**CACFP Child Nutrition Reauthorization Questions and Answers**

**January 1, 2011-February 1, 2011**

**CACFP 03-2011 Elimination of Block Claim Edit Checks in the Child and Adult Care Food Program**

**Question 1**

*Since CACFP-03-2011 is effective immediately, are sponsors allowed to drop any follow-up on existing block claims and those that were discovered prior to the enactment of the bill?*

**Answer**

The provision regarding block claim edit checks and follow-up on block claim visits was effective with the signing and enactment of the Bill on December 13, 2010.  The Bill states, “to prohibit the Secretary from requiring edit checks to detect block claims or the conduct of unannounced follow-up reviews related to block claims”.  So, yes sponsors are allowed to discontinue doing any block claim follow-up reviews/visits on existing block claims that were discovered prior to enactment of the bill.  However, if a block claim was detected and the follow-up visit has already been conducted and the sponsor is monitoring that home due to invalid claiming, FNS would expect the sponsor would take that situation to completion, just like any Program integrity issue.

**CACFP 04-2011 Nationwide Expansion of At-Risk Afterschool Meals in the Child and Adult Care Food Program**

**Question 2**

*Can an At-Risk Afterschool Meals Program claim 2 snacks instead of one meal and one snack for At Risk Afterschool programs?*

**Answer**

No, the Regulations only allow for up to one snack and/or one meal served per child per day to be claimed for reimbursement.  Please see CACFP 04-2011 “Effective October 1, 2010, all institutions participating in the at-risk afterschool care component of CACFP are eligible to claim reimbursement at the free rate for up to one snack and one meal served to each eligible participant per day.”

**Question 3**

*Can an At-Risk Afterschool Meals Program serve a breakfast after school?*

**Answer**

No, the intent of the Program is to enable an At-Risk site to provide a substantial meal and improve the nutritional status of the children. Serving a snack and a breakfast after school would not meet this intent. In addition, meals should be served during traditional meal service times. Serving a breakfast after school is not in keeping with this intent. If the institution were serving and claiming meals on a weekend or holiday and choose to serve a breakfast and a snack because they were operating during those traditional hours that would be okay.

**Question 4**

*Can a morning snack be claimed on a weekend and an afternoon snack when school is in session on the same claim?*

**Answer**

Yes.  As long as an institution is not claiming more than one meal and one snack per day per child as per 226.17a(k) of the revised regulations found in the Final Rule for At-Risk Afterschool Meals.

**Question 5**

*Could the one snack include a morning snack, afternoon snack or evening snack?*

**Answer**

Part 226.17a(m) of the revised regulations as found in the Final Rule for At-Risk Afterschool Meals states as follows: *Time periods for snack and meal services*—(1) *At-risk afterschool snacks.* When school is in session, the snack must be served after the child’s school day. With State agency approval, the snack may be served at any time on weekends and vacations during the regular school year. Afterschool snacks may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year round calendar.

**Question 6**

*Could the one meal include a breakfast, lunch or supper?*

**Answer**

Part 226.17a(m) of the revised regulations as found in the Final Rule for At-Risk Afterschool Meals states as follows:  *(2)At-risk afterschool meals.* When school is in session, the meal must be served after the child’s school day. With State agency approval, any one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year. Afterschool meals may not be claimed during summer vacation, unless an at-risk afterschool care center is located in the attendance area of a school operating on a year-round calendar.

**Question 7**

*Does USDA require a distinction on the site application and claim for non-school versus school days?*

**Answer**

USDA does not require a distinction for non-school versus school days.  However, the SA must know what meals the institution will be serving in order to make payments for approved meals in accordance with 226.7(k). It seems that the SA would want to know what meals the sites will be serving on what days in order to design their edit checks for the greatest accuracy. In addition, the SA would need to know if a site was serving on weekends and non-school days to ensure the sponsor is (if it is a sponsor and not a single site) monitoring appropriately.  The FNS-44 does require that the meals be listed separately such as breakfast, lunch and supper, but it doesn’t distinguish between school days and non-school days.

**Question 8**

*For the states that are already claiming suppers, do you know if the At-Risk meals are just* ***meals*** *on the FNS-44 or do we have to have them delineated between suppers (after school) and lunch (on school days out)?*

**Answer**

As far as reporting At-risk meals on the FNS-44, the most recent guidance available is policy number CACFP 15-2010, which states that the At-risk meals should in fact be reported separately according to the meal type.

**Question 9**

*Does the new provision to expand the At-Risk program include meals other than supper?   Right now we’re on Christmas break…can an approved At-Risk center claim a lunch (or breakfast) during school days out?*

**Answer**

According to part 226.17a(m)(2) of the revised regulations found in the At-risk Afterschool Meals in Eligible States Final Rule dated 04/01/2010, “When school is in session, the meal must be served after the child’s school day. With State agency approval, any one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year.”

**Question 10**

*Do you have any suggestions on what edit checks would be needed to monitor claims for At-Risk Afterschool Meals Program so only 1 At-Risk snack and 1 At-Risk meal per child per day are allowed.  We need to make sure that a child does not receive Breakfast and Lunch at the regular reimbursement rate and an At-Risk snack and At-Risk supper in any single day. Are we still limited to 3 meals per child per day regardless of either At-Risk meals or regular meals?*

**Answer**

According to the regulations as revised by the Final Rule concerning At-risk Afterschool Meals, “An at-risk afterschool care center that provides care to a child under another component of the Program during the same day may not claim reimbursement for more than two meals and one snack, or one meal and two snacks, per child per day, including the at-risk afterschool snack and the at-risk afterschool meal.”

**Question 11**

*What type of edit check would be required to monitor this?  Would an ADA for each meal time be of any value?*

**Answer**

According to part 226.7(k) of the regulations, the only required edit checks are “ensuring that payments are made only for approved meal types and that the number of meals for which reimbursement is provided does not exceed the product of the total enrollment times operating days times approved meal types.”

The CACFP team discussed possible edit checks, and we were unable to create an edit check which effectively ensures, with any degree of accuracy, that a center that operates multiple components of CACFP including the At-risk Afterschool Care component does not claim reimbursement for more than three meals per a child per day.  It seems that your best bet is to continue with the edit checks you are currently using and to ensure that no one is claiming more than three meals for an individual child during monitoring visits.

**Question 12**

*The Final Rule states for the At-Risk Afterschool Meal Program,  “When school is in session, the meal must be served after the child’s school day. With State agency approval, any one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year.”   For the situation for a half-day kindergartner who attends school in the afternoon, would this student be eligible for an At-Risk breakfast and At-Risk AM snack?*

**Answer**

The At-risk Afterschool Care program is intended to “support educational and enriching afterschool care programs,” according to the final rule. The provision you cited which allows institutions to serve breakfast or lunch clearly states that these meals are to be served by a afterschool program operating on weekend or vacations during the school year.  Since a half day kindergarten program cannot be considered a weekend or vacation, a child who attends kindergarten in the afternoon would not be eligible for At-risk breakfast or AM snack before his or her school day.

**Question 13**

*In the document titled, “Concerning the Expansion of the At-risk Afterschool Meal Program to all 50 States” section “Reporting Procedures”, page 3, paragraph 1, the last line states, “However, point of service meal counts are not required.”  We are concerned about the accuracy of the claim if there is not documentation of the actual number of children served At-Risk meals or snacks.*

**Answer**

226.17(a)(p) of the regulations as revised by the final rule states that “at-risk afterschool care centers must report the total number of at-risk afterschool snacks and/or (in eligible States) the total number of At-risk afterschool meals served to eligible children based on daily attendance rosters or sign-in sheets.”  In other words, meal counts are required to ensure the accuracy of the claim, they just do not have to be done at the point of meal service.

**Question 14**

*In the middle of the second paragraph of CACFP 04-2011, the memo refers to "one snack and one meal served to each eligible participant per day". Does that mean the Program can claim by child (if an agency in one day served one child a lunch and a snack, and the next child a snack and a supper, could the agency claim 1 lunch, 2 snacks and one supper? Or does it mean they need to choose which meals they will be claiming (e.g., snacks and suppers or snacks and lunches)? If* *they have to choose which meal they will be claiming, can it vary by day? We have quite a number of 4-day schools so an afterschool program in their town might want to do snack and supper Monday through Thursday, but on Friday they might want to do lunch and snack. Most weeks they would meet on a regular schedule, but if there is a Monday school holiday, the school would probably meet on Friday so the center wouldn't be open at noon and would probably do a supper. Guess what I'm getting at here is if they can vary it by day, how specific does the schedule they give to us have to be?*

**Answer**

The available guidance does not specifically address choosing 2 meals (still only 1 meal per child) per day to claim in the At-Risk program on regular school days. However, the

Summary section of the Final Rule for At-Risk Afterschool Meals states: “This final rule amends the Child and Adult Care Food Program (CACFP) regulations… that authorize reimbursement to eligible States for a meal (normally a supper) served by at-risk afterschool care programs in eligible States.” Furthermore, during weekends and vacations, which would include the Fridays that the school is not in session, the final rule 226.17a(m)(2) specifies that only one meal per day can be served: “…one meal may be served (breakfast, lunch, or supper) per day on weekends and vacations during the regular school year.” It is alright to vary which meals and snacks will be served by day (due to weekend services), as long as an institution is not claiming more than one meal and one snack per day per child as per 226.17a(k) of the revised regulations found in the Final Rule for At-Risk Afterschool Meals.

**CACFP 05-2011 Area Eligibility for Family Day Care Homes**

**Question 15**

*Under the new CACFP Policy 02-2011 can we use the percent free and reduced for charter schools?  With the exception of one school in the whole School District, all schools exceed the 50% by a considerable margin.  We have charter schools applying for the afterschool at risk program.*

**Answer**

CACFP Policy 02-2011 added Seamless Summer to the existing policy concerning busing originally released in May of 2003.  This policy in and of itself does not change anything in regard to determining eligibility for At-risk under CACFP.   The policy allows sponsors to choose between two methods of determining site eligibility based on school data.  If children are regularly bussed from their neighborhood school to other schools the sponsor may use the free and reduced price data from either the school children attend OR the neighborhood school children would have attended were it not for the bussing policy.  These are two options for determining site eligibility for the area in which the students live, not for the area in which their school is located.

However, if a charter school has a defined attendance area, CACFP 02-2011 does allow for free and reduced price data from that school to be used for determining area eligibility for the school’s defined attendance area.  Furthermore, according to the Final Rule: Afterschool snacks in the CACFP, “We have provided guidance on questions of area eligibility of schools involved in busing. This policy permits area eligibility to be extended to sites if the majority of children at the site come from schools where at least 50 percent of the enrolled children are eligible for free or reduced-priced school meals.”    This means that a charter school where more than 50% of the enrolled children are eligible for free or reduced price meals could be “area eligible” for the At-risk Afterschool Care component of CACFP if the majority of the attending students came either from the charter school in question or other schools with over 50% free and reduced price.

**Question 16**

*We have been told we could not use a particular District to determine eligibility for home providers because of busing and charter schools.   Any clarity you can provide will be appreciated.*

**Answer**

Policy CACFP 02-2011 does not directly address the effects of bussing on determining Tier I and Tier II reimbursement rates for FDCHs, but neither does it exclude them.

In general, free and reduced price data from charter schools should not be used to determine area eligibility unless the school has a defined attendance area.  According to 226.15(f) “When using elementary school or census data for making tier I day care home determinations, a sponsoring organization shall first consult school data, except in cases in which busing or other bases of attendance, such as magnet or charter schools, result in school data not being representative of an attendance area’s household income levels. In these cases, census data should generally be consulted instead of school data.”

This matter is also addressed in the Questions and Answers #3: Two-tier Reimbursement Structure for Family Day Care Homes Participating in the Child and Adult Care Food Program (CACFP) [3-12-91], question #5, Should sponsors use elementary school free and reduced price data for magnet or charter schools?” The answer was, “in most cases, free and reduced price data from magnet or charter schools would not be representative of the income status of any particular area since these schools typically draw students from a very broad area, and sometimes from an entire city, town, or county. Therefore, it will usually be necessary for sponsors to exclude magnet and charter school data, and look to neighborhood elementary school or census data to determine whether a home is located in an eligible area.”

The primary reason for not using data from magnet and charter schools or from schools with mandatory bussing is the concern that the data these schools is not necessarily representative of any defined geographic area.  The options given in CACFP 02-2011 would allow for the data from the School District to be used to determine eligibility for FDCH providers only if it is possible for each school to define a specific geographic area from which it draws its attendance.

If this is possible, it is also important to note that, according to CACFP 02-2011, “Program sponsors may determine a site to be area eligible in situations described above only if the school food authority is able to document the percentage of children eligible for free and reduced-price meals at each school before and after students are reassigned.  The same method of determining site eligibility must be used for all sites participating under that program sponsor to avoid duplicate counting.”

**Question 17**

*I have a question regarding Area Eligibility for Tier I FDCH providers.  One of our largest “cities”, has a Community High School (which serves students who are at risk to drop out) that is area eligible.  The Community High School’s attendance area is the entire city.  This city also has two regular high schools, with defined attendance areas.  These two schools are not area eligible.  Would the eligibility of the Community High School still make the entire city area eligible for Tier I?*

**Answer**

In the case of the Community High School, it will not make the entire city area eligible because the other two high schools have defined attendance areas for all of the city.  The Community High School allows all students in the city who are at-risk to attend the Community High School, but it really is not a defined attendance area.  Then you had a second question-in a small town next to the city, there is no middle or high school, thus the middle school and high school attendance area of schools in the city encompasses the small town.  In that case because the defined attendance area does cover the small town, in accordance with CACFP-05-2011 CN Reauthorization 2010:  Area Eligibility for Family Day Care Homes, you may inform the sponsors that the providers in this area are tier I eligible retroactive to October 1, 2010.

**Question 18**

*We release the new October survey in January. Since the Sponsors can go back (retroactive) to October and check Tier 1 using elementary, junior high and high school do they use the old October survey or can they use the new October survey they just received?*

**Answer**

CACFP 05-2011 refers to providing current data to reclassify homes that now qualify for tier I rates. However, the memo also states that “homes reclassified as tier I using the expanded public school data may be eligible to receive the higher tier I reimbursement rates for all meals served from October 1, 2010, to the day of reclassification as a tier I home.” In order to determine if they are indeed eligible, you would need to use the old October data that was effective from October 1, 2010 until January 2011.

**CACFP 06-2011 Administrative Payments to Family Day Care Home Sponsoring Organizations**

**Question 19**

*Will the reimbursement and expenses be looked at on a year-to-date basis? For example, if the sponsor is frugal each month, and then accumulates monthly reimbursement over their actual expenses throughout the year, can they use the excess funds at the end of the year (for additional purchases)?*

**Answer**

We believe that yes, the expenses would need to be looked at on at least a year-to-date basis. Some states may want to look at expenses monthly as they do now to be assured that they have a clear picture of how the sponsor is operating. The guidance we have received so far has not amended this. We would anticipate that when the sponsor receives the homes times rate for a particular month and their expenses are less than that amount, that the money will accumulate. If the sponsor has some legitimate allowable Program costs that could be paid for then they could work with the SA to shift line item amounts as applicable. At the end of the year, the CN Reauthorization bill allows for a 10% carry over. Guidance on how this is to be done has not been published yet. However, I would think that a year-end reconciliation would be part of that process.

**Question 20**

*We currently do a monthly reconciliation, but if #19 is correct, then it seems that the reconciliation of funds received to actual expenses would need to occur at year-end?*

**Answer**

I would say the year-end is a must and the monthly would be up to the SA discretion. Again, specific guidance has not been issued yet.

**Question 21**

*Also, if #19 is accurate, it wouldn’t make sense to do a financial review until the after the end of the fiscal year. Is that what FNS would prefer?*

**Answer**

Since specific guidance has not been published on this yet, we are unclear on this. Our perception is that states currently do an in-depth fiscal review as a part of the regular sponsor review and some states, in addition, do a fiscal review when reconciling at year end. In order to track the carryover-it seems like there will need to be some sort of reconciliation at year-end for sure, but I'm not sure if it will be separate as part of the budget process or during the year as part of the review process. Guidance that is yet to come on the 10% carryover should address this.

**Question 22**

*For militaries that only bill small parts of their monthly expenses, it is my understanding that we may pay their actual expenses instead of the homes x rate, as long as we ensure the sponsor understands that they could receive the homes x rate.*

**Answer**

This one is tricky as well. As we discussed, the sponsor is not obligated to take the sponsor admin funds; however, in this case they want some sponsor admin money. So I don't know if they would submit a claim and only claim enough homes to cover their budgeted expenses or if they would submit a claim for the actual number of homes they administered and then have to give back the money if it wasn't spent at year end. Guidance on this topic should be contained in the 10% carryover memo yet to be published.

**CACFP-07-2011 Permanent Agreements**

No questions on this memo currently.

**CACFP-08-2011 Categorical Eligibility of Foster Children**

Note: The series of questions under this category were asked for both Schools and CACFP and answered for both Programs together.

**Question 23**

*What if a foster child moves out of the foster system and back with parents - does that free direct cert follow the child for the rest of the year?*

**Answer**

The answer to this question is yes.  According to the Eligibility Manual, Part 3: Processing Eligibility, Section G: “… a child’s eligibility is in effect from the date of eligibility for the current school year and for up to 30 operating days in the subsequent school year.”  If the child is a foster child at the time eligibility was determined, they will remain free for the subsequent school year and 30 days into the next school year.

For CACFP: The eligibility determination is for one year (12 months) and therefore the child’s status would remain in effect for the duration of the year.

**Question 24**

*What does that do the foster family - are they still eligible for the rest of the year?*

**Answer**

Yes, if the foster family qualifies for free meals, and at the time eligibility is determined, the foster child lives with them, they remain free for the year.  However, as stated in section G “… this does not apply when the initial eligibility determination was incorrect or when verification of household eligibility does not support the level of benefits for which the household was approved.” The parents, of course, could reapply if there are other children in the home and one more child might make them eligible…so one child could be counted in more than one household and make both (or all) of them eligible. The “foster child” would remain free for the school year per the Eligibility Manual.  The foster family would remain qualified for their eligibility, unless during verification it is found the foster child has moved out and changes their status, and would remain eligible under CACFP for the remainder of the year regardless of the change, as described above.  The child could be included in their new household, however, unless the parental household of the “foster child” has another child or has changed school districts, the “foster child” who has moved to a new home would not need to re-apply because their eligibility is good for one year.

**Question 25**

*What about temporary placements. I know that foster is never permanent…but if a child is in a home for just a few days in an emergency placement, can the foster family count the child/children and apply for benefits?*

**Answer**

The “foster child” would qualify as free for the school year per the Eligibility Manual, and as long as the foster child was formally placed by a State child welfare agency or court and is not an informal arrangement that exists outside of the State or a court based system. The family would remain qualified for their eligibility with the child living in the household.  If the child moves out of the household and the family fails to notify the school, during verification the status may or may not change.

**Question 26**

*Given this is retroactive to October 1, can NSLP and CACFP agencies contact families with foster children and let them reapply with the foster child listed as a household member and include the child's income? If they are now eligible and the agency and family can come to agreement on how many meals the children have consumed, that the agency could refund the money to the families and revise their claims back to October 1? The 90-day revision date for October is already gone by - will we be able to accept revisions beyond that date?*

**Answer**

Only if the SFA/institution is willing to use their one-time exception can the schools/institution can go back and revise their claims.

**Others**

**Question 27**

*In the Summary of the Healthy, Hunger-Free Kids Act of 2010, provided to State agencies and under School Meal Programs, Sec. 301. Privacy protection (NSLP), it states, “The individual signing the free and reduced price application is only required to provide the last 4 digits of the social security number; …” Do you know if this provision would also apply to individuals signing the free and reduced price applications for CACFP participation?*

**Answer**

We have no official guidance in the form of a policy memo as of yet, but the FRAC webinar and informal comments made at the SA conference indicate that the provision requiring only the last four digits of the applicants social security number on the free and reduced price application applies to CACFP as well as NSLP.