



Food and
Nutrition
Service

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Center

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DATE: February 11, 2016

SUBJECT: Supplemental Nutrition Assistance Program – Review of Major Changes in Program Design and Management Evaluations – Additional Guidance and Questions and Answers

TO: All Regional Directors
Supplemental Nutrition Assistance Program

This memorandum provides additional implementation guidance and questions and answers regarding the Food and Nutrition Service's (FNS) final rule titled Supplemental Nutrition Assistance Program (SNAP) Review of Major Changes in Program Design and Management Evaluations (Major Changes Rule) published in the Federal Register on January 19, 2016.

As indicated in FNS' January 19, 2016, Implementation Memorandum for the Major Changes Rule, this guidance provides instructions on how State agencies must notify FNS of major changes and provides a list of questions and answers. The attached questions and answers serve as formal guidance for use by State agencies as they implement provisions of the Major Changes Rule.

As a reminder, State agencies have until March 21, 2016, to be in compliance with the major changes regulatory provisions at 7 CFR 272.15. Changes to the definitions of project areas that impact the requirements for State Management Evaluations (MEs) are effective October 1, 2016.

When State Agencies Must Report a Major Change

7 CFR 272.15(a)(1) requires State agencies to notify FNS no less than 120 days prior to beginning implementation of a major change, as defined in 272.15(a)(2)(i)-(vi), or entering into contractual obligations to implement any proposed major changes. If the State agency is unable to meet the 120 day deadline, the State agency must notify FNS as soon as they are aware of the major change and explain why they could not meet the deadline.

Please refer to the attached Questions and Answers for additional policy clarifications related to the notification requirements of the Major Changes Rule.

How State Agencies Must Report Major Changes

State agencies must report major changes to the FNS National Office by emailing a completed *State Agency Notification of Major Changes in Program Design* form (attached) to SNAPMajorChange@fns.usda.gov. State agencies are encouraged to copy their FNS Regional Office when emailing their completed form to the FNS National Office.

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The attached State notification form requests the information and analysis State agencies are required to provide FNS when initially reporting a major change as defined in 7 CFR 272.15(a)(3).

If further questions related to the implementation of the Major Changes Rule arise, please email the FNS National Office at SNAPMajorChange@fns.usda.gov.

/s/ Lizbeth Silbermann

Lizbeth Silbermann
Director
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Attachments

State Notifications of Major Changes to the Food and Nutrition Service (FNS)

Q1: Does the Major Changes Rule require FNS approval of a State agency's major change?

A1: No. The rule does not provide FNS with approval authority of major changes. Instead, the rule requires State agencies to notify FNS of major changes and report on major changes. State agencies are still required to follow the Advance Planning Document process specified in 7 CFR 277.18 if applicable.

Q2. Should the required notification process for major changes be expected to have any impact on a State's ability to move ahead with planning and implementing major changes? In some cases, reporting 120 days prior to implementation of a major change could be a problem if State leadership expects a major change to be implemented sooner than 120 days.

A2. No. The notification process should not have any impact on States' plans or efforts to implement a major change. If the time period between deciding to make a major change or entering into contractual obligations and implementing a major change is less than 120 days, the State would simply notify FNS as soon as possible, and explain the reason the State could not make the deadline.

Q3. If a State implements or begins implementing a major change before March 21, 2016 (when States must be in compliance with the major changes regulatory provisions at 7 CFR 272.15), does the State have to follow the major changes notification process?

A3. No. Only major changes implemented after March 21, 2016, must be reported to FNS.

Example: If a State begins implementing a new eligibility system on February 29, 2016, and the implementation process is expected to go through April 2016, the change is not subject to the notification and reporting requirements of the Major Changes Rule.

However, the State is still required to follow the Advance Planning Document process as specified in 7 CFR 277.18 if applicable.

Q4. If a State decides to make a major change before March 21, 2016 (when States must be in compliance with the major changes regulatory provisions at 7 CFR 272.15) and plans to

implement after March 21, 2016, does the State have to follow the major changes notification process? If so, when must the State report the major change to FNS?

A4. Yes. The State must notify FNS of the major change since it will be implemented after March 21, 2016. The notification of the major change should be sent to FNS no later than March 21, 2016.

Example: If a State decided to make a major change on January 1, 2016, and plans to implement the major change on April 1, 2016, the State agency should notify FNS no later than March 21, 2016.

Q5. How should States submit notifications of major changes to FNS?

A5. States should complete and sign the form entitled “State Agency Notification of Major Changes in Program Design” to notify FNS of the appropriate major changes. The completed form should be emailed to SNAPMajorChange@fns.usda.gov with a copy to the State’s FNS Regional Office.

Q6. If after FNS is provided the notification and analysis of a major change, modifications are made to a project, what information should the State provide to FNS?

A6. If modifications to a project have no impact on the original notification and analysis the State provided, no action is required. If the modifications to the project do impact factors covered in the original notification and analysis, FNS should be provided with the updated information through the SNAPMajorChange@fns.usda.gov email address.

Q7. Do the requirements in the Major Changes Rule supersede, complement, or otherwise impact the notification and reporting requirements for SNAP projects administered, at least in part, by grants funded by FNS? Does reporting information to the FNS grant manager qualify as reporting a major change?

A7. The State agency must complete and submit the form entitled “State Agency Notification of Major Changes in Program Design” if a FNS grant funded SNAP project or a component of the project will be implemented after March 21, 2016, and meets the definition of a major change. If the State agency believes the ongoing reporting requirements for the SNAP project meet the reporting requirements under the Major Change Rule, the State should indicate this in their initial notification to FNS on the “State Agency Notification of Major Changes in Program Design” form. FNS will review the initial notification and will work with the State agency to mitigate duplicative reporting.

Identifying a Major Change

Q8. Are all local office closures included in the definition of a major change?

A8. Only permanent closures of local offices meeting the criteria of 7 CFR 272.15(a)(2)(i) are subject to this rule.

Example: If a local office closes temporarily due to renovation or an older location closes and another opens within the same jurisdiction, no notification to FNS would be necessary. In addition, local office closures that are weather or maintenance related are not considered major changes.

Q9. 7 CFR 272.15(a)(2)(ii) indicates that if an automated system change is expected to impact less than five percent of the State's SNAP applicants or participants, it will not be considered a major change. To comply with this provision, if a State does not expect the major change to impact more than five percent of the State's applicants or participants, does the State have to provide supporting evidence to FNS?

A9. No. If a State's major change is not expected to impact five percent or more of the State's applicants or participants, no notification to FNS is necessary.

Q10. Are web portals or other system overlays that increase the functionality of a State's legacy system considered major changes?

A10. Yes. These changes generally impact the way that eligibility workers, applicants and/or participants interact with SNAP in terms of applying, interviewing, reporting, and/or case management.

Q11. If a State is not certain that a project meets the criteria of a major change, who within FNS should be contacted to obtain guidance?

A11. States that have questions about the Major Changes Rule should send their questions to the FNS National Office by emailing SNAPMajorChange@fns.usda.gov and copying the States FNS Regional Office. Depending upon the complexity of the questions, FNS may schedule a conference call to assist the State.

Q12. Would a change that allows community partners/Community Based Organizations access to a State's automated system to assist SNAP applicants or participants be considered a major change?

A12. If the change is expected to impact more than five percent of the State's SNAP applicants or participants, the change would be considered a major change under 7 CFR 272.15(a)(2)(ii).

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Q13. 7 CFR 272.15(a)(2)(iv) requires States to report “Any reduction or change of the functions or responsibilities currently assigned to SNAP merit system personnel.” What percentage reduction or change would FNS consider a major change?

A13. There is no percentage associated with this criterion. Any reduction or change is considered a major change.

State Major Change Reporting Requirements

Q14. If a State is implementing a major change, but the State’s automated system cannot provide some of the required data for the quarterly reports to FNS, how should the State proceed?

A14. The State should contact FNS if the State is unable to meet the reporting requirements outlined in 7 CFR 272.15(b)(1). FNS would prefer the State indicate which data elements it is unable to report on in the *Additional Information* box on the “State Agency Notification of Major Changes in Program Design” form when the State initially reports a major change. FNS will work with the State to identify alternative methods to collect the data.

State Management Evaluation (ME) Reviews

Q15. When will the new project area definitions for State ME Review purposes take effect?

A15. The new project area definitions take effect October 1, 2016, for use in the State’s FY 2017 SNAP ME Review Schedule and all subsequent State review schedules. State agencies must use the new project area definitions when developing their FY 2017 State SNAP ME Review Schedule which is due to their FNS Regional Office by August 1, 2016 (60 days prior to start of the Federal fiscal year) per 7 CFR 275.20.

Q16. Are the new project area definitions for State ME Review purposes intended to be uniform across all States regardless of the geographic size and population?

A16. Yes. The size and population of a State has no bearing on the required frequency of its ME reviews of project areas within the State. The changes to the project area definitions have not changed current regulations at 7 CFR 275.5(b) outlining the frequency of reviews based on the project area size.