# Superintendent’s Memo 038-19


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: February 8, 2019

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Guidance for Submitting Claims within 60-Days for School and Child Nutrition Programs

The purpose of this memo is to provide clarification and guidance on the requirements for submitting claims in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), the At-Risk portion of the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP), as referenced in the claim submission requirements in the Agriculture Appropriations Act of 1983, P.L. 97-370. This guidance does not apply to the Fresh Fruit and Vegetable Program (FFVP).

### Final Reimbursement Claim Submission Deadline – 60 days

Program regulations specify that a final claim for reimbursement shall be submitted to the Virginia Department of Education (VDOE) no later than 60-calendar days following the last day of the full month covered by the claim. Claims that are not submitted within the 60-calendar day timeframe shall not be paid with unless VDOE determines that an exception should be granted. The definition of a submitted claim is one that has been entered into SNPWeb, passed the edit checks, and has a status of “accepted.”

All school and child nutrition program sponsors must certify that the claim for reimbursement must contain actual data and must be supported by documentation. The VDOE does not accept partial, incomplete or estimated claims. The VDOE will review this documentation during program monitoring reviews and other oversight activities to monitor and enforce compliance at the local level. If during the review the claim cannot be supported by the documentation on file, the claim will be disallowed and reimbursements already paid will be recovered. All records supporting claims must be retained and available for review for at least three years plus the current federal fiscal year.

#### *Revisions*

Revisions to a claim may be submitted prior to the 60-day deadline. After the 60-day claim deadline, the data submitted for the claim month is considered final and may only be revised in the certain circumstances as detailed in this memo.

#### *Months with Less than Ten Operating Days*

In NSLP, SBP, SMP, and CACFP, a sponsor may combine claims with an adjacent month if the first or last month of program operations contains ten operating days or less. If a claim combines a full month with a partial month, the submission deadline for the full month shall govern.

In SFSP, sponsors must submit a monthly claim or a combined claim within 60 days of the last day of operation. Sponsors have the flexibility to combine claims for reimbursement in the following ways:

1. For ten operating days or less in their initial month of operations with the claim for the subsequent month;
2. For ten operating days or less in their final month of operations with the claim of the preceding month; or
3. For three consecutive months, as long as this combined claim only includes ten operating days or less from each of the first and last months of program operations.

### Claims Submitted After the 60 Days

There may be situations when program sponsors must submit a claim or revision after the 60-day deadline. The VDOE will consider these claims on a case by case basis and will categorize them as either compliant or non-compliant. Attachment A, ***Request for Claim Submission After the 60-Day Deadline*** must be completed if the program sponsor is submitting a claim or revision after the 60-day deadline regardless of the circumstance.

***Compliant Requests*** – There are four situations where the program sponsor remains in compliance and can submit a claim or adjustment after the 60-day deadline:

1. ***If the 60th day falls on a Saturday or Sunday or federal holiday, the claim is due the next business day.*** The SNPWeb system does not have the ability to make these determinations, so VDOE will manually approve the claim or adjustment.
2. ***The reason for the delayed claim resulted from circumstances beyond the control of the sponsor.*** Such situations would include, but are not limited to, a natural disaster, fire, flood, vandalism of records, and serious illness or injury of the person responsible for submitting the report. Program sponsors may request an exception for one or more monthly claims and as many times as needed.
3. ***Adjustment could result from auditors or VDOE reviews.*** The sponsor may request a revision to a claim(s) that was submitted on time when an audit or a VDOE review discovers overclaims or underclaims. Sponsors may request a revision for one or more monthly claims. There is not a time limit on this request. Any increase in payments will be subject to the availability of funds.
4. ***Adjustments may be initiated by VDOE.*** The program sponsor may be directed by VDOE to adjust a claim if an error or omission is discovered during the claim review process.

***Noncompliant Requests*** – There are three situations when the sponsor is out of compliance with the 60-day submission deadline.

1. **Downward Adjustments** – A program sponsor identifies that a downward adjustment revision is needed to a final claim. Downward adjustments can be made at any time. A program sponsor must complete Attachment A detailing the events or circumstances and the reason that prevented compliance with the 60-day claim submission requirement. If a sponsor frequently adjusts its claim downward after the 60-day deadline, a corrective action plan will be required.
2. **No Change in Reimbursement** – Sponsors must submit a revision of a final claim if it is determined that the claim data was in error and these changes do not result in a change in the dollar value of the claim. Sponsors must complete **Attachment A** to describe the events and circumstances that prevented compliance with the 60-day requirement. If a sponsor frequently requests this adjustment, a corrective action plan will be required.
3. **One-time Exception for Submitting a Late Original or Revised Claim Resulting in an Increase in Reimbursement** – Sponsors may request approval for a one-time exception every 36 months for one monthly original or revised claim submitted after the 60-day deadline that results in increased reimbursement and the lateness is due to reasons within the control of the sponsor. A one-time exception may be granted for each Child Nutrition Program operated by the program sponsor. For example, an exception may be granted for each program: School Meals (SBP, NSLP, After School Snack Program and the Seamless Summer Option), CACFP, and SFSP. **Attachment A** must be submitted along with a corrective action plan detailing actions taken to avoid future late claim submissions for the same or other causes.

Attachment B is a list of frequently asked questions. If you have any additional questions, please contact the regional specialist assigned to your school division or SNPPolicy@doe.virginia.gov.

JFL/SCC/dbd

### Attachments

 A. Request to Claim Submission after the 60-Day Deadline

 B. Frequently Asked Questions