

State of Alaska
The Emergency Food Assistance Program
(TEFAP)

State Plan of Operation and Administration

Approved 1/30/2025



Administered by the
Alaska Department of Education and Early Development
Child Nutrition Programs
PO Box 110500
Juneau, AK 99811-0500

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THE EMERGENCY FOOD ASSISTANCE PROGRAM STATE PLAN

STATE AGENCY IDENTIFICATION AND AUTHORITY

Name of Agency: State of Alaska
Department of Education & Early Development
Child Nutrition Programs (CNP)

Mailing Address PO Box 110500
Juneau, AK 99811-0500

AUTHORITY

The Emergency Food Assistance Program, hereafter referred to as TEFAP, is administered by CNP.

PURPOSE OF THE PROGRAM

Alaska TEFAP is Federal program that helps supplement the diets of low-income Alaskans by providing them with emergency food and nutrition assistance at no cost. Under TEFAP, the U.S. Department of Agriculture (USDA) makes commodity foods available to State Distributing Agencies. The amount of food that each state receives is based on the number of unemployed persons and the number of people with incomes below the federal poverty level as established by USDA.

PURPOSE AND OBJECTIVE OF THE STATE PLAN

The State Plan of Operation and Administration, hereafter referred to as the State Plan, establishes an administrative structure for TEFAP operation and establishes the procedures to be used for determining eligibility for persons in need of supplemental emergency foods and in making distribution to such persons.

The State Plan is required by Food and Nutrition Service, hereafter referred to as FNS, USDA regulation 7 CFR Part 251.6 to be submitted to FNS for approval. Amendments will be submitted to FNS at the state agency's initiative or at FNS request. The State Plan is the basis for support for TEFAP.

TERMS AND DEFINITIONS USED

These terms are defined under *7 CFR Part 250, 7 CFR Part 251, 2 CFR Part 200*

- **Advisory Committee** means a committee that represents all types of entities in the State, both public and private, interested in the distribution of TEFAP commodities. The Advisory Committee meets several times per year to discuss issues that will help

the state to use their program resources in the most efficient manner possible and provide input on TEFAP commodity needs and preferences along with acceptance of any bonus USDA donated foods offerings when offered.

- **Backpack/Weekend Bags for Kids Program:** means school children receiving commodities for home consumption during the weekend

Commodities may be used in a backpack program for children in accordance with USDA policy memo FD-041 which includes.

- The child's household must complete the eligibility determination process on at least an annual basis
- The child's household must meet the state income eligibility guidelines or be receiving benefits from:
 - Temporary Assistance to Needy Families (TANF)
 - Supplemental Nutrition Assistance Program aka Food Stamps (SNAP)
 - Commodity Supplemental Food Program (CSFP)
 - Food Distribution Program on Indian Reservations (FDPIR)
 - Free or Reduced Meals in the National School Lunch Program (F/R Meals)
 - Social Security Disability or SSI income
- Record keeping requirements being met by the distribution site (school)
- CNP allows a backpack program to have the school staff maintain a list of households receiving backpacks at each weekly distribution rather than having the household sign for each backpack.

Distributing Agency means a State, Federal, or private agency, or Indian Tribal Organization (ITO) which enters into an agreement with the Department of the distribution of donated foods to eligible recipient agencies and recipients and the Food and Nutrition Service of the Department when it accepts title to commodities from the Commodity Credit Corporation (CC) for distribution to eligible recipient agencies pursuant to the National Commodity Processing System

For the purpose of the State Plan, **Child Nutrition Program (CNP) is the State Distributing Agency.**

- **Distribution Site** means a location where the eligible recipient agency distributes commodities to needy person for household consumption or serves prepared meals to need persons under this part.
- **Eligible Recipient Agency** means an organization which.
 - Is public, or
 - Is private, possessing tax exempt status pursuant to §251.5(a)(3)
 - Is not a penal institution; and
 - Provides food assistance to the following.

- Both public and private ITOs and other Tribal entities that provide food assistance to individuals in need and that meet the definition at 7 CFR 251.3(d) are eligible to enter into agreements with State agencies or other ERAs (i.e., food banks) to serve as TEFAP ERAs.
 - Exclusively to needy persons for household consumption, pursuant to a means test established pursuant to §251.5(b), or
 - Predominantly to needy persons in form of prepared meals pursuant to §251.5(a)(2)
- **Food Bank** means a nonprofit, charitable organization that is qualified under the provisions of Section 501(C)(3) of the Internal Revenue Code of 1986 that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of its normal activities, provides meals or food to feed needy persons on a regular basis.
 - **Sub- Recipient Agency** means an eligible agency or organization that receive donated foods, in accordance with agreements signed with an ERA that has an agreement with the State Distributing Agency

PROGRAM SERVICE AREA AND RECIPIENT AGENCY IDENTIFICATION

TEFAP shall serve all regions in the state of Alaska. For the purpose of the State Plan the following levels of authority will be.

- **Distributing Agency**- State Agency with an agreement with USDA
- **Eligible Recipient Agency (ERA) Household Distribution**- Agreement with the State of Alaska Distributing Agency
- **Sub- Recipient Agency** – Agreement with an ERA
- **Eligible Recipient Agency (ERA) Congregate Meal Site**- ERA that has an agreement with the State Agency Distributing Agency or another ERA

Eligible Recipient Agency (ERAs) are a public or 501(c)(3) private, non-profit organizations, incorporated under the laws of this State and are responsible for the acceptance, storage, reporting, monitoring, records maintenance, and distribution of household distribution commodities received through CNP. They are responsible for the selection of Sub-Recipient Agencies for household distribution as identified in this State Plan.

Sub-Recipient Agency – are a public or 501(c)(3) private, non-profit organizations, incorporated under the laws of this State and are responsible for the acceptance, storage, reporting, monitoring, records maintenance, and distribution of household distribution commodities received through CNP. They have an agreement with an ERA.

ERAs and Sub-Recipient Agency wishing to participate in TEFAP for household distribution and limited-congregate feeding sites will enter a state-approved, written agreement with the Distributing Agency or an ERA that has a direct agreement with the Distributing Agency before

any transfer or distribution of commodity foods and/or administrative funds. Such agreements are considered permanent with amendments to be made as necessary; however, agreements must specify that they may be terminated by either party upon 30 days' written notice. In addition, agreements must provide:

- that organizations wishing to become an ERA or Sub Recipient Agency meet the eligibility criteria as established in 7 CFR. Ch. II Part 251.5.
- ERAs and Sub Recipient Agency must agree to operate the program in accordance with all federal requirements.
- the name and address of the ERA or Sub Recipient Agency.
- a detail of all functions for which the ERA or the Sub Recipient Agency will be held responsible.
- the specific terms and conditions for doing so are identified in a written agreement that complies with the standards as set forth in this State Plan. ERAs and Sub Recipient Agency will be accepted when USDA commodities are available.
- All ERAs and Sub Recipient Agency must be trained on the administration of TEFAP prior to implementation of the program.

Congregate Feeding sites with a written agreement with the Distributing Agency or ERA must be public or private, non-profit organizations, incorporated under the laws of this State or public organizations.

DISTRIBUTION of USDA FOODS

First Priority for receiving commodities for distribution shall be given to Recipient Agencies receiving commodities for household distribution. Recipient Agencies acting as household distribution are allocated 95% of commodities received. Recipient Agencies acting as congregated meal sites such as soup kitchens and emergency shelters are allocated 5% of commodities received.

Second Priority for distribution is to Charitable Organizations. Third priority distribution is utilized only when an excess of commodities is received, and commodities are at risk of waste.

FOOD DELIVERY/WAREHOUSING

If any ERA or Sub Recipient Agency improperly distributes or uses any program commodities or causes loss of or damage to a commodity through its failure to provide proper storage care or handling, they may be held liable to repay USDA for the value of the commodities, in accordance with 7 CFR. Ch. II Part 250.15.

Commodities which are found to be damaged or out-of-condition and are declared unfit for human consumption by Federal, State, or local health officials, or by other inspection services deemed competent by USDA shall be disposed of in accordance with 7 CFR. Ch. II Part 250.13(f).

Willful embezzlement, misuse, theft, or obtainment by fraud of commodities and commodities-related funds, assets, or property shall be subject to Federal criminal prosecution under section 12(g) of the [National School Lunch Act](#), as amended (42 U.S.C. 1760(g)) or section 4(c) of the [Agriculture and Consumer Protection Act of 1973](#), as amended (7 U.S.C. 712c note).

The Distributing Agency shall use the most cost effective and efficient system for providing warehouse and distribution services, as well as use the most cost effective and efficient system for providing warehouse and distribution services to ERAs, including fair-share distribution through the State Agency transportation network.

Twice annually all ERAs and Sub Recipient Agency must perform a physical inventory. Such physical inventory shall be reconciled with the book inventory. All agencies shall retain copies of invoices of all USDA commodities received. Items that have been lost, stolen, or found to be out of condition shall be identified and recorded. Potential excessive inventory shall be reported. All offsets as a result of inventory reconciliation must be approved by CNP.

The first-in first-out methodology is used for ensuring that foods are distributed in a prompt manner. All foods will be marked or coded with date of receipt and/or pack date.

ERAs and Sub-Recipient Agencies provide facilities for the handling, storage and distribution of commodity foods which:

- Have obtained all required (as applicable) Federal, State and/or local health inspection and/or approvals and that such inspections/approvals are current.
- Are sanitary and free from rodent, bird, insect, and other animal infestations.
- Safeguard against theft, spoilage, damage or destruction, or other loss.
- Maintain foods at proper storage temperature.
- Stock and space foods (at the case level) in a manner so that USDA commodity foods are readily identified from other donated foods and allow USDA commodity foods to be readily identified for purposes of recall. If necessary, food may need to be stocked separately if the Recipient Agency does not have the means to readily identify USDA commodity foods from other foods.
- Store foods off the floor in a manner to allow for adequate ventilation.

HOUSEHOLD ELIGIBILITY DETERMINATION

TEFAP regulations do not require that applicant households provide verification of income eligibility such as pay stubs. ERAs and Sub Recipient Agencies in the State of Alaska may not collect address information from clients for TEFAP certification.

ERAs and Sub Recipient Agencies in the State of Alaska must use the verification process established by the State agency and cannot use an alternate process. Self-attestation for income (including self-attestation of adjunctive income eligibility) and of household residency is the only allowable practice.

Household recipients must declare the following on the TEFAP application:

- recipient name:
- household size:
- that their income does not exceed 300% of the Health and Human Services poverty income guidelines for Alaska which reflects that they are income-eligible
- that the household recipient will not sell, barter, or trade food received through this program.

The Emergency Food Assistance Program (TEFAP) aims to provide food assistance to those in need without requiring personal details like a phone number or zip code. While some agencies may ask for this information to help with outreach or to better serve clients, it can't be used as a barrier to accessing the services. Eligibility depends on income level, not personal contact information.

Household recipients are deemed automatically income-eligible if they are recipients in any of the following programs.

- Temporary Assistance to Needy Families (TANF)
- Supplemental Nutrition Assistance Program aka Food Stamps (SNAP)
- Commodity Supplemental Food Program (CSFP)
- Food Distribution Program on Indian Reservations (FDPIR)
- Free or Reduced Meals in the National School Lunch Program (F/R Meals)
- SSI income

ERAs and Sub-Recipient Agencies must accept self-declaration as proof of low-income status, as outlined above, without requiring additional documentation such as Social Security numbers or picture identification. It is not permissible for ERAs or Sub-Recipient Agencies to request or deny service to household recipients based on the lack of an address or proof of address.

Recipients of foods prepared from USDA commodities at congregate meal sites are presumed to be low income and are therefore not subject to eligibility criteria.

TEFAP HOUSEHOLD AND CLIENT CONFIDENTIALITY PROTECTION

TEFAP regulations at 7 CFR 251.10(c)(1) define confidential applicant and participant information as any information about an applicant or participant, whether it is obtained from the applicant or participant, another source, or generated because of a TEFAP application, certification, or participation, that individually identifies an applicant, participant, and/or their family members. Confidential applicant and participation information includes information provided during the intake process for TEFAP eligibility purposes (e.g., name, number of persons in the household, household income) in addition to information collected from TEFAP applicants and participants for purposes unrelated to TEFAP eligibility (e.g., date of birth, occupation, education level, household address). Applicant and participant information is confidential regardless of the original source and exclusive of previously applicable confidentiality provided in accordance with other Federal, State, or local law.

TEFAP regulations at 7 CFR 251.10(c)(2) outline that State agencies and ERAs must restrict the use and disclosure of information obtained from TEFAP applicants or participants to persons directly connected with administration or enforcement of TEFAP. This could include State agency staff conducting management evaluations and ERA staff and volunteers who process TEFAP intake forms. These requirements are not intended to limit the use of data sharing for eligibility purposes; they are intended to safeguard confidential information and protect the identity of TEFAP applicants and participants.

RECORDS MAINTENANCE

Accurate and complete records shall be maintained with respect to TEFAP, including, where applicable, program records, receipt and distribution of product records, inventory records, financial management records, as well as records showing the data and method used to determine the number of eligible persons served by that agency.

All records shall be maintained for a period of three years from the close of the federal fiscal year to which they pertain. However, in instances when claims action and/or audit finding have not been resolved, the records shall be retained as long as required for the resolution of such action or findings.

Failure to maintain complete and accurate records shall be considered evidence of improper distribution or loss of commodity foods and the entity shall be subject to the provisions of federal regulations detailed at 7 CFR Ch. II Part 250.13(e).

DISTRIBUTING AGENCY MONITORING SYSTEM

CNP shall conduct an on-site review of ERAs with a direct agreement with the state agency in compliance with 7 CFR 251.10(e)(2)(i) but no less than once every four years. The review shall include as applicable, but not be limited to the following: food ordering procedures, storage and warehousing practices, inventory controls, approval of distribution sites, reporting and recordkeeping requirements, compliance with civil rights provisions and financial management.

Part of the review process allows the recipient agency an opportunity to provide input on their commodity needs and preferences.

If the on-site review identifies deficiencies or out of compliance conditions preliminary findings are issued by CNP and corrective actions are specified. The agency has thirty (30) days from the date of the findings letter to request assistance, to make corrective action or to explain why the findings are in error.

ERA AND SUB-RECIPIENT AGENCY MONITORING SYSTEM

In accordance with 7 CFR 251.10(e)(2)(ii), the measures outlined in the steps listed above will also be applied by CNP to the review of Recipient Agencies which receive TEFAP commodities and/or administrative funds from an ERA that has an agreement with the Distributing agency.

ERA - On-site evaluations of at least 25% of those with direct agreements with the State Distributing Agency.

Sub-Recipient Agencies - On-site evaluation of 10 %, or 20, whichever is fewer, of all recipient agencies who have a written agreement with an ERA that has an agreement with the Distributing Agency.

All reviews will be conducted, to the maximum extent feasible, simultaneously with actual distribution of commodities and/or meal service, and eligibility determinations, if applicable.

COMMODITY ORDERING SYSTEM

Each month the ERAs will have the opportunity to submit their commodity order request to ensure that their commodity preferences and needs are being met.

In accordance with 7 CFR 251.4 (d)(2) the state agency will allow the agency to submit a request to receive commodities that they prefer, in the amount of anticipated use, and that they are able to store the commodities without waste.

FINANCIAL MANAGEMENT – ADMINISTRATIVE FUNDS

CNP will retain 10% to 20% of total administrative funding allocated by FNS. The balance of such administrative funds is provided to the Food Bank of Alaska, when additional administrative funds are available other ERAs that have an agreement with the Distributing agency will receive administrative funding based on their participation fair share percentages.

Funds made available are to pay the direct expenses associated with the distribution of USDA commodities and commodities secured from other sources to the extent that the commodities are ultimately distributed by those organizations which have entered into agreements as identified in

this State Plan. Direct expenses include but are not limited to the following , regardless of whether they are charged to TEFAP as direct or indirect costs:

- The intrastate transport, storing, handling, repackaging, processing, and distribution of commodities.
- Costs associated with determinations of eligibility, verification, and documentation.
- Costs of providing information to persons receiving USDA commodities concerning the appropriate storage and preparation of such commodities.
- Costs involved in publishing announcement of times and location of distribution.
- Cost of travel related to the administration of the program
- Costs of recordkeeping, auditing, and other administrative procedures required for program participation

FINANCIAL MANAGEMENT – CNP RESPONSIBILITIES

Records are maintained in accordance with the Records Maintenance section of this State Plan.

A financial management system is maintained that complies with the Federal regulations and provides accurate, current, and complete disclosure of the financial status of the TEFAP, including an accounting of all program funds received and expended each fiscal year. In addition, the financial management system provides for, including, but is not limited to:

- Prompt and accurate payment of allowable costs; and
- Timely disbursement of funds.

CNP submits the [FNS-667](#), Report of Administrative Costs, to report the financial status of the program on a quarterly basis. The quarterly report must be submitted to FNS no later than 30 calendar days after the end of the quarter to which it pertains. The final report must be submitted no later than 90 calendar days after the end of the fiscal year to which it pertains.

Drawdowns from the Federal Letter of Credit are made as necessary. FBA submits a monthly invoice for expenditures along with details of the expenditures.

CNP uses and ensures that ERAs use administrative funds only for allowable costs as described in 7 CFR Part 251.8(e).

Funds accruing from the sale of containers, packing materials, salvage of donated foods, distribution charges, or insurance shall be handled in accordance with 7 CFR. Ch. II Part 250.15(f).

FINANCIAL MANAGEMENT – ELIGIBLE RECIPIENT AGENCY RESPONSIBILITIES

- Shall maintain records in accordance with the Records Maintenance section of this State Plan.
- Report any losses, per FNS Instruction 410-1, to CNP for consideration of a claim determination against a carrier, the ERA or Recipient Agency for possible reimbursement, within 30 days of the date of the loss.
- Any funds accruing from the sale of containers, packing materials, salvage of donated foods, distribution charges, or insurance shall be reported within 30 days to CNP and shall be handled in accordance with 7 CFR. Ch. II Part 250.15(f).
- Use administrative and other funds only for allowable costs.
- Complete all required reports within the monthly reporting period or up to 30 days thereafter.

CIVIL RIGHTS

CNP assures the USDA FNS that in its administration of TEFAP it complies with all Civil Rights requirements of FNS Instructions 113-1.

- Any person has a right to file a complaint within 180 days of the action for which the complaint is the subject. Complaints received by FBA, regional food banks or Recipient Agencies will be forwarded to CNP for follow-up.
- The "And Justice for All" poster (form AD-475c) size 11 x 18 inches is prominently displayed in areas used by program clients.
- The following USDA nondiscrimination statement must be printed on client forms and on all client publications or information.

COMMODITY COMPLAINTS

USDA foods that are found to be defective after they are received by the Distributing or Recipient Agency or after they have been issued to a household should be reported to FNS as soon as the problem is detected. Food complaints may be reported by any person by contacting CNP. Complaints will be further forwarded to FNS in any of the following ways: F

- Advisory emails are also forwarded to the Western Regional Field Office.

- Complaints reported by CNP will be made electronically through the Web-Based Supply Chain Management (WBSCM) application.

PROGRAM COMPLAINTS

To file a program complaint, contact the USDA Foods Program Coordinator, Child Nutrition Programs, PO Box 110500, Juneau, AK 99811 or call 907-465-8710.

COMMODITY RECALL

The commodity recall (or hold) process is used when a food safety issue is raised about a USDA purchased commodity. The process pertains exclusively to USDA-purchased commodities delivered to Distributing and Recipient Agencies. CNP complies with the USDA Commodity Hold and Recall Procedures detailed at:

[Responding to Food Recall Procedures for Recalls of USDA Foods | Food and Nutrition Service](#)

CLAIMS

CNP shall begin claims action immediately upon receipt of information concerning the improper distribution, loss of or damage to commodities, and shall make a claim determination within 30 days of the receipt of information in accordance with 7 CFR. Ch. II Part 250.15 and as described in further detail in FNS Instruction 410-1.

DISASTER/PANDEMIC PLANNING

As part of the National Response Plan, CNP can coordinate with disaster relief organizations such as the Red Cross and the Salvation Army for mass feeding or household distribution. Disaster organizations request food and nutrition assistance through State agencies that run USDA's nutrition assistance programs. If such a request is deemed necessary, CNP will notify USDA of the types and quantities of food that relief organizations need for emergency feeding operations. CNP will comply with all federal regulations in response to disaster needs, including 7 CFR Ch. II Part 250.69 Disaster Food Assistance, 7 CFR Ch. II Part 250.70 Food Assistance in Situations of Distress; and the FNS Commodity Program Disaster Manual. Household distribution in a disaster needs to be approved by FNS.

USDA Nondiscrimination Statement

[USDA Nondiscrimination Statement | Food and Nutrition Service](#)

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

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