Subject: Child and Adult Care Food Program (CACFP) – Licensing

We received an inquiry from a State Agency concerning sponsors, i.e., Head Start, not currently subject to CACFP licensing requirements expanding into regular child care. Because of the possibility of these situations becoming a regional or national issue, we are issuing the following policy on whether these sponsors' programs should be considered as two separate operations; one part subject to CACFP licensing requirements while the other is not.

Centers participating in the Head Start Program and the Preschool Grants for Handicapped Children Program, or which receive funds to conduct programs under the Assistance to State for Education of Handicapped Children, may be considered to have Federal or State approval. All are structured programs which have established standards which ensure a safe and healthful environment for center enrollees. In order to receive the funds for these programs, a Federal or State authority must determine that those standards have been met. They are, therefore, exempt from the licensing requirement under the CACFP.

However, child care provided for the convenience of the parents, which extends to a full day the time children may spend at the Head Start and preschool locations, is not connected with those programs in any way. While child care is being provided in the same location and with the same children as in the Head Start and preschool programs, the child care services are separate from those programs. The child care service is not a structured program subject to the standards and regulations required under the Head Start or preschool handicapped programs. Therefore, the child care service part of the day (whether in the morning or in the afternoon) is separate from Head Start and from the preschool handicapped program and requires licensing or alternate approval to participate in the CACFP.

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FNS FORM-607 (7-88)