functions (e.g., food distribution or storage), with the State agency's approval. Although the State agency may select other organizations to perform specific activities, the State agency is ultimately responsible for all aspects of program administration.

The State agency may not delegate the performance of the following functions to another agency:

1. Establishing eligibility requirements, in accordance with the options provided to the State agency under § 247.9; or
2. Establishing a management review system and conducting reviews of local agencies, in accordance with § 247.34.

State, subdistributing, and local agencies must administer the program in accordance with the provisions of part 247 and with the provisions contained in part 250, unless they are inconsistent with the provisions of part 247.

1.8 Selection of Local Agencies by IHSB

Local agencies wishing to participate in CSFP must submit a written application to IHSB. The application must describe how the local agency will operate the program and, for nonprofit agencies, must include the agency's tax-exempt status. To be eligible to participate in CSFP, a nonprofit agency must have tax-exempt status under the Internal Revenue Code (IRC) or have applied for tax-exempt status with the Internal Revenue Service (IRS) and be in the process of obtaining such status. Nonprofit agencies organized or operated exclusively for religious purposes are automatically tax-exempt under the IRS. Nonprofit agencies required to obtain tax-exempt status must provide documentation from the IRS that they have applied for or obtained such status.

IHSB will approve or disapprove the local agency's application based on, at a minimum, the following criteria:

1. The ability of the local agency to operate the program in accordance with Federal and State requirements.
2. The need for the program in the projected service area of the local agency.
3. The resources available (caseload and funds) for initiating a program in the local area; and
4. For nonprofit agencies, the tax-exempt status, with appropriate documentation.

IHSB may approve a nonprofit agency that has applied to the IRS for tax-exempt status and is moving toward compliance with the requirements for recognition of tax-exempt status.

- If the IRS subsequently denies a participating agency's application for recognition of tax-exempt status, the agency must immediately notify IHSB of the denial. IHSB will terminate the agency's agreement and participation immediately upon notification.



- If documentation of recognition of tax-exempt status is not received within 180 days of the effective date of the agency's approval to participate in CSFP, IHSB will terminate the agency's participation until such time as recognition of tax-exempt status is obtained. However, IHSB may grant an extension of 90 days if the agency demonstrates that its inability to obtain tax-exempt status in the 180-day period is due to circumstances beyond its control.

CSFP Local Agency Application Approval

IHSB will inform the local agency of approval or denial of the application within 60 days of its receipt. If the application is denied, IHSB will provide a written explanation for the denial, along with notification of the local agency's right to appeal the decision, in accordance with § 247.35. If the application is approved, IHSB and the local agency must enter into an agreement in accordance with the requirements of § 247.4.

1.9 CSFP Agreements

The following agreements are necessary for local agencies to administer CSFP:

Agreement between FNS and DPHHS. DPHHS has an agreement with FNS (Form FNS-74, the Federal-State Agreement) to receive USDA Foods or administrative funds.

Agreement between DPHHS and local agencies. DPHHS must enter into written agreements with local agencies prior to making USDA Foods or administrative funds available to them. The agreements must contain the information specified below. Copies of all agreements must be kept on file by the parties to the agreements.

Agreements between local agencies and subdistributing agencies. Local agencies must enter into written agreements with subdistributing prior to making USDA Foods or administrative funds available to those agencies. The agreements must contain the information below. Copies of all agreements must be kept on file by the parties to the agreement and submitted to DPHHS. A local or subdistributing agency may establish the duration of its agreement.

According to § 247.4 (b), all agreements described above must contain the following:

1. An assurance that each agency will administer the program in accordance with the provisions of part 247 and part 250, unless they are inconsistent with the provisions of part 247.
2. An assurance that each agency will maintain accurate and complete records for a period of eight years from the close of the fiscal year to which they pertain, or longer if the records are related to unresolved claims actions, audits, or investigations.
3. A statement that each agency receiving USDA Foods for distribution is responsible for any loss resulting from improper distribution, or improper storage, care, or handling of USDA Foods.
4. A statement that each agency receiving program funds is responsible for any misuse of program funds.
5. A description of the specific functions that the State, subdistributing, or local agency is delegating to another agency; and
6. A statement specifying:



- a. That either party may terminate the agreement by written notice to the other; and
- b. The minimum number of days of advance notice that must be given. (The advance notification period must be at least 30 days.)

In addition to these requirements, agreements between local agencies and subdistributing sites must also include

1. The required FNS Civil Rights assurance statement, as required by 7 CFR 247.4(c)(6), and FNS Instruction 113-1, Section X and Appendix C, Section F; and
2. The requirement that Civil Rights training must be completed for anyone who has contact with clients/participants, and documentation of completion has to be submitted

According to § 247.4 (c), in addition to these requirements, agreements between DPHHS and local agencies must contain the following:

1. An assurance that the local agency will provide, or cause to be provided, nutrition education to participants, as required in § 247.18.
2. An assurance that the local agency will provide information to participants on other health, nutrition, and public assistance programs, and make referrals as appropriate, as required in § 247.14.
3. An assurance that the local agency will distribute food packages in accordance with the approved food package guide rate.
4. An assurance that the local agency will take steps to prevent and detect dual participation, as required in § 247.19.
5. The names and addresses of all certifications, distribution, and storage sites under the jurisdiction of the local agency; and
6. An assurance that the local agency will not subject any person to discrimination under the program on the grounds of race, color, national origin, age, sex, or disability.

CSFP agreements between FNS and State agencies are considered permanent but may be amended at the initiative of State agencies or upon request by FNS. All amendments must be approved by FNS.

IHSB will establish the duration of agreements it signs with local agencies. These agreements will comply with the requirements of § 250.4.

1.9 a State and Local Agency CSFP Responsibilities

State and local agencies are responsible for administering the program in accordance with program provisions. Although the State agency may delegate some responsibilities to another agency, the State agency is ultimately responsible for all aspects of program administration. The following is an outline of the primary responsibilities of State and local agencies; it is not intended to be all-inclusive.

The primary responsibilities shared by DPHHS, 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; and
- Conducting program outreach.

The primary responsibilities of DPHHS include:

- Completing and submitting the State Plan.
- Selecting local agencies to administer the program in local areas of the State.
- Determining caseload needs and submitting caseload requests to FNS.
- Assigning caseload and allocating administrative funds to local agencies.
- Establishing eligibility requirements, in accordance with the options provided to the State agency under § 247.9. (This function may not be delegated to another agency).
- Establishing nutritional risk criteria and a residency requirement for participants, if such criteria are to be used.
- Establishing a financial management system that effectively accounts for funds received for program administration.
- Developing a plan for the detection and prevention of dual participation, in coordination with CSFP local agencies.
- Developing a plan for providing nutrition education to participants.
- Establishing appeals and fair hearing procedures for local agencies and program participants.
- Developing a management review system and conducting reviews of local agencies. (This function may not be delegated to another agency.)
- Determining and pursuing claims and establishing standards for the pursuit of claims against participants.
- Ensuring compliance with Federal audit requirements.
- Providing guidance to local agencies, as needed; and
- Ensuring that program participation does not exceed the State agency's caseload allocation on an average monthly basis.

The primary local agency responsibilities include:

- Determining eligibility of applicants in accordance with eligibility criteria established by the State agency.
- Complying with fiscal and operational requirements established by the State agency.
- Ensuring that participation does not exceed the caseload assigned by the State agency.
- Issuing food 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 the homebound participants, to the extent possible; and
- Pursuing claims against participants.



CHAPTER 2: FISCAL MANAGEMENT

This section will provide information on fiscal management activities for administering the CSFP program, including invoicing, year-end final expenditure reports, and ordering.

2.1 CSFP Invoicing

The Commodity Supplemental Food Program (CSFP) invoicing process allows local agencies to be reimbursed for CSFP food boxes distributed each month to their clients and subsite clients. The number of boxes distributed is reported on the monthly Form 153, which local agencies are required to submit to the State Office. A reimbursement rate, determined annually, is applied to the number of food boxes reported.

The State agency prepares an invoice reflecting the reimbursement amount and sends it to the local agency for review and signature. Once the signed invoice is returned, it is reviewed by State CSFP program staff and forwarded to the State Fiscal Department for payment processing.

Invoices will not be issued until CSFP grant funding is available in the local agency's contract. Once funding is entered into the State's Agency Wide Accounting & Client System (AWACS), the State agency prepares and issues an invoice for review and signature.

Accruals

To align with state fiscal year requirements, CSFP accruals must be established for local agencies. Accrual information is gathered prior to June 30, the end of the state fiscal year, to ensure sufficient spending authority is available to process all reimbursement payments for grant expenditures incurred within that year. A spreadsheet is prepared to track outstanding invoices and submitted to the Fiscal Department. Caseload and box numbers are obtained from Form 153 reports. When a Form 153 is not available before the accrual deadline, estimates are used.

2.2 CSFP Year-end Final Expenditure Report

At the close of the federal fiscal year, once all invoices have been finalized, the Fiscal Department requires a final expenditure report to complete the closeout of each local agency's contract. The purpose of this report is to officially close the contract, documenting the total contract amount, funds received, funds expended, and any unexpended funds returned to DPHHS.

The final expenditure report is prepared and sent to the local agency for review, signature, and dating. Once returned, it is reviewed by State CSFP program staff and submitted to the Fiscal Department for final processing.

2.3 CSFP Ordering

The IHSB distributes the CSFP order form to local agencies via email each month. Local agencies are required to complete and return the form on a monthly or bimonthly basis, depending on their distribution cycle. Order forms are due to IHSB approximately one week prior to the agency's scheduled delivery date. Completed forms may be submitted by email (preferred), fax, or mail.



Returning the order form prior to the due date allows time for warehouse operations to take place. Late orders reduce the time warehouse staff have for inputting, creating, and checking the accuracy of orders.

Subdistributing Sites

If a local agency oversees subdistributing sites, it is the agency's responsibility to:

- Distribute the CSFP order form to its sub-distributing sites.
- Collect completed forms from those sites.
- Review each order for accuracy and completeness, making corrections as necessary.
- Verify that each subsite's order aligns with caseload, remaining inventory from the previous month's Form 153 report, and anticipated distribution needs. This ensures orders are sufficient for the cycle while minimizing excess inventory.
- Approve each subsite's CSFP order form by signing and dating it before submission to IHSB.

Ordering Guidelines

Local agencies and subdistributing sites must make issuance selections in the following categories:

- Milk
- Canned Vegetables, Soup, and Instant Potatoes
- Fruit and Juice
- Canned Meat

All other product categories have fixed issuances for each distribution cycle.

When creating orders, local agencies must account for:

- Remaining inventory from the previous distribution cycle (to prevent expiration and reduce food loss).
- Caseload numbers.
- Distribution rates of various items.
- The monthly distribution guide rate.

Required Information on the Order Form

Each order form must include the following information:

- Site Name
- Delivery Address
- City/Zip Code
- Contact Person(s)
- Phone Number(s)
- Site Number
- Email Address
- Number of Clients
- Distribution Period
- Signature
- Title
- Explanation of significant adjustment amounts

Any blank fields or unusual order quantities must include a written explanation.



Adjustments to Orders

Due to inventory shortages or delivery discrepancies, orders may occasionally require adjustment. In such cases, IHSB will notify the site via email with details on the item, the reason for substitution, and instructions for revising the order. Flexibility from local agencies is appreciated in these circumstances.

A sample order form is provided in the attachments.



CHAPTER 3: CASELOAD ASSIGNMENT AND WAITING LISTS

This section provides information primarily for local agency caseload assignment and management activities. It details how caseloads are allocated to local agencies and the process for allocation. It also provides guidance to local agencies regarding how to establish and maintain a waiting list, if necessary.

3.1 Caseload Assignment

Each year, FNS assigns a caseload to each State agency to allow persons meeting the eligibility criteria listed under 7 CFR § 247.9 to participate in the program, up to the caseload limit. To the extent that resources are available, FNS assigns caseload to State agencies in the following order:

Base caseload. The State agency may not receive a base caseload more than its total caseload assigned for the previous caseload cycle. Base caseload is determined in the following manner:

1. Each State agency entering its second year of program participation receives base caseload equal to the amount assigned to it in its first year of participation; and
2. A State agency that has participated in two or more caseload cycles receives base caseload equal to the highest of:
 - a. Average monthly participation for the previous fiscal year; or
 - b. Average monthly participation for the last quarter of the previous fiscal year; or
 - c. Participation during September of the previous fiscal year, but only if:
 - i. The full-year appropriation for the preceding fiscal year was enacted on or after February 15; and
 - ii. The State agency received additional caseload equal to or greater than 10 percent of its base caseload in the previous caseload cycle; and
 - iii. October participation in the current fiscal year was equal to or greater than 95 percent of September participation in the previous fiscal year.

Additional caseload. DPHHS may request additional caseload to increase program participation only if the program achieved a participation level which was equal to or greater than 95 % of the assigned caseload for the previous caseload cycle, based on the highest of:

1. Average monthly participation for the previous fiscal year; or
2. Average monthly participation for the last quarter of the previous fiscal year; or
3. Participation during September of the previous fiscal year, but only if:
 - a. The full-year appropriation for the preceding fiscal year was enacted on or after February 15; and
 - b. The State agency received additional caseload equal to or greater than 10 percent of its base caseload in the previous caseload cycle; and
 - c. October participation in the current fiscal year was equal to or greater than 95 percent of September participation in the previous fiscal year.

Of each eligible State agency's request for additional caseload, FNS assigns an amount that it determines the State needs and can efficiently utilize. In making this determination, FNS considers the factors listed below, in descending order of importance. If all reasonable requests



for additional caseload cannot be met, FNS assigns it to those States that are most likely to utilize it. The factors are:

1. The percentage of caseload utilized by the State in the previous fiscal year;
2. Program participation trends in the State in previous fiscal years; and
3. Other information provided by the State agency in support of the request.

FNS must assign caseload to State agencies by December 31 of each year, or within 30 days after enactment of appropriations legislation covering the full fiscal year, whichever comes later. Caseload assignments for the previous caseload cycle will remain in effect, subject to the availability of sufficient funding, until caseload assignments are made for the current caseload cycle.

Although caseload assignments typically start on January 1 of the fiscal year these assignments and effective dates may vary, due to annual approvals of federal budget appropriations. As a reminder, caseload means the number of persons the State agency may serve on an average monthly basis and caseload cycle typically means from January 1 thru December 31, dependent on federal appropriations.

In accordance with 7 CFR § 247.6(d), a state agency that would like additional caseload for the next caseload cycle (beginning the following January 1) must submit a request for additional caseload by November 5, as an amendment to the State Plan. Justification shall be given for the additional caseload request as well as the plans for serving the requested additional caseload. The State agency must also describe plans for serving participants at new sites in this submission.

3.2 Local Agency Caseload and Allocation

Funds will be made available to each CSFP local agency through contracts awarded by DPHHS. Contracts will specify that services be provided per Federal Regulation and the State Plan. Contracts also will specify the allocation of administrative funds.

Contract awards are based on the amount of CSFP funds available and assigned caseloads. The State Agency calculates the administrative cost of managing the federal award, based on prior year expenses and the allowable amount as defined by FNS. The remaining funding is divided by the caseloads assigned by FNS to determine the reimbursement rate per caseload, and distributed to local agencies through the following allocation process:

- **Initial Caseload and Allocation** –IHSB shall assign caseloads based on local agency participation numbers for the previous quarter and USDA FNS annually provided caseloads for the state agency. Funding is then calculated based on each agencies assigned caseload at the reimbursement rate. If the state agency is awarded new cases, new caseload assignments to local agencies will be determined based on any new areas for distribution and the estimated number of participants for that area. Any additional caseload beyond new area distributions will be based on existing waiting list numbers, planned outreach that would increase the participation in that area, and previous ability to meet caseload assignments or consistently serving maximum assigned caseload. Final caseload assignments are also dependent on Congressional funding and Presidential signature of the Agriculture Bill.



- **Year End Reallocation** – If there are remaining funds at the end of the Federal fiscal year, funds will be issued to local agencies submitting documented claims in excess of their original allocation.
- **Reimbursement Method** – Local agencies submit an invoice and distribution reports on a monthly basis and reimbursed at the current reimbursement rate per cases distributed. A financial review is conducted by IHSB staff during the regular program compliance review.
- **Reduction or increase in funding** - If there is a reduction or increase in the amount of program funds available, IHSB may reduce or increase the amount of a local agencies original award. However, there may be other causes prompting a change in funding. With any increase or reduction in funding, IHSB sends the local agency a contract amendment specifying the amount of the reduction or increase. The local agency must also send an amendment to all affected subcontractors indicating their budget changes, where applicable.

3.3 Caseload Management

Local agencies should monitor participation to ensure maximum use of caseload and to maintain caseload at assigned levels. Fluctuations in participation are expected. IHSB will conduct monthly reviews, as part of the 153 reporting process of statewide caseload distribution rates. IHSB may temporarily approve local agencies to exceed their assigned caseload to maximize distribution. IHSB will designate the percentage or caseload increase for the specified time for each agency, based on waitlists and capacity.

Local agency failure to distribute the total assigned caseload for two or more consecutive months may result in the loss of unused cases at the discretion of IHSB. Those cases may be reassigned to agencies serving their maximum caseload and maintaining waiting lists. Reassignments of caseloads are done throughout the year as necessary to maintain maximum state-assigned caseload participation.

When state caseload is reduced, local agency caseloads will be reduced based on past performance over the preceding three months. Local agencies that are not serving the maximum caseload may have their caseload reduced by the number of slots not being served. The number of slots removed from one site will be assigned to other agencies that are serving their maximum caseload and have an active waiting list.

Reduction of caseload will be based on USDA guidance for caseload reduction. Local agencies will make every effort to reduce their caseloads to their newly assigned numbers as quickly as possible, primarily through recertification time periods. The method local agencies use to reduce caseload is highly variable and unique to the local agency and the population they serve. There are a number of options available for managing caseload assignment numbers, such as implementing a wait list, removing no-show participants, reviewing participants that are up for renewal, and not accepting new clients.



3.4 Recovery and Redistribution of Caseload and Administrative Funds

FNS may recover and redistribute caseload and administrative funds assigned to IHSB during the fiscal year. FNS will redistribute these resources to other State agencies in accordance with the provisions of 7 CFR § 247.21(a) and 247.22(b). In reassigning caseload, FNS will use the most up-to-date data on participation and the extent to which caseload is being utilized, as well as other information provided by IHSB. In accordance with § 247.21(a)(2), in instances in which FNS recovers caseload slots, IHSB must use 95 percent of its original caseload allocation to be eligible for additional caseload. However, IHSB must not exceed its reduced caseload allocation on an average monthly basis.

FNS will not unilaterally recover caseload that would result in the recovery of more than 50 percent of the IHSB's administrative funds. However, in instances in which IHSB requests that FNS recover any portion of its assigned caseload, the 50-percent limitation will not apply.

3.5 Exceeding Caseload Levels and Waiting Lists

If all caseloads have been filled, the local agency must maintain a waiting list of individuals who apply for the program. When establishing the waiting list, the local agency must include the date of application and any necessary information to enable the local agency to contact the applicant when caseload space becomes available.

New applicants

New applicants that are placed on a waiting list shall be told verbally that they are on a waiting list or can be given the "Notification Letter" indicating such. If verbal notification is given, document this on the waiting list form. If the "Notification Letter" is given, a copy shall be attached to the waiting list record. Unless they have been determined ineligible, applicants must be notified of their placement on a waiting list within 10 days of their request for benefits in accordance with 7 CFR § 247.15.

Local agencies may or may not choose to certify applicants as eligible for CSFP before placing them on the waiting list. This is not required and is up to the local agency's discretion. It must be included in the agency's waiting list policy. Certifying individuals as eligible for CSFP before placing them on the waiting list may eliminate the need to do so when a caseload slot opens up, thus saving time. This is because seniors may have fixed incomes, which can be verified at the initial eligibility determination.

In such instances where an applicant with a fixed income was deemed eligible for CSFP before placement on the waiting list and a caseload slot opens up, the local agency must at a minimum:

1. Verify the individual's address and continued interest in receiving program benefits, and
2. Have sufficient reason to believe that the individual still is eligible for program benefits.

It should be noted that, for an individual who has remained on the waiting list for greater than six months, the local agency must perform a full certification before providing that individual with benefits. This ensures program integrity.



Current participants

Participants who are eligible for recertification shall be allowed to remain in the program if there are no reductions in caseload.

Local agencies may find themselves having to place participants at the end of their certification period on a waiting list. Participants placed on a waiting list at the end of their certification period must be notified within 10 days of the determination and shall receive a "Notification Letter" to document notification of their placement on the waiting list. Staff shall retain a copy of the notice in the participant's file.

Local agencies must serve a CSFP participant who moves from another area to an area served by CSFP 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. If the local agency has a waiting list, the participant must be placed on its waiting list ahead of all other waiting applicants. 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.

Prioritization

Local agencies may set their own basis for prioritizing applicants on the waiting list. There is no requirement to prioritize applicants on a waiting list in any particular order. However, local agencies must meet civil rights requirements at 7 CFR 247.37, ensuring that no person is subject to discrimination on the grounds of that person's race, color, national origin, age, sex, or disability. For example, consistent with 7 CFR 247.11, a local agency may certify eligible individuals from the waiting list based on the date the application was received on a first-come, first-served basis. Local agency prioritization must be established in their waiting list policy.

Waiting List Management Process

1. Notify the state agency prior to implementing a waiting list. Local agencies must include a waiting list policy in the notification. The State Agency will review the policy for compliance of requirements.
2. To enable the local agency to contact individuals on the waiting list when caseload space becomes available, the waiting list shall, at a minimum, include:
 - a. Applicant's name
 - b. Date of application and date placed on the waiting list
 - c. An address and/or phone number of the applicant
3. The waiting list form shall be organized by date of application or another established prioritization.
4. Should the local agency choose to use certification forms, these may be filed, separate from active and inactive files, organized by date of application. This file shall then serve as the waiting list record.
5. Contact persons on the waiting list by the chosen prioritization method. For example, if a local agency chose to prioritize based on the first-come, first-served method, an individual placed on the waiting list on January 10 would be contacted before an individual placed on the waiting list on January 11.
6. Document on the Waiting List form the date the individual was contacted when an opening becomes available.



7. Remove individuals from the waiting list when they become program participants, are no longer interested, have moved from the local agency's service area, or for other relevant reasons. Reasons for individuals to come off the waiting list should be included in the local agency's waiting list policy.

Other Options and Considerations

If a local agency has participants who do not pick up their food boxes, these leftover boxes can be provided to participants on the waiting list. Giving leftover boxes to the waiting list can help achieve 100% distribution. Utilizing all caseload and meeting 100% caseload distribution puts the state agency in a position to be allocated additional caseload slots if requested and permitted.



CHAPTER 4: STATE PLAN

This section provides general information for local agencies regarding how the State agency prepares the CSFP state plan, required provisions for the plan, and the process for plan amendments.

4.1 CSFP State Plan

The State Plan is a document that describes how the State agency will operate CSFP, and the caseload needed to serve eligible applicants. The State agency must submit the State Plan to FNS for approval. Once submitted and approved, the State Plan is considered permanent, with amendments submitted at the State agency's initiative, or at FNS's request. All amendments are subject to approval by FNS. The State Plan may be submitted in the format provided in FNS guidance, in an alternate format, or in combination with other documents required by Federal regulations. The State Plan must be signed by the State agency official responsible for program administration. A copy of the State Plan must be kept on file at the State agency for public inspection and must be posted on the State's website.

The State Plan must be submitted by August 15 to take effect for the fiscal year beginning in the following October. FNS will provide notification of the approval or disapproval of the State Plan within 30 days of receipt. Additionally, FNS will notify the State agency within 15 days of receipt if any additional information is required. Disapproval of the Plan will include a reason for the disapproval. Approval of the Plan is a prerequisite to the assignment of caseload and allocation of administrative funds but does not ensure that caseload and funds will be provided.

The State Plan must include:

1. The names and addresses of all local agencies and subdistributing agencies with which the State agency has entered into agreement.
 - a. The income eligibility standards and the options to be used relating to income or other eligibility requirements, as provided under 7 CFR § 247.9.
 - b. The nutritional risk criteria to be used, if the State chooses to establish such criteria.
 - c. A description of plans for serving participants and the caseload needed to serve them.
 - d. A description of plans for conducting outreach to participants.
 - e. A description of the system for storing and distributing commodities.
 - f. A description of plans for providing nutrition education to participants.
 - g. A description of how the State agency will detect and prevent dual participation.
 - h. A description of the standards the State agency will use in determining if the pursuit of a claim against a participant is cost-effective.
 - i. A description of how the State will meet the needs of the homebound participants; and
 - j. Copies of all agreements entered into by the State agency.
 - k. The length of the State agency's certification period.

Local agencies, participants, and other interested parties are invited to provide input in the development of the State Plan through written notices originating from the state agency.



The responses received from participants, providers, and other community members will be used to improve or modify state plan operations and to develop goals and objectives for the forthcoming year. A copy of the CSFP state plan is available upon request from the State Agency and online at the IHSB website.

State Plan Amendments

The State agency must submit amendments to FNS to reflect any changes in program operations or administration described in the State Plan, and to request additional caseload for the following caseload cycle. FNS may also require that the State Plan be amended to reflect changes in Federal law or policy. The State agency may submit amendments to the State Plan at any time during the fiscal year for FNS approval. The amendments will take effect immediately upon approval, unless otherwise specified by FNS. If a state agency would like to receive additional caseload for the caseload cycle beginning the following January 1, it must submit an amendment to the Plan that conveys the request for additional caseload by November 5. The State agency must also describe in this submission any plans for serving participants at new sites. FNS action on the State agency's request for additional caseload is part of the caseload assignment process, as described under 7 CFR § 247.21.



CHAPTER 5: CSFP NUTRITION EDUCATION PLAN

This section provides information for local agencies regarding the process for providing required nutrition education for participants and allowable activities. It also provides information about the State agency's prepared Nutrition Education Plan. Finally, this section provides an overview of the required evaluation of the plan and the procedure for conducting it.

5.1 Nutrition Education Plan Implementation

Local agencies must provide nutrition education to participants in accordance with the State Nutrition Education Plan. Montana's Nutrition Education Plan is being reviewed by USDA. A draft copy has been provided to local agencies.

Local agencies may share educational resources with other programs to provide the best nutrition education possible to participants.

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 provide nutrition education that includes the following information, which should account for specific ethnic and cultural characteristics whenever possible:

1. The nutritional value of USDA Foods, and their relationship to the overall dietary needs of the population groups served.
2. Nutritious ways to use USDA 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; and
5. The importance of the use of the foods by the participant to whom they are distributed, and not by another person.

The local agency must make nutrition education available to all participants. The local agency will provide written informational material (e.g., flyers or newsletters) to each distribution site to be placed in CSFP food boxes. This literature must be relevant to CSFP and easily understood by participants. Local agencies are encouraged to use all available senior-focused Nutrition Education sources to compile the informational material. Such literature may include, but is not limited to, the following elements:

- Recipes
Recipes can be found on the DPHHS Commodity Supplemental Food Program website at <https://dphhs.mt.gov/HCSF/CSFP> as well as the USDA website at <https://www.fns.usda.gov/csfp/sharing-gallery>.
- Healthy living tips
- Exercise suggestions
- Information on where to find more Nutrition Education resources



In addition to written informational material, local agencies should provide additional forms of Nutrition Education whenever possible and are strongly encouraged to partner with another entity to conduct nutrition activities. Such activities may include, but are not limited to:

- Live cooking demonstrations and/or classes
- Taste tests
- Nutrition Education classes
- Physical activity lessons
- Digital cooking demonstrations, which participants can view online

USDA Foods may be used in cooking demonstrations by the local agency or another entity as part of the Nutrition Education provided to program participants per 7 CFR 247.18 (d).

1. When food demonstrations are held, they are to be conducted by the local agency solely in conjunction with nutrition education and provided to participants.
2. Food demonstrations can only be used for nutrition education and cannot be used for outreach. Food samples prepared with CSFP foods can be offered to participants for the purpose of nutrition education. Supplemental foods cannot be used for outreach.
3. Foods used to prepare food samples for participants must be reported in Column 11 of the 153 Report.
4. A list of persons sampling the food must be kept on file at the agency providing the demonstration.
5. Supplemental foods cannot be provided to any outside agency for demonstration unless there is a written agreement for the provision of nutrition education by that agency. Written approval from the local agency must always be provided to the distribution site before any food is released for demonstration purposes.

5.2 The Expanded Food and Nutrition Education Program (EFNEP)

The Expanded Food and Nutrition Education Program (EFNEP) is a program available to low-income individuals funded through the State Extension office. Upon referral, EFNEP Aides will visit participants and demonstrate uses of supplemental foods in recipes. EFNEP Aides may also be available to offer food samples and recipes to participants at distribution sites.

Montana's EFNEP is implemented through MSU Extension - Nutrition Education Department | Montana State University. Additional information can be found on their website at <https://www.montana.edu/extension/buyeatlivebetter/>.

5.3 Nutrition Education Evaluation

The annual state-approved nutrition education evaluation plan and survey is being developed and will be provided.



CHAPTER 6: PARTICIPANT CERTIFICATION PROCESS

This section provides useful information to local agencies regarding the application and certification process for participants. It details the certification process and program requirements as well as program considerations relating to serving homebound participants, dual participation issues, and potential program violation considerations.

6.1 Participant Certification

Local agencies will ensure that their certifying staff are properly trained and able to demonstrate adequate understanding of the requirements for the CSFP certification process. Local agencies must use the State Agency's CSFP application form.

All information for each applicant will be included on the CSFP application and will be completed in its entirety. If CSFP caseload is currently not available, eligible applicants will be placed on a waiting list. Please refer to Chapter Three - Caseload Assignment and Waiting Lists.

All completed CSFP applications will be retained for a period of eight years.

Appeals process information must be available at certification and copies available upon request.

The "And Justice for All" poster will be posted in a prominent location at the site.

Within 10 calendar days from the date of application, applicants will be notified of their eligibility or ineligibility for CSFP benefits or their placement on a waiting list.

Notification of eligibility or placement on a waiting list will be in writing.

At least 15 days before the expiration of a certification period, participants will be notified in writing, and documentation of this will be retained in the individual's file.

To apply for or to be recertified for CSFP benefits, the applicant or caretaker of the applicant must provide the following information on the application:

1. Name and address, including some form of identification for each applicant
2. Household income
3. Household size
4. Age
5. Form of ID
6. Race*
7. Ethnicity*
8. Date of Signature for Applicant and signature line
9. Approval/Denial and date
10. Signature line and date for LA making determination
11. Date of written notice to applicant of denial or approval



12. Certification period

*Race and ethnicity are optional fields for the applicant; however, if the applicant leaves these blank, the local agency must make their best guess. This information is used for reporting purposes to FNS.

The application form must include the most recent nondiscrimination statement (NDS) that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability. The application must also include the "Written Notice of Beneficiary Rights" as required in FD-155. After informing the applicant or their caretaker of their rights and responsibilities, in accordance with 7 CFR § 247.12, the local agency must ensure that the applicant or their caretaker signs the application form beneath the following pre-printed statement.

The statements must be read by, or to, the applicant or caretaker before signing.

6.2 Eligibility Requirements

To be eligible for CSFP benefits in Montana, each applicant must be age, income, and residency eligible to receive CSFP.

Verification of eligibility is determined by the use of a birth certificate or a hospital record of birth. If not available, any of the following items may be used. These items need to show the applicant's name and age or date of birth:

1. State identity card
2. Insurance policy
3. Clinic, doctor, or hospital record
4. U.S. passport or U.S. citizen ID card
5. Marriage or divorce record
6. Voter's registration
7. Military record

Age Eligibility: Applicants must be at least 60 years of age to participate in CSFP. Verification of age and the source used to verify must be documented.

Income Eligibility: Applicants are income eligible when their gross household income is at or below 150 % of the Federal poverty guidelines as issued in the Federal Register by the U.S. Department of Health and Human Services for the relevant Federal fiscal year. These are amended each year and sent to the state agency by USDA-FNS. Montana implements new income guidelines immediately upon receipt and will notify local agencies of the most current income information.

Income eligibility is determined by comparing household size and household income with the CSFP income eligibility guidelines. Income eligibility is based on the most current indicator of their financial status. An applicant shall self-report their total gross income.



- *Income Guidelines:* Income means gross income before deductions for such items as income taxes, employee's social security taxes, insurance premiums, and bonds. Current income refers to all income received by the household during the month prior to application. However, household-income during the previous 12 months can also be considered, as well as current income, to determine which indicator more accurately reflects the household's status.
- *Income Exclusions:* The State excludes all income sources listed at 7 CFR § 247.9(d)(2) and 7 CFR § 247.9(d)(3). All other income is to be included. FNS will notify State agencies of any new forms of income excluded by statute through program policy memoranda. The State will then notify local agencies. Local agencies are encouraged to contact the state office if questions arise.
- *Change of Income:* If a participant's income changes to the extent to disqualify them due to exceeding income limitations, the local agency must notify the participant with a written notification of discontinuance at least 15 days before the effective date of discontinuance.

Residency Eligibility: Persons eligible for CSFP must reside in Montana. There is no duration or fixed residency requirements. Migrant and seasonal farm workers shall be considered as meeting the residency requirement. Local agencies are authorized to serve residents from counties within their normal service area as defined by IHSB. In special cases, they may serve residents from counties outside their service area as long as the service area does not overlap another local agency's CSFP service area, or they have received approval from the local agency that is already servicing that area.

Individuals residing in nursing homes are not eligible for program benefits.

Residency must be documented at each certification and transfer. Documentation of residency can be from current address on a driver's license, utility bill, voting registration, Medicaid card, TANF letter, SNAP letter, etc. (some kind of documentation connecting participant with current address). Other means can be used to assure CSFP staff that residency in Montana is authorized. The source of verification or residency should be no more than one month old, whenever feasible.

Homebound Participants: When appropriate, local agencies will provide training to volunteers to take applications to participants and collect appropriate information and documentation. However, the actual certification of homebound participants will occur at the certification site.

If the applicant is homebound, disabled, or for any reason unable to apply on his/her own behalf, a spouse, relative, or caretaker of the applicant may apply on their behalf. In this case, CSFP staff must be assured that the eligible individual does exist. A home visit or a telephone conversation with the eligible individual must occur unless staff have knowledge that the applicant is alive and not living in a nursing home. There also needs to be documentation in the applicant's file as to why the spouse, relative, or caretaker is applying on behalf of the applicant (i.e., letter from doctor, notarized letter, etc.).



Local agencies will coordinate efforts with the distribution sites to meet the needs of homebound participants, conducting both certification and delivery of food packages. Designated proxies will be permitted to collect food packages for homebound participants.

Food packages may be delivered directly by the local agency, by volunteers and/or proxies.

The homebound or the proxy will be required to sign a roster or receipt upon delivery of the food package.

6.3 Notification of Eligibility or Ineligibility of Applicant

Local agencies must notify applicants in writing of their eligibility or ineligibility for CSFP benefits, or their placement on a waiting list, within 10 days from the date of application. The notification of eligibility must include information on the time, location, and means of food distribution, and the length of the certification period.

Notification of ineligibility must include the reason the applicant is not eligible, a statement of the individual's right to a fair hearing to appeal the decision, and a statement that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.

Certification period

Minimum certification period. Each participant will be certified for program benefits at time of entrance into the program for one year. The certification period extends to the final day of the month in which eligibility expires.

Temporary certification. An eligible CSFP applicant, including individuals on waiting lists, may be provided with a temporary monthly certification to fill any caseload slot resulting from nonparticipation by certified participants.

Recertification. At the end of certification period, typically 12 months, a new application should be completed by the participant for a new certification period of one year. Participants must recertify according to the application procedures to continue receiving program benefits beyond the expiration of their certification period.

Expiring certification. The local agency must notify program participants in writing at least 15 days prior to the expiration date that their eligibility for the program is about to expire. The local agency must include a statement in the written notification that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.

Transfer of certification. Eligible participants are eligible to receive benefits until the end of their certification period. Local agencies must serve a CSFP participant who moves from another area to an area served by CSFP 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. If the local agency has a waiting list, the participant must be placed on it ahead of all other waiting applicants.



CSFP Verification Of Certification (VOC). Participants relocating to an area served by CSFP must be issued a CSFP Verification Of Certification (VOC) form to enable entrance onto a CSFP in the other area. Participants relocating to an area authorized to provide CSFP services shall accept CSFP VOC forms or cards from those participants and provide CSFP benefits. The VOC is valid until the certification period expires and shall be accepted as proof of eligibility. The VOC form or card should include the participant's name, the date the certification was performed, the date the certification expires, the signature and printed or typed name of the local agency official in the originating jurisdiction, the name and address of the certifying local agency, and a form identification number. Each local agency must maintain a register of issued VOC forms. If a transferring participant has an incomplete VOC card or form or does not have any VOC information, every effort should be made to contact the originating agency to obtain certification information. If the agency cannot be contacted, the participant shall be rescreened for eligibility.

6.4 Notification of Discontinuance of Participant

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 written notification of discontinuance at least 15 days prior to the effective date of discontinuance.

If a local agency does not have sufficient resources, such as available caseload slots, to continue providing benefits to the participant(s) for the entire certification period, it must provide the participant(s) with written notification of discontinuance at least 15 days prior to the effective date of discontinuance.

The notification of discontinuance must include the effective date of discontinuance, the reason for the participant's discontinuance, a statement of the individual's right to appeal the discontinuance through the fair hearing process, in accordance with 7 CFR § 247.33(a), and a statement that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.

Local agencies should develop a no-show policy that outlines how to manage participants who fail to collect food packages. Include information for Homebound Participants on how to assist them in receiving food packages, reducing barriers and ensuring they do not miss a pick-up.

6.5 Dual Participation

Participants may not receive CSFP benefits at more than one CSFP site during the distribution timeframe, or simultaneously. The local agency must check the identification of all applicants when they are certified or recertified.

IHSB will include on the CSFP application form a statement advising the applicant that they may not receive CSFP benefits at more than one CSFP site at the same time. The local agency must ensure that the applicant or the person completing the form on behalf of the applicant signs the application form.

Each month, local agencies must generate a report identifying possible dual participants. A review of dual participation is conducted through a comparison of the name, sex and birth date of participants enrolled in CSFP at two different distribution sites. When a potential case of dual



participation is identified a CSFP Incident form is completed and sent to the State Agency. The State Agency will review CSFP Incident report forms from local agencies. When a potential participant is clearly identified, the State Agency will send a copy of the report to the local agency for required follow-up actions.

A participant found to be committing dual participation must be discontinued from participation at more than one CSFP site. In accordance with 7 CFR § 247.20(b), 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, in accordance with § 247.30(c). Whenever an individual's participation in CSFP is discontinued, the local agency must notify the individual of the discontinuance, in accordance with § 247.17. The individual may appeal the discontinuance through the fair hearing process, in accordance with § 247.33(a).

Participants disqualified as a result of dual participation must be notified in writing at least 15 days before the effective date of disqualification. Documentation of the notification shall be maintained on a log or a copy retained in the individual's file.

IHSB will provide training and consultation to local agencies to prevent and detect dual participation.

6.6 Program Violations

Program violations are actions taken by CSFP applicants or participants, or caretakers of applicants or participants, to obtain CSFP benefits to which the individual would not otherwise be eligible or use CSFP benefits improperly. 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, of program staff;
5. Committing dual participation; or
6. Altering a Verification of Certification (VOC) card or form.

Penalties: If applicants or participants, or caretakers of applicants or participants, commit program violations IHSB may require local agencies to disqualify applicants or participants from program participation. The local agency may disqualify applicants or participants from program participation for a period of up to one year if it is established that the applicant, participant, parent, or caretaker fraudulently obtained or used program benefits. Fair Hearing information shall be given to the participant at the time of disqualification.

If it is determined that a serious health risk will result from disqualification from the program and the participant is currently eligible, the disqualification may be waived. According to 7 CFR § 247.20(b)



IHSB will require a local agency to permanently disqualify a participant who commits three program violations that involve fraud.

For the purposes of this program, fraud includes:

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

Disqualification Process: All eligible applicants or participant(s), with the exception detailed below, shall be provided an opportunity to make a statement on his/her behalf and receive a written warning for the first incident prior to disqualification. The applicant or participant shall be asked to document this statement on the Incident Form. If the individual refuses, note this on the form.

Exceptions to the waiver, disqualifying events are as follows

1. *Multiple documented incidents.* For persons who have two or more documented incidents, the local agency must provide the individual with written notification of disqualification from CSFP at least 15 days before the effective date of disqualification.
2. *Fraud.* Persons who have fraudulently applied for and obtained program benefits who would not be eligible otherwise are to be disqualified without prior warning. The local agency must still provide the individual with written notification of disqualification from CSFP at least 15 days prior to the termination of benefits.
3. *Dual Participation.* Persons found committing dual participation shall be terminated and given fair hearing information from one of the programs immediately (no 15-day prior notice) and may be disqualified from participation in the other program for a period not to exceed 3 months without prior warning (15-day prior notice is required).

Local agencies must document all disqualifying situations on the Incident form. Disqualification notifications must include the effective date and duration of the disqualification, the reason for the disqualification, and a statement indicating that the individual may appeal the disqualification through the fair hearing process. All disqualified persons shall be informed of their right to a fair hearing.

6.7 Referrals

The local agency must provide applicants with written information on the following programs, and make referrals, as appropriate:

1. Supplemental security income benefits provided under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).
2. Medical assistance provided under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including medical assistance provided to a qualified Medicare beneficiary (42 U.S.C. 1395(p) and 1396d (5));
3. The Supplemental Nutrition Assistance Program (7 U.S.C. 2011 et seq.); and
4. The Senior Farmers' Market Nutrition Program
5. The Montana Low-Income Energy Assistance Program

The value of benefits received in CSFP may not be considered as income or resources of participants or their families for any purpose under Federal, State, or local laws, including laws relating to taxation and public assistance programs.



CHAPTER 7: PARTICIPANT RIGHTS AND RESPONSIBILITIES

This section provides useful information to local agencies regarding participant rights and responsibilities for participating in CSFP. It also includes information for working with non-English or limited-English speakers.

7.1 Rights and Responsibilities

The local agency is responsible for informing the applicant, orally or in writing, of the following:

1. The local agency will provide notification of a decision to deny or terminate CSFP benefits, and of an individual's right to appeal this decision by requesting a fair hearing, in accordance with 7 CFR § 247.33(a).
2. The local agency will make nutrition education available to all participants and will encourage them to participate; and
3. The local agency will provide information on other nutrition, health, or assistance programs, and make referrals as appropriate.

In addition to the written statement required by 7 CFR § 247.8(b), the local agency is responsible for informing the applicant, orally or in writing, of the following:

1. Improper use or receipt of CSFP benefits because of dual participation or other program violations may lead to a claim against the individual to recover the value of the benefits, and may lead to disqualification from CSFP; and
2. Participants must report changes in household income or composition within 10 days after the change becomes known to the household.

7.2 Provisions for 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 State agency must ensure that local agencies inform such persons of their rights and responsibilities in the program, as listed under 7 CFR § 247.12, in an appropriate language. State and local agencies must ensure that bilingual staff members or interpreters are available to serve these persons.

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 State agency must ensure that local agencies provide other program information, except application forms, to such persons in their appropriate language.



CHAPTER 8: OUTREACH

This section provides information for local agencies regarding their responsibility to provide outreach activities and examples of allowable outreach activities. It also details State agency outreach activities. Outreach activities are a shared responsibility between local agencies and the State agency.

8.1 Outreach

Outreach activities are primarily the responsibility of the local agency and are an important program element to ensure caseload assignments are being met. The local agency should work closely with the State agency in their outreach efforts to ensure that all outreach activities are in accordance with federal regulations and with the IHSB CSFP State Plan. Outreach activities may include media events, newspaper advertisements, posters, letters to physicians, Public Service Announcements (PSAs), and partnerships with other service organizations. Additional outreach will be performed as part of a local agency's efforts to provide CSFP information to the public.

All outreach materials must include either the full or short version of the Nondiscrimination statement used by DPHHS/IHSB.

At the State level, outreach efforts include the dissemination of information about CSFP to programs that serve the same populations. State-level staff are available to meet with local groups to facilitate program promotion, as requested.



CHAPTER 9: USDA FOODS MANAGEMENT

This section provides information for local agencies regarding USDA Foods management activities and considerations. It outlines the process and procedures for managing, using, and disbursing USDA Foods properly. Information regarding inventory management, record keeping, and forms is also included in this section.

9.1 State-Level Food Delivery System

DPHHS coordinates all food delivery activities for the State of Montana. DPHHS orders, receives, and warehouses all food from USDA, and determines the total food needs for the distribution site to assemble food packages according to USDA prescriptions. The warehouse is also used to store foods for other USDA food programs including The Emergency Food Assistance Program (TEFAP), the Food Distribution Program on Indian Reservations (FDPIR), the Nutrition Services Incentive Program (NSIP) and the National School Lunch Program (NSLP). DPHHS and the distribution sites also make provisions for specifically designed or modified packages that allow for special dietary needs. Foods are ordered by the distribution sites. Actual preparation and distribution of the food packages are completed at the distribution site, which is approved by DPHHS and the local agency. DPHHS will arrange for shipping the food from the state warehouse to the appropriate distribution site. Transportation will be provided to these sites by the state agency, using state semi-tractor trailers.

9.2 Local Level Food Distribution System

Participating local agencies, with assistance from DPHHS, are responsible for recruiting and/or establishing food distribution sites, also referred to as subdistributing agencies. Each site must conform with federal, state, and local health standards and must enter into an agreement with the applicable local agency to ensure food handling, storage, and distribution procedures and recording requirements are maintained.

Distribution sites, under agreement with local agencies, shall ensure that adequate care and security are provided for the food while in their possession. Foods will be stored in adequate and secure areas at each distribution site to safeguard them from spoilage, infestation, fire, and other losses. These storage areas may also be used to store TEFAP, FDPIR, and NPE foods for local use and distribution, but must be stored separately and not co-mingled. Inventory and distribution amounts, as well as participant data, will be reported to DPHHS each month to determine additional food ordering from DPHHS.

9.3 Distribution and use of USDA Foods

The local agency will distribute a package of USDA Foods to participants each month, or a two-month supply of USDA Foods to participants every other month, in accordance with the food package guide rates established by FNS. For no reason shall food be issued in the current month for a past month.



Participants who are required to be in the hospital for extended stays shall retain their participant status. They should not be removed from the program for missing two consecutive months. They can be issued food for any month within their certification period, for which they had at least one day at home. If they have extended hospital stays covering every day of the month, they should not receive a food package for that month.

Homebound participants who are unable to acquire their own foods due to medical conditions, lack of a valid driver's license, or a restricted driver's license preventing transportation to the distribution site may receive CSFP via home delivery or have a proxy pick up the food on their behalf. Persons authorized to receive foods include the participant, an authorized representative identified by the participant, volunteers willing to home deliver to homebound participants, and persons preparing food samples for participant education. Local agencies must maintain a participant register that indicates to whom food was issued and the type of food package issued each month.

The local agency will verify the identity of participants/or proxies before distributing USDA Foods to that person. A process will be in place to complete this verification in accordance with IHSB requirements.

IHSB or the local agency will not require or request that participants make any payments, or provide any materials or services, in connection with the receipt of USDA Foods. IHSB and the local agency will also not use the distribution of USDA Foods as a means of furthering the political interests of any person or party.

USDA Foods may not be used for outreach, refreshments, or for any other purpose than distribution to CSFP participants. These foods can also be used for nutrition education for CSFP participants.

9.4 Estimating and Maintaining Quarterly Food Needs

DPHHS bases food orders on a comparison of existing products on hand at the State and local level against product movement document and usage history. Monthly inventory reports are submitted by local agencies with their participation information. Local Agencies submit a monthly order form. State and local inventory levels are monitored by DPHHS on a monthly basis. DPHHS works with local agencies to project or anticipate major caseload changes, which might result in fluctuating inventory needs, etc.

Storage and Inventory of USDA Foods. State and local agencies must provide for the storage of USDA Foods that protects them from theft, spoilage, damage, destruction, or other loss. State and local agencies may contract with commercial facilities to store and distribute commodities. The required standards for warehousing and distribution systems, as well as contracts with storage facilities, are included in § 250.12 and § 250.14.

DPHHS assures that adequate care and security is provided for the food while in the state warehouse. Carriers are required to provide adequate care, accountability, and security for the food while in transit. DPHHS food storage and distribution regulations or policies comply with federal, state, and local health requirements. All such regulations and policies are followed to safeguard foods from spoilage, infestation, fire, and other losses.



Local Agencies' sites are visited at least annually by DPHHS to assess compliance with federal, state, and/or local health regulations and to assure that food storage, handling, and inventory/distribution procedures and records are accurate and appropriate. A written report of findings and recommended corrective action is sent to the local agency.

9.5 Inventory Accountability

State Agency Inventory Accountability

Physical inventories of USDA Foods are conducted monthly at the state level by DPHHS. Delivery records are compared to inventory records and a perpetual inventory maintained in order to assure accountability.

Inventory records are also maintained, and physical inventories are taken of USDA Foods as they are used and/or stored at the local distribution site. The Local agency staff is responsible for maintaining a system that will account for all foods received and distributed, and for reporting month-end inventory and distribution summaries to the state agency.

1. A perpetual inventory system will be maintained by completing the FNS-153 Report at the end of each month, after all food distribution and food receipts are completed for that month.
2. A month-end physical inventory must be completed, and these figures reconciled to the ending inventory on the FNS-153 Report.
3. A month-end Inventory Status Report that accurately reflects food receipts and distributions for the entire one-month period shall be submitted to the state agency by the tenth day of the following month.
4. Losses must have a full explanation and will be investigated by DPHHS. DPHHS will monitor inventory and distribution reports monthly from each distribution site and will take appropriate action when problems or discrepancies are noted. If the local agency has unaccounted-for gains and losses of more than \$500.00 of its total food inventory, as reported on a monthly Inventory Status Report, corrective action must be taken. Comparing the physical inventory to the paper inventory on a daily or weekly basis is recommended. See Claims below.

Local Agency Inventory Accountability

Physical inventories of USDA Foods are to be performed monthly after distribution. Inventory counts are reported on the FNS-153 report form.

9.6 Reports and Recordkeeping

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 eight 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. All financial and program performance reports must be traceable to their source documentation.

State agencies must submit the following reports to FNS:

1. **SF-425, Federal Financial Report.** The State agency must submit the SF-425, Federal Financial Report, to report the program's financial status at the close of the fiscal year. This report must be submitted within 90 days after the end of the fiscal year. Obligations must be reported for the fiscal year in which they occur. Revised reports may be submitted later, but FNS will not be responsible for reimbursing unpaid obligations later than one year after the end of the fiscal year in which they were incurred.
2. **FNS-153, Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report.** The FNS-153 must be submitted monthly. Local agencies must submit the report to DPHHS by the 10th of each month. DPHHS must submit the report within 30 days after the end of the reporting period. The FNS-153 reports on the following:
 - a. The number of program participants.
 - b. The receipt and distribution of USDA Foods, and beginning and ending inventories, as well as other commodity data; and
 - c. On a quarterly basis, the cumulative amount of administrative funds expended and obligated, and the amount remaining unobligated.
3. **FNS-191, Racial/Ethnic Group Participation.** Local agencies are required to submit a report on racial/ethnic participation annually, using the FNS-191 form. During a specified time period each year, a tally of race and ethnic status categories per the requirements of FNS Instruction 113-1 will be kept for all participants picking up food, based on the information on the certification form. If the participant has not established his/her status on the certification form, a staff person will determine their racial/ethnic status and complete the form. Each local agency will summarize the racial/ethnic data and complete and submit the FNS-191 form, "Racial/Ethnic Group Participation" to the state agency within the required time frame. DPHHS will then submit the forms to the FNS regional office.

FNS may require State and local agencies to provide data collected in the program to aid in evaluating the effect of program benefits on the low-income populations served. Any such requests for data will not include the identification of individuals.



CHAPTER 10: CLAIMS

This section provides information to local agencies regarding the claims process to be used for both the State agency and local agencies in regard to mismanagement of program funds. It also provides guidance for local agencies regarding claims actions against participants, if necessary.

10.1 Claims Process

If FNS determines that a State or local agency has misused program funds through negligence, fraud, theft, embezzlement, or other causes, FNS must initiate and pursue a claim against the State agency to repay the amount of the misused funds. The State agency will be given the opportunity to contest the claim. The State agency is responsible for initiating and pursuing claims against subdistributing and local agencies if they misuse program funds.

If a State or local agency misuses USDA Foods, FNS must initiate a claim against the State agency to recover the value of the misused USDA Foods. The procedures for pursuing claims resulting from misuse of USDA Foods are detailed in § 250.16(a) of this chapter. Misused USDA Foods include USDA Foods improperly distributed or lost, spoiled, stolen, or damaged because of improper storage, care, or handling.

The State agency is responsible for initiating and pursuing claims against subdistributing agencies, local agencies, or other agencies or organizations if they misuse USDA Foods. The State agency must use funds recovered because of claims for USDA Food losses in accordance with § 250.17(c) of this chapter.

Contracted agencies are required to carry sufficient insurance coverage to ensure reimbursement of a claim for the value of the loss.

Claims Process and Policy

1. Loss of USDA Foods may occur in many ways: theft, pilferage, damage, contamination from improper storage and handling, infestation, spoilage, etc. All losses must be reported to the state agency in writing.
 - a. Damage losses detected before, or at the time of issuance to participants must be reported on an SRS-FD-28 Commodity Loss and Damage Report form and also reported on the FNS-153 Report. Attach a copy of the completed Commodity Loss and Damage Report to the pertinent month-end report before submitting to the state agency.
 - b. In the event there are damage losses of more than a few cases of a single product or more than \$500.00, prior to destroying damaged food, the state or federal entity must approve the loss and destruction by the local agency. Information will be collected concerning large losses, a claim determination made by state or federal staff; if the loss has occurred as a result of theft, embezzlement, willful misapplication, or fraud, the state must pursue further claim actions, in accordance with FNS-410, or forward the claim determination to USDA for further



action, regardless of the value of the loss. If negligence is involved, the agency responsible will refund the value of the food.

- c. USDA Foods determined unfit for consumption must be disposed of in a prescribed manner. If burned or buried immediately, the container and its contents do not need to be separated. If disposed of through garbage routes, the container must be emptied and the label defaced. This avoids any misunderstanding if USDA Foods are seen in the garbage and prevents the use of contaminated food items by someone who may believe it to be fit for human consumption.
2. Local agencies are to distribute USDA Foods in accordance with the provisions of 7 CFR § 247.10 and shall reimburse the State agency for improper or negligent issuance of prescriptions in supplemental foods. The local agency shall pay the State agency the value of the foods or shall purchase and replace improperly distributed, lost, or damaged due to failure to manage caseload or to provide storage, care or handling if a determination by DPHHS so indicates.
3. DPHHS, all participating agencies, warehouse personnel, carriers, and other persons are subject to a claim determination and the corresponding repayment responsibility as a result of the following:
 - a. Improper distribution or use of USDA Foods.
 - b. Loss of USDA Foods, which is caused by neglect, carelessness, and/or willful mishandling. "Loss" means any quantity of USDA-donated USDA Foods that are unaccounted for (including physical count discrepancies), or which have become unusable for human consumption.
 - c. Damage to USDA Foods, which is caused by neglect, carelessness, and/or willful mishandling.

NOTE: Anytime it is discovered or reported that a situation has occurred involving (a), (b), or (c) above, the procedures outlined below are to be followed. All losses must be reported to DPHHS within three (3) working days from the date of discovery.

4. Establishing Claims. A "claim" is any demand (or basis for a demand) for money or for replacement of a lost or improperly distributed/used USDA Foods. Once DPHHS has received all information regarding situations requiring claim action, a claim determination will be made to decide the existence or nonexistence of a liability. If it is determined that a claim is necessary, DPHHS will do the following:
 - a. Determine the dollar value of the products involved based upon the USDA replacement cost at the time of the loss or discovery of the loss;
 - i. Notify USDA as appropriate;
 - ii. Determine the liable party(s);
 - iii. Where appropriate, make three formal written demands to the local agency for repayment; and/or
 - iv. Take legal action for recovery.



5. Right to File Claims

- a. USDA may assert claims against liable CSFP participating states.
- b. States may assert claims against liable carriers, warehouse personnel, processors, participating organizations, or other persons to whom donated foods are delivered. States are required to take appropriate collection actions in order to obtain restitution where liability is involved.
- c. Participating organizations have the right to assert claims. An organization may assert a claim in the event that a loss or inappropriate use or distribution of USDA Foods has occurred. Such claims may be established against persons or companies with whom the organization has placed the responsibility for care, handling, or distribution of USDA Foods (i.e., employees, volunteers, storage facilities, etc.).
- d. Organizations shall always have the right to pursue restitution through appropriate legal channels in addition to claims action taken through the CSFP.

Participant Report of Unacceptable Food

1. Use a Participant Report of Unacceptable Food form to document any phone calls or return of unacceptable food. A copy of this form must be kept on file. The State agency may request a review of the forms during a management evaluation.
2. Whenever possible, obtain the unacceptable product.

Claim Determinations

As per FNS-410-1, the State Agency has responsibility for making claim determination on losses not exceeding the amount required by USDA guidance. The State Agency will use the claims form to register claims. Documentation will include information collected on forms submitted by local agencies and on the claims register as per Section VIII of FNS-410-1. Each month, the State Agency will offset distribution errors (gains and losses) of similar products and make a determination if a claim should be assessed. Claim determinations will be made by USDA for losses exceeding the dollar limitation established by USDA guidance.

Pursuit Of Claims Against Participant

The State agency must ensure that a local agency initiates a claim against a participant to recover the value of USDA Foods improperly received or used if the local agency determines that the participant or the participant's caretaker has fraudulently received or used the USDA Foods. For purposes of this program, fraud includes intentionally making false or misleading statements, or intentionally withholding information, to obtain USDA Foods, or the selling or exchange of USDA Foods for non-food items. The local agency must advise the participant of the opportunity to appeal the claim through the fair hearing process, in accordance with 7 CFR § 247.33(a). The local agency must also 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, in accordance with the requirements of § 247.20(b).

Local agencies must initiate a claim against a participant, as described above, when the value of the USDA Foods received exceeds \$500.00. In pursuing a claim against a participant, the local agency must:



1. Issue a letter demanding repayment for the value of the USDA Foods improperly received or used.
2. If repayment is not made in a timely manner, take additional collection actions that are cost-effective, in accordance with the standards established by the State agency; and
3. Maintain all records regarding claims actions taken against participants, in accordance with 7 CFR § 247.29.
4. Advise the participant of the opportunity to appeal the claim through the fair hearing process, in accordance with 7 CFR § 247.33(n); and
5. Disqualification of the participant according to the procedures for "Disqualification."



CHAPTER 11: MANAGEMENT EVALUATIONS

This section details federal program evaluations of a State agency and program evaluations conducted by the State agency in monitoring local agency activities. It provides a general overview of the federal evaluation process for a State agency, as well as the process a State agency will follow in evaluating local agency activities. Termination steps and procedures for both state agencies and local agencies are outlined as well.

State and local agency audits must be conducted in accordance with 7 CFR § 247.31, which contains the FNS's regulations pertaining to audits of States, local governments, and nonprofit organizations. The value of USDA Foods distributed by the agency or organization must be considered part of the Federal award.

DPHHS must ensure that all State or local agency audit reports are available for FNS review.

11.1 FNS Management Evaluations of State Agencies (DPHHS)

The purpose of an FNS audit of a state agency is to ensure that:

1. Financial operations are properly conducted.
2. Financial reports are fairly presented.
3. Proper inventory controls are maintained; and
4. Applicable laws, regulations, and administrative requirements are followed.

FNS may conduct an audit of the program at the State or local agency level at its discretion or may investigate an allegation that the State or local agency has not complied with Federal requirements. An investigation may include a review of any State or local agency policies or practices related to the specific area of concern.

In responding to an audit by FNS, the State agency must:

1. Provide access to any records or documents compiled by the State or local agencies, or contractors; and
2. Submit a response or statement to FNS describing the actions planned or taken in response to audit findings or recommendations. The corrective action plan must include time frames for implementation and completion of actions. FNS will determine whether actions or planned actions adequately address the program deficiencies identified in the audit. If additional actions are needed, FNS will schedule a follow-up review and allow sufficient time for further corrective actions. The State agency may also take exception to audit findings or recommendations.

11.2 DPHHS Management Evaluation Local Agencies

A local agency evaluation is an examination of local agency operations and of all food storage facilities of CSFP to ensure local agencies are meeting program requirements and objectives. All aspects of program administration shall be reviewed, including certification procedures, nutrition education, civil rights compliance, food storage practices, inventory controls, and financial



management systems. Financial reports, audit reports, food orders, inventory reports, and other relevant information will also be reviewed.

The purpose of a local agency review is to help the local agency identify specific strengths and weaknesses and develop a plan of resolution. Each contracting agency is reviewed by the State Agency no less frequently than once every two years.

Within one month after the on-site review, DPHHS will send a written report that includes findings, recommendations, and a resolution date. The local agency must respond with a plan of action within 30 days of receipt of the State report. Failure of the local agency to respond within 30 days may result in the State Agency conducting a technical visit to the local agency. Failure of the local agency to respond within 60 days may result in the withholding of funds.

Ongoing monitoring of local agencies is accomplished through the review of the following: monthly Inventory Status reports, correspondence, and discussions with local agency staff.

Training needs will be identified as part of the Management Evaluation process. When deficiencies are detected, the areas that require additional training become apparent. DPHHS will then provide training to enable local CSFP staff to correct the deficiencies.

11.3 Termination of Agency Participation

State Agency Termination

1. **Termination by FNS.** FNS may terminate a State agency's participation in CSFP, in whole or in part, if the State agency does not comply with the requirements of this part. FNS must provide written notification to the State agency of termination, including the reasons for the action, and the effective date.
2. **Termination by State agency.** The State agency may terminate the program, in whole or in part, upon written notification to FNS, stating the reasons and effective date of the action. In accordance with § 247.4(b)(6), which relates to the termination of agreements, either party must provide, at a minimum, 30 days' written notice.
3. **Termination by mutual agreement.** The State agency's program may also be terminated, in whole or in part, if both parties agree that the action would be in the best interest of the program. The two parties must agree upon the conditions of the termination, including the effective date.

Local Agency Termination

Specific actions and procedures related to program termination are more fully described in 2 CFR Part 200, Subpart D, and USDA implementing regulations at 7 CFR Part 247.32.

1. **Termination by State agency.** The State agency may terminate a local agency's participation in CSFP or may be required to terminate a local agency's participation, in whole or in part, if the local agency does not comply with the requirements of this part. The State agency must notify the local agency in writing of the termination, the reasons for the action, and the effective date, and must provide the local agency with an



opportunity to appeal, in accordance with § 247.35. (The local agency may appeal the termination in accordance with § 247.35.)

2. **Termination by local agency.** The local agency may terminate the program, in whole or in part, upon written notification to the State agency, stating the reasons and effective date of the action. In accordance with § 247.4(b)(6), which relates to the termination of agreements, either party must provide, at a minimum, 30 days' written notice.
3. **Termination by mutual agreement.** The local agency's program may also be terminated, in whole or in part, if both the State and local agency agree that the action would be in the best interest of the program. The two parties must agree upon the conditions of the termination, including the effective date.



CHAPTER 12: FAIR HEARINGS

This section reviews the Fair Hearings process and related procedures for CSFP applicants, participants, and local agencies that request a Fair Hearing for actions taken by a state agency. The complaints process is also covered in this section.

12.1 Requirements of a Fair Hearings Process

A fair hearing is a process that allows a CSFP applicant or participant to appeal an adverse action, which may include the denial or discontinuance of program benefits, disqualification from the program, or a claim to repay the value of commodities received because of fraud. State and local agencies must ensure that CSFP applicants and participants understand their right to appeal an adverse action through the fair hearing process, which includes providing written notification of the individual's right to a fair hearing along with notification of the adverse action. Such notification is not required at the expiration of a certification period.

The State agency must establish simple, clear, uniform rules of procedure to be used in fair hearings, including, at a minimum, the procedures outlined in this section. The State agency may use alternate procedures if approved by FNS. The rules of procedure must be available for public inspection and copying.

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 State or local agency must allow an individual at least 60 days from the date the agency mails or gives the individual the notification of adverse action to request a fair hearing.

The State or local agency may deny a request for a fair hearing when:

1. The request is not received within the time limit established in paragraph (d) of this section
2. The request is withdrawn in writing by the individual requesting the hearing or by an authorized representative of the individual; or
3. The individual fails to appear, without good cause, for the scheduled hearing.

Participants who appeal the discontinuance of program benefits within the 15-day advance notification period required under §§ 247.17 and 247.20 must be permitted to continue receiving 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 provide an individual with at least 10 days' advance written notice of the time and place of the hearing and must include the rules of procedure for the hearing.



The individual must have the opportunity to:

1. Examine documents supporting the State or local agency's decision before and during the hearing.
2. Be assisted or represented by an attorney or other persons.
3. Bring witnesses.
4. Present arguments.
5. Question or refute testimony or evidence, including an opportunity to confront and cross-examine others at the hearing; and,
6. Submit evidence to help establish facts and circumstances.

The fair hearing must be conducted by an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial adverse action that resulted in the hearing. The hearing official is responsible for:

1. Administering oaths or affirmations, as required by the State.
2. Ensuring that all relevant issues are considered.
3. Ensuring that all evidence necessary for a decision to be made is presented at the hearing and included in the record of the hearing.
4. Ensuring that the hearing is conducted in an orderly manner, in accordance with due process; and
5. Making a hearing decision.

The hearing official must make a decision that complies with Federal laws and regulations and is based on the facts in the hearing record. When making the decision, the hearing official must summarize the facts of the case, specify the reasons for the decision, and identify the evidence supporting the decision, as well as the laws or regulations that the decision upholds. The decision made by the hearing official is binding on the State or local agency.

A hearing decision must be made and the individual notified of the decision, in writing, within 45 days of the request for the hearing. The notification must include the reasons for the decision.

If a 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 the hearing was requested, provided the applicant remains eligible for the program. If the hearing decision is against a participant, the State or local agency must discontinue benefits as soon as possible, or at a date determined by the hearing official.

In addition to the hearing decision, the hearing record must include a transcript or recording of testimony, or an official report of all that transpired at the hearing, along with all exhibits, papers, and requests made. The record must be maintained in accordance with § 247.29(a). The record of the hearing must be available for public inspection and copying, in accordance with the confidentiality requirements under § 247.36(b).

If a hearing decision upholds the State or local agency's action, and a State-level review or rehearing process is available, the State or local agency must describe to the individual any State-level review or rehearing process. The State or local agency must also inform the individual of the right of the individual to pursue judicial review of the decision.



12.2 Local Agency Appeals of State Agency Actions

The State agency must establish a hearing procedure to allow local agencies to appeal a decision that adversely affects their participation in CSFP—e.g., the termination of a local agency's participation in the program. The adverse action must be postponed until a decision on the appeal is made.

The hearing procedure must provide the local agency:

1. Adequate advance notice of the time and place of the hearing.
2. An opportunity to review the record before the hearing, and to present evidence at the hearing.
3. An opportunity to confront and cross-examine witnesses; and
4. An opportunity to be represented by counsel, if desired.

The hearing must be conducted by an impartial person who must decide on the appeal that is based solely on the evidence presented at the hearing, and on program legislation and regulations. A decision must be made within 60 days from the date of the request for a hearing and must be provided in writing to the local agency.

12.3 Confidentiality of Applicants or Participants

State and local agencies must restrict the use or disclosure of information obtained from CSFP applicants or participants to persons directly connected with the administration or enforcement of the program, including persons investigating or prosecuting program violations. The State or local agency may exchange participant information with other health or welfare programs for the purpose of preventing dual participation. In addition, with the participant's consent, as indicated on the application form, the State or local agency may share information obtained with other health or welfare programs for use in determining eligibility for those programs or for program outreach. However, the State agency must sign an agreement with the administering agencies for these programs to ensure that the information will be used only for the specified purposes, and that agencies receiving such information will not further share it.

The State or local agency must protect the confidentiality, and other rights, of any person making allegations or complaints against another individual participating in, or administering CSFP, except as necessary to investigate, hearing, or judicial proceeding.

12.4 Complaints

Depending on the nature of the complaint, i.e., food or services, the problem will be investigated by the appropriate agency and the person making the complaint will be notified in writing of the results. All persons making complaints will be notified of the fair hearing procedure, so they are aware of further steps available if their complaint is not satisfactorily resolved.

Complaints suggesting a potential health hazard shall be reported immediately to the state agency by the local agency. Any necessary corrective action required of a local agency will be documented and follow-up checks will be made to be certain the problem is resolved.



The distributing agency will investigate promptly complaints received in connection with the distribution or use of donated foods, correct any irregularity and inform the local agency (if different from the distributing agency) and the state agency. The distributing agency shall maintain on file evidence of such investigations and actions. The state reserves the right to make investigations and has the final determination as to when a complaint has been properly adjusted.

12.5 Montana Fair Hearings Process

Local Agency Responsibilities

1. Informing each program applicant or participant of their rights to appeal and adverse action through the fair hearing process.
2. Provide written notification of the individual's right to a fair hearing along with notification of the adverse action. Such notification is not required at the expiration of a certification period. The original shall be sent to the individual; a copy sent to the State Agency and a copy shall be retained for Local Agency files.
3. Notifying in writing, each participant found ineligible or to notice discontinuance in the program at any time during a certification period. A copy must be kept in their files. The participant needs to be notified a minimum of 15 days prior to termination of program benefits. They must also be informed of their right to a fair hearing.
4. Notifying each participant at least 15 days before the expiration of each certification that the period is about to end. Local agencies, at the time of application or when notifying persons found ineligible of their right to a fair hearing, shall advise them of the method of requesting the hearing, and their right to be represented at the hearing by a friend, legal advisor, or other representative of their choice, and give them a summary of the hearing process.
5. Notifying in writing the person against whom the pursuit of collection of benefits improperly issued is undertaken, of the reasons for the claim, the value of the improperly issued benefits, and of the right to a fair hearing.
6. Any positions or arguments on behalf of the individual may be presented personally or by a representative such as a relative, friend, legal counsel or other spokesperson.
7. Local agencies shall advise those found ineligible that they have up to 60 days from notification of adverse action to request a fair hearing from the State Department of Health and Human Services. The request for a hearing is defined as any clear expression by the individual, guardian or other representative that an opportunity to present its case to a higher authority is desired.
8. If a hearing is requested within the 15-day period by participants found ineligible at any time during a certification period, benefits will be continued or reinstated until a decision is reached in accordance with 7 CFR 247.33 or the certification period expires, whichever occurs first. Applicants who are denied benefits at initial or subsequent certifications shall not receive benefits while awaiting the hearing. Local agencies should obtain legal counsel to represent the program if a hearing is requested.
9. Request for hearing shall not be dismissed or denied unless:
 - a. The request is not received within 60 days from notification of ineligibility; or
 - b. The request is withdrawn in writing by the appellant; or
 - c. The appellant or appellant's representative fails, without good cause, to appear at the scheduled hearing; or



- d. The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to Program eligibility have changed in such a way as to justify a hearing.

State Agency Responsibilities

1. All requested fair hearings shall be conducted by DPHHS within three weeks of the date DPHHS received the request for the hearing. Those requesting the hearing shall be notified in writing a minimum of ten days in advance of the time and place of the hearing and of the hearing procedure. The hearing will be conducted in accordance with 7 CFR 247.33. The hearing will be conducted by a fair and impartial hearing official, and the appellant shall be notified in writing of the decision of the hearing official and reasons for it within 45 days of the receipt of the request for a fair hearing. All decisions shall comply with Federal laws and regulations and be based on the facts found in the hearing record alone, and the parties will be notified of their right to appeal the decision to district court within 30 days. The hearing official's decision is binding on the State Office and Local Agency, and if in favor of the appellant, program benefits shall begin for an applicant and continue for a participant within the 45-day limit.
2. If the decision is in favor of the appellant and benefits were denied or discontinued, benefits shall begin immediately.
3. If the decision concerns disqualification and is in favor of the agency, as soon as administratively feasible, the local agency shall terminate any continued benefits, as determined by the hearing official.
4. If the decision regarding repayment of benefits by the appellant is in favor of the agency, the State or local agency shall resume its efforts to collect the claim, to 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. even during the period of an appeal of a local-level fair hearing decision to the State Agency.
5. All records of the hearing shall be retained in accordance with 7 CFR 247.29(a) and shall be available to the appellant or representative.



CHAPTER 13: CIVIL RIGHTS

This section provides useful information for local agencies regarding Civil Rights. It includes Civil Rights requirements and compliance considerations. Information regarding required Civil Rights training and the uses of both the long and short versions is included.

13.1 Civil Rights Requirements

State and local agencies must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). State and local agencies must also comply with the Department's regulations on nondiscrimination (parts 15, 15a, and 15b of this title), and with the provisions of FNS Instruction 113-2, including the collection of racial/ethnic participation data and public notification of nondiscrimination policy. State and local agencies must ensure that no person shall be subjected to discrimination on the grounds of race, color, national origin, age, sex, or disability under the program.

CSFP applicants or participants who believe they have been discriminated against should file a discrimination complaint with the USDA Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or telephone (202) 720-5964.

Non-Discrimination Statement

The State and local agencies shall comply with and include the following non-discrimination statements without modification in all agreements and written materials as required.

The USDA nondiscrimination statement is available on the FNS website at <https://www.fns.usda.gov/civil-rights/nds>.

Each local agency shall display the FNS "And Justice for All" non-discrimination poster at all certification and distribution sites. The non-discrimination statement is printed on each CSFP publication. The procedure for requesting a fair hearing is printed on the certification form.

Annual Civil Rights Training Requirement

Annual civil rights training will be conducted by the local agency for staff and volunteers including sub-agencies that deal directly with applicants and participants. Initial training will be performed as part of the new staff/volunteer orientation. Volunteers with only occasional contact with applicants/participants will receive refresher training as deemed necessary by the local agency.

Documentation of annual training shall be maintained by the local agency. A list of training dates and attendance/sign-in sheets shall be submitted to DPHHS.



13.2 Partnerships with Faith-Based and Neighborhood Organizations

The final rule, entitled Partnerships with Faith-Based and Neighborhood Organizations (89 FR 15671), amended 7 CFR Part 16 to

- Clarify a faith-based organizations' equal opportunity to participate in USDA programs
- Clarify a beneficiaries' freedom from religious discrimination
- Provide guidance on written notice and referral requirements in CSFP

Requirement: All applicants and participants must be provided with a written notice informing them of their protections from religious-based discrimination and how to obtain information on other federally funded service providers. The requirements apply to all CSFP organizations receiving USDA Foods or administrative funds.

Written Notice Required Elements:

Sample Written Notice of Beneficiary Rights for CSFP in Attachments.

1. The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
2. The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries or prospective beneficiaries in such activities must be purely voluntary.
3. The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance; and
4. Beneficiaries or prospective beneficiaries may report violations of these protections (including denials of services or benefits) by an organization by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.
5. The organization must include how to obtain information on other federally funded service providers.

Implementation

1. New Applicants must be provided with a written notice as a handout or incorporated into the CSFP application. DPHHS will be adding the notice to the end of the application form.
2. Current participants must be provided with a written notice as soon as possible and by the agency's next food distribution
 - a. Organizations can provide notice to participants by:
 - i. Provide written notice directly to the participant at food distribution
 - ii. Include the notice alongside the delivery of food
 - b. Agencies must complete 'Form - Documenting Compliance with FD-155 ' to document their chosen method and sign as verification that notice disbursement has been completed.

Monitoring

DPHHS will monitor compliance with these new provisions during regular program review and oversight.



ADDITIONAL RESOURCES

If your community or region is not currently served by CSFP, you may be able to receive additional food from the Montana Food Bank Network partner agencies of food banks and food pantries. A map of locations and contact information can be found here. (<https://mfbn.org/partner-agencies/>)

Information on the SNAP program can be found here. (<https://dphhs.mt.gov/hcsd/SNAP>)

Nutrition Education Resources

1. ChooseMyPlate.gov: <https://www.choosemyplate.gov/older-adults>
2. USDA Mixing Bowl recipes <https://www.myplate.gov/myplate-kitchen/recipes>
3. USDA Nutrition.gov website: <https://www.nutrition.gov/topics/audience/older-individuals>
4. [Nutrition in the CSFP Food Package](#) - Highlights the benefits of USDA Foods contained in the CSFP food package, addresses common misperceptions about shelf-stable (packaged and canned) foods, and provides tips on including CSFP foods in healthy meals and snacks.
5. [CSFP Sharing Gallery](#) - These activities, lesson plans, handouts, and recipes provide a variety of food and nutrition resources appropriate for older adults.

CSFP Food Package

CSFP offers a monthly food package with a variety of nutritious foods, such as unsweetened or lightly sweetened canned fruits, low sodium or no salt added canned vegetables, low fat dairy products, whole grain cereals and pasta, and a variety of protein foods including lean meats, poultry, fish, and beans. The following links provide more information about the foods and the overall composition of the food package.

- [USDA Foods Available List for CSFP](#)
- [CSFP Food Package Monthly Distribution Rates](#)
- [USDA Foods Product Information Sheets and Recipes](#)
- [Product Specifications](#)
- [Eligible Vendors](#)

ATTACHMENTS

A list of attachments include:

1. New Site Application
2. Participant Application
3. Notification Form
4. Local Agency List
5. Sample Written Notice of Beneficiary Rights for CSFP
6. Form - Documenting Compliance with FD-155
7. Sample Order Form
8. Verification of Certification Forms
9. CSFP Incident Form
10. Commodity Loss and Damage Report
11. Participant Report of Unacceptable Food form