Reply to
Attn. of: CACFP-630

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-615 dated, May 9, 2000.

We will continue to compile additional questions and answers and forward them to you periodically.

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Acting Regional Director
Child Nutrition Programs

Attachment
1. Q. A State Agency (SA) audit requirement form states “Payments for goods and services provided as a vendor are not considered Federal awards and are not subject to audit.” Is this correct?

A. No. The auditor has an obligation to look at an institution’s financial presentation condition. The institution must meet general financial ability criteria for managing Federal funds. The transactions themselves may not be targeted for audit because they are not part of the grant. The transactions would not be tested under compliance circulars, but the general financial picture would be tested.

2. Q. Can a Family Day Care Home (FDCH) provider claim her own infant when formula furnished to her by the Women, Infants, and Children (WIC) Program is the only food item served?

A. Yes. A FDCH provider can claim her own infant when only formula or breast milk is given to the infant. The formula may be either store bought or provided by WIC. NOTE: THIS ANSWER RESCINDS CACFP-322 QUESTION #11.

3. Q. In the above situation, would this be considered double dipping?

A. No.

4. Q. CACFP - 600, question number 2, restricts a provider from claiming a meal when a mother breastfeeds the infant. The accommodations that a provider has to offer (private room, disruption of the provider’s schedule, etc.) is very intensive. Can the CACFP support this?

A. No. FNS is simply reimbursing the provider for food and related activities. If the provider has no responsibilities for storing, heating, and serving breast milk, then the provider cannot claim the meal. She can claim the meal for her own children if all regulation requirements are met for provider’s own.

5. Q. What is the definition of an infant in the CACFP?

A. We interpret an infant to be a child who has not had their first birthday.
6. Q. An income eligible school (for tiering purposes) is closing due to age and cost to repair. The other two schools that will be serving the area after closure of the aging school will not be income eligible. May providers that were determined Tier I eligible using the old school's data finish their 3-year eligibility or should their tiering status be redetermined using the new schools' data?

   A. The providers may remain at Tier I until the end of their 3-year eligibility since the old school data is more representative of the area.

7. Q. In the past USDA has issued policy to allow children of deployed military personnel to be claimed when they are left with their FDCH providers for several months during a specific military deployment (i.e. Desert Storm). This has been considered an exception to the disallowance of residential children. At this time there is no exception for the Bosnian deployment. However, if the military personnel assign guardianship to the provider during the time of the overseas duty, would that allow the provider to claim the child as provider's own?

   A. Yes. If there is a legal document that establishes the FDCH provider as the legal guardian, the child may be claimed as the provider's own. However, if the provider is receiving child care payments from the military family, the provider must count that as income. This would require that a new Income Eligibility Form (IEF) be taken for the provider, to incorporate the added child into the number in the household. This could make the provider ineligible for Tier I.

8. Q. Can an outside school hours center serve a supper and an at-risk afterschool snack concurrently to different age children? (This situation refers to SAs which do not have an at-risk supper option.)

   A. Two conditions must exist: 1) The SA has approved the site as both an outside school hours center and at-risk afterschool care center. 2) The site maintains records that show which children participate in each program, outside school hours or at-risk. The SA must ensure that the information/records are not manipulated at the expense of the CACFP.

9. Q. Can boarding homes and assisted-living facilities participate in the CACFP as adult day care centers?

   A. No. These facilities do not meet the intent of the Program as they are primarily residential facilities.
10. Q. A FDCH provider is claiming her husband, who has been incarcerated for ten years, on the IEF. She has been sending him money every month. Can she claim him as a member of the household?

A. No. Page 29-30 of Eligibility Guidance for FDCHs states that family members living apart for extended periods of time are not to be considered or included in the household for purposes of determining eligibility. Also, institutionalized family members away for extended periods may not be considered as part of the household.

11. Q. CACFP-597, Question D-1, requires documentation for each day of a child’s attendance. Can centers, especially those that are drop-in sites, use the meal count to generate the attendance? Must a roster or sign-in sheet be used?

A. Each at-risk afterschool care center must have documentation of its daily attendance that is separate and apart from its daily meal count. The purpose of the attendance is to provide a “check” on the daily meal count. While we do not specifically require a roster or sign-in sheet, we are suggesting them as a means of documentation for each day of a child’s attendance. Anything that documents daily attendance will suffice.

12. Q. In order to participate as an at-risk afterschool care center, a proprietary center must first meet Title XX requirements as a traditional child care center. Title XX centers are required to maintain enrollment documentation for each child, while at-risk has no enrollment requirement. How should this be handled?

A. CACFP-597, Question A-13 states that, when determining a for-profit center’s eligibility for at-risk afterschool snacks, only the enrollment/licensed capacity of the traditional child care component of the center should be considered. Documentation of enrollment is required for children in the traditional child care component of the center’s program; no enrollment is necessary for the at-risk afterschool care kids. We envision that in most cases these are separate populations, though there may be a few kids who overlap.

13. Q. Given the new legislation, what should States require for at-risk afterschool care centers at this point in time?

A. CACAFP-597, Question H-1, sponsors of at-risk afterschool care centers should follow the outside school hours center monitoring requirements of six times per site per year (unless the at-risk sites are operated by schools, in which case they can monitor three times per year). We are considering making a change to this requirement through the rulemaking process.
14. Q. If an at-risk afterschool program goes to a full day session during a teacher strike, can they claim reimbursement under the at-risk component of CACFP?

A. We prefer that these sites operate under the Summer Food Service Program (SFSP) during these situations, though we recognize that this is not always possible (e.g., during strikes, SFSP cannot operate at school sites). However, since the legislation for at-risk says that the program in CACFP must operate “during the regular school year” (as opposed to when school is “in session”), it is probably possible for us to permit the operation of at-risk sites during these situations. We would like to know the particulars of a situation before granting approval, so let us know if this arises.

15. Q. Should we use the “Ages 6-12” meal pattern for at-risk snacks and suppers, or the “Adult” meal pattern? Can the meal patterns for younger children be used if young children are being served?

A. Use the ages 6-12 meal pattern, not the adult meal pattern, for at-risk snacks and suppers. If the at-risk site is serving younger children (e.g., Head Start), it is permissible to use the meal patterns for younger children.

16. Q. The Final Regulation dated March 9, 2000, page 12441, Modification of the Vegetable Protein Products shows the amount of lean meat, poultry, fish, cheese, and alternate protein products to be ¼ ounce, 1 ½ ounce, and 2 ounces for the respective age groups. Is this correct?

A. No. The correct amounts are:

<table>
<thead>
<tr>
<th>AGE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2 years</td>
<td>½ ounce</td>
</tr>
<tr>
<td>3-5 years</td>
<td>½ ounce</td>
</tr>
<tr>
<td>6-12 years</td>
<td>1 ounce</td>
</tr>
<tr>
<td>Adults</td>
<td>1 ounce</td>
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</tbody>
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17. Q. Is an “X” on the IEF of an adult day care participant, without a witness, enough to constitute the signature? The adult day care participant is unable to sign his/her name on the IEF.

A. Yes.
18. Q. May a SA deny the application of a sponsor of unaffiliated centers based on the fact it is a sponsor of unaffiliated centers?

A. No. A SA cannot exclude an otherwise eligible institution, including a sponsor of centers, from applying for the Program. If the sponsor of centers submits an application, the SA must accept the application and evaluate it like any other institution. If the application is denied, the applicant must be given appeal rights. If the reason it is denied is because the institution is a sponsor of unaffiliated centers, we could not support the SA on appeal.

However, there is more to this discussion. Public Law 106-224, Agricultural Risk Protection Act, requires that new sponsors must propose to serve unserved facilities. Policy memorandum CACFP-628, discusses this provision and may assist SAs as they develop policies for denying applications.