

## STATE DISTRIBUTION PLAN USDA FOODS

The Commonwealth of Kentucky, Department of Agriculture (KDA), Division of Food Distribution, 107 Corporate Drive, Frankfort, KY 40601, the State Agency (SA) in its capacity as administering agency for The Emergency Food Assistance Program (TEFAP) will implement the procedures herein described effective February 1, 2024.

### I. Staffing

There are two positions charged 50% to TEFAP, which are the Administrative Branch Manager and the Program Coordinator. SA field staff provide oversight, technical assistance and monitoring and charge the Program travel expenses for the time spent performing those tasks.

### II. Distribution System

The SA contracts with six Food banks across the Commonwealth. USDA Foods and Farms to Food banks products are directly shipped to these six food banks.

The SA shall allocate USDA Foods to the food banks according to the poverty (60%) and unemployment (40%) figures from the most recent state census. Allocations are subject to USDA Foods preferences, storage facilities, and delivery restrictions, minimum cases per stop, number of stops, etc.

The food banks, in turn, contract with eligible food pantries and on-site feeding locations in their designated area. Contracts must be in place prior to distribution of food for household use or for the preparation of meals.

Food banks are encouraged to expand coverage in rural, remote, and tribal areas through outreach programs.

The SA allows food banks to run a Kid's Café, backpack program or similar programs to distribute TEFAP foods to children on a weekly basis.

### III. Training

The SA will conduct training with local food banks at least once every two years. The training will include updates of current Federal, State and Local regulations. The SA will also review current monitoring procedures and schedules.

### IV. Recordkeeping

The Local Distributing Agency must keep a record of all eligible clients on the register that the state has provided or a list that meets the requirement set by the state.

The SA will allow food banks running a Backpack, Kid's Café, or similar programs to have the family resource center coordinator or program staff maintain a list of households receiving backpacks at each distribution rather than having the household sign for each backpack.

TEFAP participant information must be kept confidential, and limits are established on the disclosure of information obtained from applicants or participants and the identity of persons making a complaint or allegation against persons participating in or administering the program.

Additionally, SA will report the total number of individuals participating in TEFAP in each month to FNS on a quarterly basis.

#### V. Eligibility Criteria

The state eligibility criteria for receiving USDA foods as well as Farm to Food banks products for household use at the food pantry level are solely determined by self-declaration of gross income. There is no requirement for the household to provide proof of its income level in conjunction with this method of eligibility determination. The criteria is set at one hundred eighty-five percent (185%) of the annually published federal poverty income guideline.

The State eligibility for Backpack, Kid's Café or similar programs includes an automatic income eligibility of a household if a child in the household receives free or reduced-price meals through the National School Lunch Program (NSLP). A list will be maintained by Family Resource Center coordinator or program staff of household receiving TEFAP foods.

Upon receipt of the new income guidelines Kentucky Department of Agriculture will then notify all the Food banks of the change to the income guidelines.

Recipients of prepared meals are needy and are not subject to a means test.

Recipients must be residents of Kentucky for at least one day.

#### VI. Distribution Rates

The maximum state distribution rates for USDA Foods for household use on a monthly or bi-monthly basis, as applicable, are contained in Attachment A.

Through the contract with the Food banks, the SA also reserves the right to reduce the distribution rate as necessary based upon the amount of USDA Foods made available by USDA to the SA for distribution to qualifying participants. Each Food bank will agree that its Food pantry rate of distribution will not exceed the statewide uniform rate as determined by the SA. If adequate quantities are not available at the time of distribution, the distributing agency may reduce the given distribution rate(s).

If unusual additional quantities of USDA Foods become available, the SA may, at its discretion, temporarily authorize an increase in the maximum distribution rate for specific items.

The State will allow Food Banks running backpack, Kid's Café, or similar programs to distribute a tailored weekly food package for these types of distribution for easier transport of the TEFAP foods received, provide the household meets the uniform statewide eligibility criteria.

## VII. Monitoring System

The SA monitoring system for all TEFAP USDA Foods is as follows:

### A. Staffing

SA staff will be utilized to accomplish on-site program reviews.

### B. Food bank Reviews

SA staff will review at least 25% of the Food banks annually, with each eligible agency being reviewed at least once every four years.

The review will include coverage of:

- a. storage facilities
- b. reconciliation of inventory (comparison of book and physical inventory)
- c. donated food loss reports
- d. civil rights compliance
- e. allocation records to food pantries and soup kitchens
- f. reimbursement reports
- g. acceptance of food compared to amount offered
- h. agreements between food bank and local agencies

### C. Food pantry and soup kitchen Reviews

SA staff will review the lesser of one tenth or twenty food pantries and soup kitchens annually.

The review will include coverage of:

- a. storage facilities
- b. physical inventory
- c. donated food loss reports
- d. application registers (Food pantry, only)
- e. civil rights compliance
- f. amount of food received from food bank in proportion to distribution
- g. variety of food that pantry and soup kitchen is ordering and accepting

#### D. Corrective Action Procedures

The SA staff person, at the completion of each food bank, food pantry, or on-site feeding review, will conduct an exit conference with the responsible agency person or site official. A confirming letter will be mailed to the responsible food bank within 30 days after the review, outlining (1) a description of the deficiencies found, (2) specific recommendations for corrective action and (3) the timetable for corrective action. The responsible food bank will be required to respond in writing within 30 days, describing the corrective action that has been taken. The SA will monitor the contracting agency's implementation of corrective action reports.

### VIII. Financial

#### A. Allocation Formula

Upon being notified of the Federal allocation, that portion to match the SA portion for State level expenses and the amount required to reimburse the state contracted warehouse will be retained. The remainder, which will be a minimum of 40% TEFAP administrative funds allocated to the SA will be provided to the food banks and/or directly expended by the SA to cover administrative costs incurred by, or on the behalf of, emergency feeding organizations. (7 CFR 251.8 (e) (4))

#### B. Advances and Reimbursement

Each food bank will receive a \$25,000 advance payment at the beginning of the contract period if they are not currently operating as a TEFAP food bank. This advance payment is designed to help smaller agencies, which need the "start up money." Each food bank will be reimbursed for distribution cost based on the total of Federal Grant Award multiplied by the poverty/unemployment rates in their Region up to their contract maximum. Food banks will receive twelve equal monthly payments with adjustments being made as necessary depending on the current Grant Award/Line of Credit available. In accordance with the SA and food bank contract, the food banks will submit a monthly Reimbursement Report indicating the pounds distributed to the food pantries and soup kitchens. This will be attached to their monthly Consolidated Report. Food banks may retain all funds, advances and reimbursements, only to the extent that they actually incur such costs and provide the SA with supporting documentation.

Each food bank has agreed to continue to distribute after their contracted amount of reimbursement has been exhausted. At no time will the food banks charge food pantries and soup kitchens for USDA Foods.

### IX. TEFAP USDA Foods Advisory Council

One representative from each food bank will be a part of TEFAP USDA Foods Advisory Council to provide insight in to ordering process and program changes as

well as the Farms to Food banks projects. This council will consist of the SDA representative and a member from each food bank in the program. Each member of the council would have a chance to select products from USDA food list to purchase. When bonus items are available the SDA will provide each food bank their fair share of the product, and the choice of when the food bank would like it delivered. Other items this advisory council can provide includes how resources should be allocated among various eligible outlet types, what areas have the greatest need for food assistance, and other important issues that will help States to use their program resources in the most efficient and effective manner possible.



United States Department of Agriculture  
Food and Nutrition Service

Southeast Region

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Reply to

Attn. of: Supplemental Nutrition Division: FNS 16-TEFAP-KY

Subject: Kentucky Department of Agriculture (KDA) Fiscal Year 2024 State Plan Approval for  
The Emergency Food Assistance Program (TEFAP)

To: Ian Hester, Director  
Division of Food Distribution  
Kentucky Department of Agriculture  
Frankfort, KY 40601

On February 9, 2024, USDA Food Nutrition Services Southeast Region Office (SERO) received, Kentucky Department of Agriculture (KDA) amended TEFAP State Plan. KDA is proposed to increase the TEFAP income eligibility from 130% of the poverty level to 185% and allow food banks to run a Kid's Café, backpack program or similar program to distribute TEFAP foods to eligible children on a weekly basis. SERO has reviewed and approved the KDA TEFAP amended State Plan.

The Food and Nutrition Service staff of the Southeast Regional Office reviewed the Plan and found that it contained all the necessary information and regulatory citations that are required to participate in the program. Please keep a copy of this letter with your on file with the attached plan.

We look forward to continuing our work with you and your staff. If we can be of further assistance, please contact John Hanna of my staff at 404-562-1908 or at [John.Hanna@usda.gov](mailto:John.Hanna@usda.gov).

KIRK FARQUHARSON

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KIRK FARQUHARSON  
Chief, Food Distribution Programs Branch  
Supplemental Nutrition Division

cc: Kevin Peach, KDA  
John Hanna, FNS, SERO, Food Distribution Branch