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United States
Department of
Agriculture

Food and
Nutrition
Service

SUBJECT: Approvals of State Food Stamp Nutrition Education Plans

TO: Food Stamp Directors
Financial Management Directors
All Regions

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This memorandum sets forth Food Stamp Nutrition Education (FSNE) State Plan approval policies.

State Plans of Operation for each fiscal year are due by August 15 of the year prior, and are subject to Food and Nutrition Service (FNS) approval for reimbursement. To ensure plans are approved and implemented at the start of each Federal fiscal year, (October 1), FNS encourages State agencies to:

- Submit plans early, but no later than August 15;
- Use suggested formats and any optional templates provided;
- Follow plan guidance and provide a clear presentation of plan goals and objectives;
- Submit necessary documentation to support waivers and funding requests; and
- Be as short and concise as possible, while still being responsive to guidance.

In return, FNS commits to issuing any relevant guidance or policy clarifications as soon as possible, and processing plan approvals and resolving any questions or concerns States may have on a timely basis.

While most States have their plans approved by October 1, some States begin the new fiscal year without full approval on all aspects of their plans. Additional clarifications are sometimes necessary due to lack of clarity, documentation, or essential information.

FNS will approve a plan in full or in part or not at all. If only portions of the plan are approvable, FNS will approve those portions. FNS will no longer provide "contingent" approval as a valid approval option. Contingent approvals have not proven to be useful to State agencies, and also pose additional and unnecessary administrative burdens both to States and to FNS.

FNS will not provide approval for any plan activities that are inconsistent with FNS policies. Examples would be an educational program not targeting a low income population, a social marketing effort offering disparaging statements about a food product, a project with unreasonable or unnecessary costs; etc.

After approval, States may proceed with approved and or amended activities with full assurance that they will be reimbursed. States that choose to start activities without FNS approval risk not receiving reimbursement for these activities. However, if they

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subsequently receive approval, such States will receive Food and Nutrition Service (FNS) consideration to allow such activities to be reimbursed retroactively to plan submission date or October 1, whichever is later, at FNS option. FNS reserves the right to not retroactively reimburse for activities that were substantively restructured to become allowable and thus not initially approvable, reasonable or necessary.

Regions will have 45 days from August 15 or the date of submission, whichever is later, to take action on plans, which might include approval, partial approval with additional clarifying questions back to the State agency, or no approval with clarifying questions back to the State agency.

Examples of scenarios that may occur may help clarify these points:

- 1) **Approval Upon Receipt of a Timely Received Plan**-State submits an approvable plan on August 15 and the region approves it within 45 days. Cost reimbursement begins October 1.
- 2) **Approval Upon Prompt Receipt of Minor Clarification of a Timely Received Plan**-State submits a plan on August 15 and the region responds with questions within 45 days. The State submits minor clarifications on November 1. The region approves the plan based on acceptance of the newly submitted clarifications on November 15 at which point costs will be reimbursed retroactively back to October 1.
- 3) **Approval Upon Receipt of Clarification Over an Extended Approval Period of a Plan Submitted Timely or Untimely**-State submits a plan on October 15 and the region responds with questions within 45 days. The State provides clarifying information in March at which point the region approves. The region has discretion in determining whether retroactive reimbursement back to October 15 is reasonable, given significant delays in response from the State and the substantive nature of the changes made. FNS has the right to not allow for retroactive reimbursement if it believes a State agency has not acted in good faith to promptly provide sufficient information to assist in the approval process.
- 4) **Approval Upon Receipt of Untimely Submitted Plan**-State submits an approvable plan on November 1; the region approves the plan on December 10. Costs will be reimbursed for activities that occur on or after November 1.

- 5) **Approval Upon Receipt of Major Clarification of a Plan Submitted Timely or Untimely**-State submits an unapprovable plan in whole or in part and the region within 45 days does not approve plan in part or in whole due to substantive concerns and issues. The State makes major changes to activity elements and resubmits plan to region for approval consideration. The region approves revised plan. Food and Nutrition Service (FNS) will not allow retroactive reimbursement of activity that was so substantively altered in order to be approved that the activity is no longer the original activity for which approval was sought. Costs will be reimbursed for activities that occur on or after the date the region approved the plan.

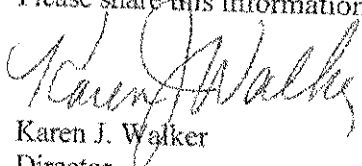
FNS will put funds into a State's letter of credit only upon plan approval, only for that amount that has been officially approved and after determining whether retroactive reimbursement is reasonable based on the specific circumstances of the State. Placement of funds into a State's letter of credit prior to approval as an administrative convenience to FNS and/or to the State agency is prohibited.

To optimize the probability of plan approval, States are requested to construct their State Plans consistent with the guidance and proactively work towards submission of a well documented plan on a timely basis. State agencies are encouraged to consult regional offices during the planning phase to ensure a smooth and timely approval process.

The 2007 FSNE State Plan Guidance can be accessed from the following links:
Food Stamp Nutrition Connection
http://www.nal.usda.gov/foodstamp/National_FSNE.html#guidance

Partner Web
<https://www.fnspartner.usda.gov>

Please share this information with your State agencies.


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