# SNP Memo #2021-2022-11


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: October 1, 2021

TO: School Nutrition Directors, Supervisors, and Contact Persons (Addressed)

FROM: Sandra C. Curwood, PhD, RDN, Sandy

## SUBJECT: School Year 2021–2022 Requirements and Updated Guidance

The purpose of this memorandum is to provide information on school nutrition programs (SNP) civil rights training, Seamless Summer Option (SSO) monitoring, claim uploads, and carryover eligibility for the 2021–2022 school year (SY).

### Annual Civil Rights Training Requirement

Annual civil rights training is required for all SNP staff who may interact with persons participating in SNP and/or apply for free or reduced-price meals. Training is mandatory to ensure SNP staff members understand civil rights requirements and procedures for managing civil rights complaints. School food authorities (SFAs) are required to document civil rights training with agendas and sign-in sheets. Additionally, SFAs must ensure that new employees receive civil rights training before participating in program activities.

Civil rights training resources are available on the [Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) Training and Resources webpage](http://www.doe.virginia.gov/support/nutrition/training/index.shtml). Resources include a Civil Rights Training presentation and a Civil Rights Training Record Sample. A civil rights training course is also available for central office staff via the [VDOE-SNP Rise.com e-learning platform](https://vdoe-school-nutrition.rise.com/). If you have not yet acquired access to the Rise.com platform, please reach out to SNP Training Specialist, Ron Walters, via email at Ronald.Walters@doe.virginia.gov.

*And Justice for All* posters are required to be displayed in a visible area for all participants. The United States Department of Agriculture (USDA) paused printing of these posters. We currently do not have any posters on hand at the VDOE. SFAs may print the poster; however, it must be in color and printed on 11"x17" paper. Please contact your regional specialist if you need additional posters. These will be mailed to SFAs as soon as the VDOE-SNP receives them from the USDA.

### SSO Monitoring

The VDOE-SNP received updated guidance from the USDA concerning the annual review requirement to conduct site accountability reviews. If the SFA is operating the National School Lunch Program (NSLP), School Breakfast Program (SBP), and the Afterschool Snack Program (ASP), including the SSO under NSLP, the SFA must meet all NSLP and SBP requirements including local level reviews. Regulations in 7 CFR Part 210.8(a)(1) and 7 CFR Part 220.11 (d)(1) require SFAs to establish internal controls to ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement. The internal controls must include a site level review of the meal counting and claiming system at each school (as defined in 7 CFR Part 210.2).

SFAs must complete a site review of 100 percent of all schools approved to participate in the NSLP or SSO. The annual requirement for the SBP is to review 50 percent of the schools and each school must be reviewed at least once every two years. The site review must be completed prior to February 1 of each SY.

SFAs must review each ASP two times per SY as required in 7 CFR 210.9(c) (7). The first review must be conducted during the first four weeks that the program is in operation and the remaining annual review must be completed at any subsequent time during the SY.

If any findings are identified in the school’s counting and claiming procedures or other general areas in any of the accountability reviews, the SFA must ensure that corrective action is implemented within 45 days of the review. The SFA must also complete a follow-up site review to determine if the corrective action resolved the issue.

Accountability reviews must be kept on file for the current year plus three years and are assessed during the SFAs Federal Programs Administrative Review. Due to a COVID-19 waiver, SFAs may elect the monitoring waiver and conduct these reviews offsite. Updated COVID-19 accountability review forms are available in SNPWeb in the application tab under the *Download Forms* section.

### Claim Uploads for School and Child Nutrition Programs

Program regulations referenced in the claim submission requirements in the Agriculture Appropriations Act of 1983, P.L, 97-370 specify that a final claim for reimbursement shall be submitted to the VDOE-SNP 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 unless the VDOE-SNP 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-SNP does not accept partial, incomplete, or estimated claims. The VDOE-SNP 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 10 Operating Days

In the NSLP, SBP, SSO, Special Milk Program, and Child and Adult Care Food Program (CACFP), a sponsor may combine claims with an adjacent month if the first or last month of program operations contains 10 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 the Summer Food Service Program (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 10 operating days or less in their initial month of operations with the claim for the subsequent month;
2. For 10 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 10 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-SNP will consider these claims on a case-by-case basis and will categorize them as either compliant or non-compliant. Attachment A to this memo, ***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 sixtieth 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 the VDOE- SNP 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, or 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-SNP reviews.*** The sponsor may request a revision to a claim(s) that was submitted on time when an audit or a VDOE-SNP 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 the VDOE-SNP.*** The program sponsor may be directed by the VDOE-SNP 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, ASP, and SSO), 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.

If you have questions or need more information, please contact the SNP regional specialist assigned to your school division.

SCC/CC/rd

### Attachments

1. Request for Claim Submission after the 60-Day Deadline