Reply to
Attn of:  CACFP-580

JUN 15 1999

Subject:  Child and Adult Care Food Program (CACFP) Questions and Answers

To:  STATE AGENCY DIRECTORS -
(Child Nutrition Programs)

Colorado DPHE, Iowa, Kansas
Missouri DH, Montana DPHSS
Nebraska ED, North Dakota, South Dakota, Utah and Wyoming ED

Attached is a summary of questions and answers that have been raised since our last CACFP question and answer memorandum, CACFP-567, dated January 27, 1999.

We will continue to compile additional information and submit it to the State Agencies as the need arises.

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Attachment
'At Risk' Program

1. Q. A YWCA wants to sponsor an outside school hours program for 'at risk' students. It would be tutoring and assisting students in preparing to take the General Equivalency Diploma examination. Is this an acceptable program?

A. Yes. As long as there is an enrichment program this is acceptable.

Other

2. Q. A State Agency (SA) wants to make Tier I determinations based upon school data to become effective July 1 through June 30, the SA fiscal year. Is the allowable?

A. No. This information is to be implemented by the sponsoring organizations (S0s) of family day care homes (FDCHs) upon receipt from the SA.

3. Q. Are there time limits on special dietary statements?

A. No. Our guidance does not discuss how long the statements are good for once obtained.

4. Q. A center which dropped out of the CACFP the previous year has reapplied for participation. Should this center's schedule be based on the old review cycle?

A. No. This is a new application and it would have to be reviewed as a new center.
5. Q. A FDCH provider is licensed for 12 children and determined Tier I based on income. She has one child of her own, who is 7 years old, and who is no longer included in the 12 she is licensed for. The provider cares for 12 children on a regular basis. Can she claim her own child when school is not in session, i.e., in the summer?

A. No. Where there is no shift care, the maximum number of meals that can be claimed is based on the maximum license capacity.

6. Q. A Credit Bureau contacted the SA requesting that reimbursement for a FDCH be sent to it. Is this allowable?

A. No. This can only be done if the claimant is the Federal IRS. The reimbursement check must go to the provider. Reference CACFP 230-5, CACFP 293-3, and CACFP 314-3.

7. Q. Is Civil Rights under Title VI or Title VII?

A. The Act is referred to as The Title VI Civil Rights Act of 1964, and this includes Title VII. Title VI covers federally assisted programs, and Title VII covers employment.

8. Q. What are the publication dates of OBM Circulars A-110, A-122, 7 CFR 3015, and 7 CFR 226, and where can they be found on the internet?

A. OBM Circular A-110, Dated November 19, 1993 as revised August 29, 1997; and OBM Circular A-122, dated June 1, 1998 are found at:
http://www.whitehouse.gov/wh/eop/omb
7 CFR 3015 and 7 CFR 226, both dated January 12, 1998, are found by choosing "National Archives and Records Administrator's Office of Federal Register" at the following address:
http://www.access.gpo.gov
9. Q. A Jewish FDCH provider does not want to serve milk with some meals in accordance with Jewish Dietary Laws. The children are not Jewish. Is this allowable?

A. Yes. If the institution/facility is recognized as Jewish this option for milk service can be implemented. CACFP 45-3, allows FDCHs to implement Jewish Dietary Laws if the home is classified as Jewish. There is no requirement for the children, or a certain percentage of children, attending to be of that faith.

10. Q. A SO of FDCHs wants to move it's office to a new location. It found a location which meets its needs; however, the only parking available is on-street metered parking. There is a parking lot across the street which the SO could rent for a nominal fee and make available to providers who would come into the office. Would the cost of rental of the spaces in the parking lot be an allowable cost?

A. Yes. However, it is suggested the SO seek buildings with parking included and compare the costs to the desired location. If the total costs were comparable then there would be no problem renting the building where parking was at an additional cost.

11. Q. Where is the requirement that a SA must disseminate WIC information to child care centers and FDCHs?

A. This is found in CACFP-564, dated December 15, 1998, on page 5.
**Tax Exemption**

12. **Q.** The moving toward IRS tax-exempt status is now 180 days. Also, with proper documentation, an institution can be approved retroactive to the calendar month preceding the calendar month in which the agreement is executed. When does the 180 days begin? Are these calendar days or claim days?

**A.** The 180 days applies to the actual days of participation, whether the date of the agreement or the retroactive-date. This would be calendar days.

13. **Q.** Would a letter from the umbrella organization which holds the IRS tax exempt letter be enough to show a center as having tax exempt status?

**A.** There are a variety of things that would show that the center is linked to the church:

- The center lists the church in its Articles of Incorporation;

- The center is considered an asset of the church (listed as an asset in the church's financial statements);

- The center reports to the church regarding activities and/or financial activities;

Any or all of these would be adequate in documenting that the center is financially responsible to the church. The church does not have to file any paperwork with the IRS to extend their status to a center.
Infant Meals

14. Q. Do infants have to be fed within the approved meal times to be reimbursable?

A. No. Infants may be fed when they are hungry and the meal is reimbursable.

Incorporated Providers

15. Q. A corporation owns two 4-plex apartment units. It pays the eight providers an hourly wage to care for children and uses each provider's income to determine tier eligibility. Each provider is licensed with a separate address. The meal reimbursement checks are made out to both the corporation and the provider, is this allowable?

A. No. The checks must be made out to the provider with whom the sponsor has the agreement. Only the provider's name can be on the check.