Reply to
Attn. of: CACFP-528

Subject: Child and Adult Care Program (CACFP) State Agency (SA) Requirements for Training, Technical Assistance and Outreach

To: STATE AGENCY DIRECTORS - Colorado DPHE, Iowa, Kansas, Missouri DH, Montana DPHSS, Nebraska ED, North Dakota, South Dakota, Utah, and Wyoming ED

This memorandum is intended to clarify State training, technical assistance, and outreach responsibilities that have been prescribed at Section 17(k) of the National School Lunch Act (NSLA).

In accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), detailed outreach requirements have been eliminated from the authorizing statute. In CACFP-500, dated January 29, 1997, we distributed to all SAs policy guidance for implementing most of the program changes mandated by Pub. L. 104-193. At that time, we promised to provide additional guidance to clarify SA outreach requirements prior to October 1, 1997.

Pub. L. 104-193 included a number of amendments affecting SA administration of CACFP. In addition to attempting to achieve improved targeting of CACFP benefits in family day care homes, Congress also intended to make administration of the program more flexible and less burdensome for States. Thus, the new amendments to NSLA provide SAs with greater latitude in how they achieve program goals.

The law amended State outreach responsibilities by removing "expansion" from the list of activities which the Secretary and the States are required to perform in CACFP, and by removing the requirement that SAs annually notify day care home providers and institutions that are not participating in CACFP of the program's availability. The law amended Section 17(k) of NSLA to replace those specific outreach requirements with a broader statement of the SAs responsibility to provide adequate training, technical assistance, and monitoring to institutions participating in CACFP.
Consequently, beginning with the application approval and renewal process for Fiscal Year 1998, States are no longer required by statute to: conduct outreach to potentially eligible day care homes and institutions that are not already participating in CACFP; compile lists of those non-participating homes or centers; or notify them of CACFP availability, participation requirements, or application procedures. Thus, Pub. L. 104-193 allows each SA to determine the scope and direction of the outreach effort that it believes is appropriate.

Of course, the removal of specific legislative language does not relieve States of the responsibility to properly manage the CACFP, and SAs may still utilize State Administrative Expense funds to support State-initiated outreach efforts. Furthermore, while Pub. L. 104-193 affects how SAs will implement outreach, the law does not change existing CACFP regulations at §226.23(d) which require participating institutions to publish a media release which informs the public of the program's availability.

The current CACFP regulations still include language which repeats verbatim the legislative language deleted from Section 17(k) by Pub. L. 104-193. The Agency plans to amend this language in future regulatory action. However, given the law's clear intent, this memorandum authorizes SAs to undertake any level of outreach activity which the State considers appropriate for the upcoming fiscal year.

If you have any questions concerning this or any of the issues addressed in this memorandum, please contact our office at (303) 844-0359.

Ann C. De scoop
ANN C. DEGROOT
Regional Director
Child Nutrition Programs