

COVID-19 Update

Child and Adult Care Food Program (CACFP) Meal Service during COVID-19 Outbreaks



April 16, 2020, 1:00 pm

Distributed to CACFP Authorized Representatives and Home Sponsors via Listserv

As posted to www.kn-eat.org, Child and Adult Care Food Program, Updates from CNW

Thanks to everyone who participated in the Town Hall meeting Monday April 14th. We sincerely appreciate your hard work and dedication to the Child & Adult Care Food Program participants.

Information from the Kansas Department of Health and Environment (KDHE)

To support licensees facing economic or other obstacles, Governor Kelly issued Executive Order (EO) 20-19 on April 9, 2020 (<https://governor.kansas.gov/wp-content/uploads/2020/04/EO-20-19-Executed.pdf>). Renewal dates are extended under the provisions of the order. A license that was effective and in good standing as of March 12, 2020, and that has expired or will expire during the COVID-19 State Disaster Emergency shall remain valid until 90 days following termination of the emergency declaration (date not yet determined). Licensees experiencing hardship may delay submitting a renewal application for up to 90 days following the end of the Governor's emergency declaration. Contact your KSDE Child Nutrition & Wellness Consultant if you need a license override in KN-CLAIM.

Food Safety and Personnel Safety During COVID-19

Food Safety Resources are available at www.kn-eat.org, What's New. Contact Cindy Johnson at cljohnson@ksde.org if you have questions.

New USDA Guidance

All COVID-19 Policy Memos from USDA are posted on the USDA FNS COVID-19 webpage at: <https://www.fns.usda.gov/resource/cn/covid-19/child-nutrition-questions-and-answers-related-covid-19>. **Be sure to access and read the entire Q&A documents.**

CACFP 06-2020: Questions and Answers related to the Child Nutrition Program Monitoring and Reporting Nationwide Waivers

This memorandum provides clarification to the Child Nutrition Program Monitoring Nationwide Waivers available to all states, SFAs and sponsoring organizations during the COVID-19 public health emergency. Q&As discussed on the call:

#17 Q: What flexibilities does the Nationwide waiver make available for CACFP sponsoring organizations as they conduct reviews required at 226.16(d)(4)(iii)?

A: Per COVID-19: Child Nutrition Response #7: Nationwide Waiver of Monitoring Requirements for Sponsors in the Child and Adult Care Food Program, CACFP sponsoring organizations may elect the following flexibilities for CACFP sponsor reviews this year:



- CACFP sponsors may conduct two reviews of their CACFP facilities.
- Only one CACFP facility review is required to be unannounced.
- FNS waives that at least one unannounced review must include observation of a meal service.
- FNS waives that not more than six months may elapse between reviews.
- CACFP sponsoring organizations must still, per CFR 226.16(d)(4)(iii)(C), conduct at least one review during each new facility's first four weeks of Program operations but this review may be conducted as a desk audit.

#18 Q: Do traditional CACFP program operators (institutions, sponsoring organizations, and centers) need to maintain daily attendance records?

A: Through authority granted under the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), FNS waived the requirements to serve CACFP meals in a congregate setting in COVID-19: Child Nutrition Response #2, Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs, dated March 20, 2020. For States that elect to use the non-congregate waiver authority, CACFP program operators only need to maintain daily attendance records for eligible children attending the center. For those not in daily attendance, State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that they do not distribute duplicate meals. This could be done by checking off participants picking up meals against enrollment records, using sign-in sheets, or other methods which result in accurate recording of eligible program participants, or their parents, receiving meals. CACFP program operators are still required to maintain daily meal counts and enrollment records under this authority.

#19 Q: Do CACFP at-risk afterschool centers need to maintain daily attendance records?

A: Through authority granted under the COVID-19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), FNS waived the requirements to serve CACFP meals in a congregate setting in COVID-19: Child Nutrition Response #2, Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs. FNS waived the requirements which require at-risk afterschool care centers to serve afterschool meals and snacks in a structured and supervised environment, with an educational or enrichment activity in COVID-19: Child Nutrition Response #3, Nationwide Waiver of the Activity Requirement in Afterschool Care Child Nutrition Programs, both dated March 20, 2020. In States that elect to use these waivers, CACFP at-risk afterschool centers only need to maintain daily attendance records for eligible children attending the center, per 7 CFR 226.17a(o)(1) (at-risk afterschool centers may maintain sign-in sheets or, with State agency approval, other methods which result in accurate recording of daily attendance). Those at-risk programs that do not have children actually in attendance do not need to maintain daily attendance records. However, State agencies must have a plan for ensuring that Program operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are provided for eligible children, and that they do not distribute duplicate meals. At-risk afterschool centers are still required to maintain daily meal counts under this authority.

#26 Q: Do State agencies need to request individual exceptions to the 60 day claims for reimbursement deadline when local program operators submit claims during the extended period allowed by this waiver flexibility?



A: No. State agencies must elect to participate in this Nationwide Waiver by informing their FNS Regional Office in writing. They do not need to provide similar notice of participation in the waiver by local program operators. State agencies electing to use this nationwide waiver may continue to accept and pay out January and February 2020 claims from local program operators for an additional 30 days beyond the standard deadline, without seeking an exception from FNS.

CACFP 07-2020: Child Nutrition Program Nationwide Waivers: Questions and Answers

This policy memorandum provides clarifications on questions related to the operation of the Child Nutrition Programs during COVID-19 public health emergency. Q&As discussed on the call:

#11 Q: Under the Non-Congregate waiver, who can be served at sites providing meals?

A: For open SFSP and SSO sites (must meet area eligibility criteria, i.e., be located in an area where at least 50 percent of the children are from low-income families) and CACFP at-risk sites, any child age 18 years and younger at the start of the school year, as well as persons over 18 with disabilities as defined in the regulations, can be served meals and snacks, all of which can be claimed at the free rate. For schools operating NSLP and SBP; closed enrolled SFSP and SSO sites (located in areas with less than 50 percent of children from low-income families, and at least 50 percent of enrolled children must be free/reduced price eligible); SFSP or SSO camps; CACFP child or adult care centers, outside-school-hours centers, and family day care homes, only meals and snacks served to enrolled children or adult participants may be claimed, at the appropriate rate. In CACFP emergency shelters, meals served to residents 18 years and younger may be claimed at the free rate. See Question 8 for the number and type of meals or snacks that can be claimed for reimbursement under each Program.

#12 Q: Can children, or in CACFP, adult participants, pick up multiple meals at the same time?

A: Yes. Children or adult participants can pick up multiple meals at the same time when the Non-Congregate Feeding waiver and the Meal Service Times Flexibility waiver are in effect.

#13 Q: May Program operators provide non-congregate meals at different locations that were not previously approved by the State agency?

A: No. The State agency must approve all locations for distribution of meals.

#14 Q: Most State agencies received a statewide waiver to allow non-congregate feeding in the SFSP and SSO before FNS issued the Nationwide Waivers. Are State agencies required to submit two reports to FNS on the Non-Congregate Feeding waiver?

A: No. State agencies that elect the Nationwide Waiver would be subject to the reporting requirements in that waiver and would not have to complete the reporting elements required under the original, individual State waiver. More information about reporting requirements under the Nationwide Waivers will be provided at a later date.

#15 Q: Which components under CACFP does the Non-Congregate waiver apply to?

A: The waiver applies to all CACFP components—child care centers, adult day care centers, outside-school-hours care centers, at-risk afterschool care programs, family day care homes, and emergency shelters.

#16 Q: Can a child care center that operates CACFP and is closed due to COVID-19 provide non-congregate meals to enrolled children?



A: The waiver provides CACFP institutions and facilities the ability to provide meals through a variety of methods, including pick-up schedules with designated times for distribution, as long as these are previously approved by the State agency. The maximum number of meals that may be offered to each child remains the same as under regular CACFP operations. The State agency may approve a distribution or pick up approach that includes meals for multiple days, up to one week at a time. When approving these requests, the State agency should consider the expected duration of the closure, and the Program operator's capacity to execute such an approach effectively, including its ability to meet State or local food safety requirements.

#17 Q: How would non-congregate feeding work in CACFP emergency shelters?

A: Children 18 years and younger residing in emergency shelters would not have to consume their meals in a group setting. They would be allowed to take meals off-site or to their individual rooms.

#18 Q: Under the current nationwide waivers allowing non-congregate feeding and no meal time restrictions due to COVID-19, may Child Nutrition Program operators provide food items in bulk, either through pick up or home delivery, without additional waivers?

A: Under current statutory and regulatory authority and in conjunction with recent COVID-19 waivers allowing non-congregate feeding and no meal time restrictions, when providing multiple meals at one time, Program operators may provide bulk items as long as individual meals are easily identifiable as a reimbursable meal. When implementing such a delivery mechanism, Program operators:

- Must include the required food components in the proper minimum amounts for each reimbursable meal being claimed;
- Must ensure that food items are clearly identifiable as making up reimbursable meals;
- Are strongly encouraged to provide menus with directions indicating which items are to be used for each meal and the portion sizes;
- Should consider whether households have access to refrigeration, stoves, microwaves, etc., when providing food that requires refrigeration or further preparation, such as reheating; and
- Should ensure that only minimal preparation is required and that food is not provided as ingredients for recipes that require chopping, mixing, baking, etc.

*Note: KSDE CNW has developed a resource **Servings in Bulk Packages** to assist in correct portion sizes when providing food items in bulk.*

CACFP 08-2020: Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #3

This policy memorandum provides clarifications on questions related to the Nationwide waivers issued by Food and Nutrition Service in response to the COVID-19 public health emergency. Q&As discussed on the call:

#9 Q: Under the Non-Congregate waiver, can CACFP operators deliver meals directly to children or adult participants' homes?

A: Yes. If the CACFP operator determines there is a need and it is logistically feasible to deliver meals directly to homes, it may do so with State agency approval and adherence to all Federal confidentiality requirements. If applicable, any State agency meal service times would also have to be waived, per the Meal Service Time nationwide waiver. Delivery could be completed by mail or delivery service, or hand-delivered by CACFP staff, volunteers, community organizations, or others.



The State agency should consider the capacity of the CACFP operator to execute such an approach effectively, including meeting State or local food safety requirements. This option is only available to CACFP operators that provide care for enrolled children and adult participants due to confidentiality and logistical requirements. Only meals delivered to enrolled children or adult participants will be reimbursable.

#10 Q: What funding is available for meal delivery?

A: There is no additional reimbursement for home delivery or mobile meals delivery, but related expenses, such as postage or delivery service fees, would be considered an allowable cost under the CACFP. Delivery costs could also be paid with non-program funds such as State or local funds, or private donations.

#11 Q: What are the requirements for initiating home meal delivery for a household?

A: CACFP operators must first obtain written consent from households of enrolled children (this could include email or other electronic means) that the household wants to receive delivered meals. In addition, CACFP operators should confirm the household's current contact information to ensure meals are delivered to the correct location. It is critical that CACFP operators protect the confidentiality of children and their households throughout this process. The National School Lunch Act and the Family Educational Rights and Privacy Act (FERPA) do not authorize release of household contact information for children without first obtaining the written consent of the child's parent or guardian. The CACFP operator must make the first contact about meal delivery with the households of enrolled children, and adult participants, and must notify them if contact information will be shared with an external organization, for example, a local non-profit that will provide meal delivery. Once the CACFP operator receives written consent from the parent or guardian to release contact information, the information may be shared with other organizations involved with meal delivery.

#12 Q: Do home-delivered meals need to be shelf stable?

A: No. The type of meal offered will depend on the resources and capacity of the Program operator. Those that are able to prepare ready-to-eat meals and have the capacity to deliver meals daily in a way that meets State or local food safety requirements may do so.

#13 Q: Does the child or adult participant need to be present for home meal delivery?

A: No. As long as the CACFP operator has obtained the household's written consent to deliver meals and has verified the current address, the child or adult participant does not need to be present at the time of delivery. If the meals are shelf stable, no one need be present, as long as the address has been verified. Please consider State and local food safety requirements and best practices.

#14 Q: Are sponsors able to keep their CACFP at-risk afterschool care operations going, even if schools are implementing SFSP or SSO?

A: Yes. A sponsor is allowed to keep its CACFP At-Risk operations going while schools are closed, even if the school is serving meals under SFSP or SSO.

#15 Q: Can an SFA or other sponsor that participates in both SFSP or SSO and CACFP At-Risk provide meals and snacks through SSO or SFSP and At-Risk to each participant? Do the Programs have to be operated at the same site or different sites? Can participants pick up multiple meals at once?



A: An SFA or a community organization, if approved to operate both Programs, can locate them at the same or at different sites. The SFA or community organization may allow children to pick up multiple meals from each Program at one time. However, the maximum number of meals that may be offered to each child may not exceed the number of meals allowed by each Program. Under SFSP and SSO, up to two meals or one meal and one snack, per child, per day, in any combination except lunch and supper, are allowed. Under CACFP At-Risk, up to one snack and one meal per child per day are allowed. If the SFA or community organization is operating both Programs at the same site and all the meals for both Programs are picked up at the same time, each Program must keep accurate meal counts and claim only the meals served for that specific Program.

The State agency may approve a plan that includes pick-up of meals for multiple days, up to one week at a time. The State agency should consider the expected duration of the school closure and the capacity of the sponsor to execute such an approach effectively, including meeting State or local food safety requirements.

#18 Q: Do you need to have “And Justice for All” (AJFA) posters on mobile routes for COVID-19 meal distribution?

A: The AJFA poster must be prominently displayed in all facilities and locations that distribute program benefits or administer services. Due to COVID-19, if printed AJFA posters are not available for display, paper copies may be substituted as necessary, including use of the 2015 AJFA poster, if new (2019) posters have not been received. Meals delivered from stationary vans or buses should display the AJFA poster. For vehicles making door-to-door drop deliveries at homes and businesses, the AJFA poster does not need to be displayed.

#21 Q: Is providing auxiliary aides and services required?

A: States are required to provide auxiliary aides and services for those who may need special assistance as long as doing so does not fundamentally alter the nature of the program. Planning for new sites and new methods of delivery should include considering how individuals with disabilities will be identified and served. State agencies should focus on determining how they can help persons with disabilities have equal access to the program(s) and not on establishing additional criteria that participants must meet to receive an accommodation.

Please call or email your area Child Nutrition Consultant or the Topeka office if you have any questions or to provide technical assistance.

Cheryl, Jill and Julie



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