

Food and Nutrition Service, USDA

§ 247.6

§ 247.5 State and local agency responsibilities.

State and local agencies are responsible for administering the program in accordance with the provisions of this part, and with the provisions of part 250 of this chapter, as applicable. Although the 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 major responsibilities of State and local agencies; it is not intended to be all-inclusive.

(a) *What are the major responsibilities shared by State and local agencies?* The major responsibilities shared by State and local agencies include:

- (1) Entering into required agreements;
- (2) Ordering commodities for distribution;
- (3) Storing and distributing commodities;
- (4) Establishing procedures for resolving complaints about commodities;
- (5) Complying with civil rights requirements;
- (6) Maintaining accurate and complete records; and
- (7) Conducting program outreach.

(b) *What are the major State agency responsibilities?* The major responsibilities of State agencies include:

- (1) Completing and submitting the State Plan;
- (2) Selecting local agencies to administer the program in local areas of the State;
- (3) Determining caseload needs, and submitting caseload requests to FNS;
- (4) Assigning caseload, and allocating administrative funds, to local agencies;
- (5) 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.);
- (6) Establishing nutritional risk criteria and a residency requirement for participants, if such criteria are to be used;
- (7) Establishing a financial management system that effectively accounts for funds received for program administration;
- (8) Developing a plan for the detection and prevention of dual participa-

tion, in coordination with CSFP local agencies and with the WIC State agency, unless no women, infants, and children remain enrolled in CSFP in the State;

- (9) Developing a plan for providing nutrition education to participants;
- (10) Establishing appeals and fair hearing procedures for local agencies and program participants;
- (11) Developing a management review system and conducting reviews of local agencies. (This function may not be delegated to another agency.);
- (12) Determining and pursuing claims, and establishing standards for pursuit of claims against participants;
- (13) Ensuring compliance with Federal audit requirements;
- (14) Providing guidance to local agencies, as needed; and
- (15) Ensuring that program participation does not exceed the State agency's caseload allocation on an average monthly basis.

(c) *What are the major local agency responsibilities?* The major local agency responsibilities include:

- (1) Determining eligibility of applicants in accordance with eligibility criteria established by the State agency;
- (2) Complying with fiscal and operational requirements established by the State agency;
- (3) Ensuring that participation does not exceed the caseload assigned by the State agency;
- (4) Issuing foods to participants in accordance with the established food package guide rates;
- (5) Providing nutrition education and information on the availability of other nutrition and health assistance programs to participants;
- (6) Informing applicants of their rights and responsibilities in the program;
- (7) Meeting the special needs of the homebound elderly, to the extent possible; and
- (8) Pursuing claims against participants.

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§ 247.6 State Plan.

(a) *What is the State Plan?* The State Plan is a document that describes how