



Pete Ricketts
Governor

STATE OF NEBRASKA

OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: (402) 471-2244 • pete.ricketts@nebraska.gov

July 10, 2019

Clarence H. Carter, Acting Director
US Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
Attention: Community Services Block Grant Program
330 C Street, SW
Washington, D.C. 20201

Dear Director Carter:

As Chief Executive Officer of the State of Nebraska, I have exercised my authority to designate the Nebraska Department of Health and Human Services, Division of Children and Family Services (DHHS-CFS), to act as the lead agency for administration of the Community Services Block Grant (CSBG) program. I have also designated the Director of DHHS-CFS to review, sign and submit the plan and assurances in regard to the CSBG Program.

If you have any questions or concerns please feel free to contact Matt Thomsen, CSBG Program Manager at (402) 417-9435.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Ricketts".

Pete Ricketts
Governor

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TITLE 481
COMMUNITY SERVICES BLOCK GRANT PROGRAM

CHAPTER 1-000 INTRODUCTION

1-001 Scope and Authority: These regulations govern the Community Services Block Grant (CSBG) Program. The Community Services Block Grant Program was created by the Economic Opportunity Act of 1964 and amended by Public Law 105-285, cited as the Coats Human Services Reauthorization Act of 1998.

1-002 Purposes and Goals: The purposes and goals of CSBG are to:

1. Provide assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a state program carried out under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and
2. Accomplish the goals described in number 1 through:
 - a. The strengthening of community capability for planning and coordinating the use of a broad range of federal, state, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;
 - b. The organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;
 - c. The greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;
 - d. The maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this program to empower residents and members to respond to the unique problems and needs within their communities; and
 - e. The broadening of the resource base or programs directed to the elimination of poverty so as to secure a more active role in the provision of services for:
 - (1) Private, religious, charitable, and neighborhood-based organizations; and
 - (2) Individual citizens, and business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

1-003 Definitions: For use within CSBG, the following definition of terms will apply unless the context denotes otherwise:

Department: The Nebraska Department of Health and Human Services.

Director: The Director of the Nebraska Department of Health and Human Services.

Eligible Entity: An entity that was eligible on October 26, 1998, the day before the date of enactment of the Coats Human Services Reauthorization Act of 1998, or designated by the process described in 481 NAC 2-011.

Poverty Line: The official poverty line established by the Director of the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

Secretary: The Secretary of U.S. Health and Human Services, Office of Community Services.

1-004 Nondiscrimination and Equal Opportunity: An eligible entity must not discriminate on the basis of race, color, national origin, religion, sex, familial status, disability or age. The eligible entity must make known that use of the facilities and services are available to all on a nondiscriminatory basis. The eligible entity must have procedures to make known their policy of nondiscrimination. Eligible entities and recipients must also adopt procedures which will make available to interested persons information concerning the location of services and facilities that are accessible to persons with disabilities.

1-005 Confidentiality: All eligible entities must adopt written policies to protect the confidentiality of all persons served, and all persons employed by the eligible entities. Confidentiality policies regarding persons served must be framed in the best interests of the client, and must include disclosure to the client of any potential sharing of information.

1-006 Access to Records: All eligible entities must adopt written policies that identify those records which are available to the public, those records which are not available to the public, and the conditions under which records may be made available. The Department's intent is that information regarding the eligible entity's policies, financial operations, and operating effectiveness must be available to the public under reasonable conditions.

1-007 Appeals Process: All eligible entities must have a written appeals process through which clients or potential clients may appeal denials of service or improper provision of service. The appeals process should extend at least to the eligible entity's governing board.

1-008 Child Support Services and Referrals: During each fiscal year for which an eligible entity receives a CSBG grant, the entity must:

1. Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this program about the availability of child support services; and
2. Refer eligible parents to the child support offices of state and local governments.

CHAPTER 2-000 ADMINISTRATIVE REQUIREMENTS

2-001 Board of Directors: An eligible entity must administer the Community Services Block Grant program through a tripartite board that fully participates in the development, planning, and evaluation of the program to serve low-income communities.

2-001.01 Selection and Composition of Board: The eligible entity must ensure that a process is in place for the selection of members of the board so that the board includes the following:

1. One-third of the members of the board are elected public officials holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than one third of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting the one third requirement;
2. No fewer than one-third of the members are persons chosen in accordance with democratic selection procedures adequate to ensure that these members are representative of low-income individuals and families who represent a specific neighborhood within a community and who reside in the neighborhood they represent; and
3. The remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

2-001.02 Board Powers: The board must have all of the powers required under Neb. Rev. Stat., Chapter 21, Article 19, (The Nebraska Nonprofit Corporation Act) and its successors.

2-001.03 Selecting Representatives of the Sectors: The board must adopt a written plan which describes the procedures for selecting representatives for each of the three sectors of the board.

2-001.04 Limitations on Length of Service: The board must develop policies as to the length of time members may serve on the board.

2-001.05 Conflict of Interest: The following individuals are considered to have a conflict of interest and must not serve on the board of directors:

1. A person who is an officer or an employee of an organization contracting to perform a component of the work program funded by CSBG;
2. A paid employee of the eligible entity; and
3. An employee of the Nebraska Department of Health and Human Services.

These restrictions may be waived by the Director.

2-001.06 Petition for Representation on the Board: Eligible entities must establish procedures allowing a petition for adequate representation if a low income individual, community organization, religious organization, or representative of low income individuals feels under-represented on the board.

2-001.07 Alternates: The board may allow alternates to substitute for members. If alternates are allowed, the board must maintain written policies which specify:

1. How alternates are selected;
2. The powers given alternates; and
3. The limitations placed on alternates.

2-001.08 Filling Vacancies: The board must maintain written policies that describe the procedures to be used in filling vacancies.

2-001.09 Compensation: Although expense allowances for low income individuals and reimbursements to all members of the board for expenses are permitted, regular compensation to all members for their service on the board is not permitted.

2-002 Annual Plans: An annual community action plan must be submitted to the Department; the plan must include a community needs assessment of the low income population for the community served, and may be coordinated with community-needs assessments conducted for other programs.

2-002.01 Needs Assessment: Needs assessments must be conducted periodically and must, at a minimum, incorporate data from these sources:

1. Low-income residents;
2. Local elected officials and other service agencies; and
3. Statistical data.

2-002.02 Information Included in the Annual Plan: The following must be included in the annual plan:

1. A description of the service delivery system for services provided or coordinated with funds made available through CSBG grants targeted to low-income individuals and families in communities within the state;
2. A description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations;
3. A description of how funds made available through CSBG grants will be coordinated with other public and private resources; and
4. A description of how the local entity will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of this program, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting.

2-003 Results Oriented Management and Accountability System (ROMA): Eligible entities must participate in the ROMA System or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.

2-003.01 ROMA Reports: ROMA reports must be submitted to the Department as specified in the written agreement with each eligible entity.

2-004 Personnel Policies: All eligible entities must maintain written personnel policies that address all state and federal requirements.

2-005 Fund Allocation: In general, not less than 90 percent of the CSBG funds made available to the Department must be used by the Department to make grants to the eligible entities. The fund allocation plan will be reviewed every ten years using poverty information taken from the U.S. Census. On an annual basis, the Department will notify eligible entities of the allocation breakout by entity upon receiving information from the Office of Community Services on the amount of the state's allocation.

The Department will use up to five percent of the remainder for administration purposes and the remainder for discretionary purposes. The discretionary funds will be used according to P. L. 105-285 and carried out according to written agreement with U.S. Health and Human Services.

2-006 Fund Transmittal Process: All funds provided to eligible entities are federal funds which are approved and forwarded through the Department. Contingent upon the availability of funds, the normal process for transmitting funds to eligible entities is in equal payments on a quarterly basis.

2-006.01 Obligational Authority: Funds distributed to eligible entities through CSBG grants for a fiscal year must be available for obligation during that fiscal year and the succeeding fiscal year, subject to 481 NAC 2-006.02.

2-006.02 Recapture and Redistribution of Unobligated Funds:

2-006.02A Amount: Beginning on October 1, 2000, the Department may recapture and redistribute funds distributed to an eligible entity through a CSBG grant that are unobligated at the end of a fiscal year if the unobligated funds exceed 20 percent of the amount distributed to the eligible entity for the fiscal year.

2-006.02B Redistribution: In redistributing funds recaptured in accordance with this paragraph, the Department must redistribute the funds to an eligible entity, or require the original recipient of the funds to redistribute the funds, to a private, nonprofit organization located within the community served by the original recipient of the funds for activities consistent with the purposes of this program.

2-007 Program Requirements:

2-007.01 Emergency Services: Eligible entities must provide, on an emergency basis, for the provision of supplies and services, nutritious foods, and related services, as may be necessary, to counteract conditions of starvation and malnutrition among low-income individuals to the extent funds are available.

2-007.02 Coordinate and Establish Linkages: Eligible entities must coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low-income individuals and to avoid duplication of services, and will work with the Department to coordinate the provision of employment and training activities, as defined in section 101 of the Workforce Investment Act of 1998 (WIA) in the state and in communities with entities providing activities through statewide and local workforce investment systems under the WIA.

2-007.03 Coordination of Programs: Eligible entities will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the community and members of the groups served by the state, including religious organizations, charitable groups, and community organizations.

2-007.04 Activities Supported: Eligible entities must:

1. Support activities that are designed to assist low-income families and individuals receiving assistance under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and include in their plan a description of how the activities will enable the families and individuals:
 - a. To remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a state program carried out under Part A of Title IV of the Social Security Act);
 - b. To secure and retain meaningful employment;
 - c. To attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;
 - d. To make better use of available income;
 - e. To obtain and maintain adequate housing and a suitable living environment;
 - f. To obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and
 - g. To achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to:
 - (1) Document best practices based on successful grassroots intervention to develop methodologies for widespread replication; and
 - (2) Strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

2. Address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as:
 - a. Programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and after-school child care programs; and
 - b. To make more effective use of, and to coordinate with, other programs related to the purposes of this program (including state welfare reform efforts).

2-008 Reporting Requirements: Financial and program reports must be submitted according to the written agreement with each eligible entity.

2-009 Self-Evaluation/Review Requirements and Corrective Action:

2-009.01 Self-Evaluation: Eligible entities must regularly evaluate the effectiveness and/or impact of their operations through peer reviews and other means, and report findings to the Department.

2-009.02 Reviews: Eligible entities must cooperate with the Department when the Department conducts an onsite review of their agency. These will occur at least every three years and may or may not be conducted simultaneously with a peer review. Other reviews as appropriate may be conducted, including reviews of entities with programs that have had other federal, state, or local grants (other than assistance provided under this program) terminated for cause.

2-009.03 Corrective Action

2-009.03A Determination: If the Department determines, on the basis of a final decision in a review, that an eligible entity failed to comply with the terms of an agreement or the state plan to provide services under this program or to meet appropriate standards, goals, and other requirements established by the Department (including performance objectives), the Department must:

1. Inform the entity of the deficiency to be corrected;
2. Require the entity to correct the deficiency;
3. Either:
 - a. Offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or
 - b. If the Department determines that training and technical assistance are not appropriate, the Department will prepare and submit to the Secretary a report stating the reasons for the determination;

4. At the discretion of the Department (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency):
 - a. Allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct the deficiency within a reasonable period of time, as determined by the Department; and
 - b. Not later than 30 days after receiving from an eligible entity a proposed quality improvement plan, either approve the proposed plan or specify the reasons why the proposed plan cannot be approved.
5. After providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary.

2-010 Audit Requirements: Eligible entities must comply with the federal audit guidelines, including OMB Circular A-133 and its successors.

2-011 Redesignation of Eligible Entities: If any geographic areas of the state cease to be served by an eligible entity and the Governor or his/her designee decides to serve the area, the Governor or his/her designee may solicit applications from and designate as an eligible entity a private nonprofit organization (which may include an eligible entity) that is geographically located in the unserved area and that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements in Title 481.

2-011.01 Requirement for the Board: In order to serve as the eligible entity for the area, the entity must agree to add additional members to the board of the entity to ensure a tripartite board.

2-011.02 Special Consideration: In designating an eligible entity, the Governor or his/her designee must grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this program and may give priority in granting the designation to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community needs assessment.

2-011.03 No Qualified Organization in or Near Area: If no private, nonprofit organization is identified or determined to be qualified to serve the unserved area as an eligible entity, the Governor or his/her designee may designate an appropriate political subdivision of the state to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision must have a tripartite board.

2-012 Relationships with Local Officials: Eligible entities are encouraged to maintain close working relationships with all elected officials in their service areas. Annually, eligible entities must inform the county boards in their service areas as to the programs and activities to be carried out.

2-013 Eligible Entity's Grievance Process: An eligible entity may file a grievance following any decision by the Department to reduce or withhold funding for any of the reasons cited in 481 NAC 2-009 ff. The eligible entity's grievance on the Department's decision must be filed within 30 days following the date the Department provides a written notice of disciplinary action, sanction, or warning. The grievance must be in writing and it is filed with the Director. The Director must review the grievance and issue a final ruling within 30 days following his/her receipt of the grievance. A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary.

CHAPTER 3-000 FINANCIAL ADMINISTRATION

3-001 Accounting Standards: The expenditures of all CSBG funds must be accounted for in accordance with generally accepted accounting principles and as stated in 481 NAC 2-010.

3-002 Availability of Information:

3-002.01 Access to Information and Documents: Eligible entities and contractors must provide access to any books, documents, papers or records that duly authorized representatives of the Department of Health and Human Services, the Secretary of U.S. Health and Human Services, and the State Auditor determine are pertinent to an approved project plan. Eligible entities must comply with the Privacy Act of 1974, 5 U.S.C. 552a.

3-002.02 Restrictions: The Department must not place restrictions on an eligible entity, nor must an eligible entity establish restrictions which limit public access to the eligible entity's records or to the records of its contractors, except when the records must remain confidential for any of the following reasons:

1. To prevent a clearly unwarranted invasion of personal privacy;
2. To comply with an Executive Order or statute which specifically requires the records to be kept secret;
3. To protect commercial or financial information which was obtained from a person or a firm on a privileged or confidential basis;
4. To protect information which can be improperly exploited for personal gains;
5. To comply with the Health Insurance Portability and Accountability Act of 1996;
6. To protect the confidentiality of individual program participant information; or
7. To protect the confidentiality of employee personnel records.

3-003 Bonding: Eligible entities must maintain adequate liability insurance, including employee malfeasance insurance, to cover the programs funded by CSBG.

3-004 Carry Over of Unspent Funds: Eligible entities may carry over up to 20 percent of the CSBG funds awarded during a year. Upon the provision of adequate justification, the Department may allow a larger amount to be carried over. Eligible entities must annually submit a written explanation of any funds carried over.

3-005 Limitations on Use of Funds:

3-005.01 Purchase or Improvement of Land or Buildings: Grants must not be used for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. The Department may request a waiver from the Secretary for the purchase of land or construction.

3-005.02 Political Activities: Programs must not use CSBG program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of the programs with:

1. Any partisan or nonpartisan political activity or any political activity associated with a candidate or contending faction or group in an election for public or party office;
2. Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any elections; or
3. Any voter registration activity.

3-005.03 Allowable Costs: The provisions of OMB Circular A-122, or its successors, determine what costs are allowable or prohibited in the use of federal funds. Where federal exceptions for block grant funds exist, the appropriate State of Nebraska rules apply.