CACFP Administrative Handbook

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2. Overview and Definitions

The Child and Adult Care Food Program (CACFP) is one of several Child Nutrition Programs administered at the federal level by the United States Department of Agriculture (USDA) and at the state level by the Kansas State Department of Education (KSDE).

The Child Care Food Program was established by Section 17 of the National School Lunch Act, which was included in Public Law 94-105, enacted October 7, 1975, and amended on August 13, 1981, by Public Law 97-35, The Omnibus Reconciliation Act of 1981. The CACFP was expanded to include adult day care participants on October 1, 1988. The Child Nutrition Reauthorization Act of 1998 established At-Risk Afterschool Meals and the Emergency Shelter Programs. The Healthy, Hungry-Free Kids Act of 2010 (P.L. 111-296) expanded the availability for At-Risk Afterschool Meals to all states.

States provide reimbursement to sponsors in connection with costs of providing food service to participants. The CACFP operates under the regulations and policies set forth under Chapter 7 of the Code of Federal Regulations, Part 226, Child and Adult Care Food Program.

Federal Level Responsibilities

Child Nutrition Programs are administered by the Food and Nutrition Service (FNS) of USDA, which is authorized to issue regulations for the operation of these programs. Federal funds are apportioned among the states to reimburse participating programs. To participate in the Child Nutrition Programs, the state agency signs an agreement with FNS for the administration of the programs in the state. FNS periodically issues regulations, reviews the programs to determine compliance with the agreement, provides technical assistance, performs audits of the state agency records, and conducts a management evaluation of the state agency activities.

State Level Responsibilities

In Kansas, the CACFP is administered by Child Nutrition & Wellness, Kansas State Department of Education (KSDE). KSDE receives federal rules and regulations about Child Nutrition Programs from the USDA Mountain Plains Regional Office. This information is shared with participating sponsors, via listserv through monthly updates.

KSDE is responsible for developing policies, approving Program Agreements between KSDE and CACFP sponsors, disbursing federal funds, and monitoring local programs for compliance with state and federal regulations.

KSDE assists sponsors of the CACFP in operating food service programs by:

- Providing technical assistance to help sponsors with any aspect of program management and administration;
- Disseminating information on nutrition and nutrition education;
- Conducting training through workshops and inservice meetings; and
- Identifying CACFP sponsors through an annual news media release.

Sponsor Responsibilities

At the local level, sponsors manage the food service program by hiring administrators and appointing an Authorized Representative; establishing policies, goals, budgets, and providing adequate facilities and personnel, all working together to ensure healthy meals are provided to participants.

Operational Provisions

To be eligible to participate in the CACFP, a sponsor must be one of the following:

- A public entity. A public entity is an organization that is taxpayer supported and maintained and utilized by the members of a community.
- A tax-exempt organization under the Internal Revenue Code of 1986. A nonprofit sponsor has tax-exempt status under the Internal Revenue Code of 1986 or is currently operating a federally funded program requiring nonprofit status. A copy of the IRS letter granting tax exemption must be submitted to KSDE by each sponsor.
- A for-profit center. A for-profit center is eligible to participate in the CACFP if 25 percent (%) or more of its enrolled participants or 25% of the license capacity (whichever is less) are
    - children eligible for free and reduced price benefits ***or***
    - Child Care Subsidy children ***or***
    - Adult Day Care participants receiving Medicaid benefits

Refer to *Chapter 12, Claiming Reimbursement* for more information regarding documentation of for-profit eligibility.

Non-Pricing or Pricing Program

Child and Adult Care Food Programs may be one of two types: pricing or non-pricing. In Kansas, most programs are non-pricing. A non-pricing program includes the price of meals served in the fee charged for child care; participants are not charged an additional fee for meals. In a pricing program, participants are charged an additional fee for meals. Sponsors must develop a Free & Reduced Price Policy.

Definitions

Adult Participant is a person living in the community who is functionally impaired (as defined in this section) or 60 years of age or older who is enrolled with a center to receive adult day care services.

Adult Day Care Center is any public or private nonprofit organization, or any eligible for-profit center, licensed to provide nonresidential services to functionally impaired adults or persons 60 years of age or older in a group setting outside their homes or a group living arrangement on a less than 24-hour basis. Additionally, centers provide for care and services directly or under arrangements made by the organization whereby the agency or organization maintains professional management responsibilities for all such services. Such centers provide a structured, comprehensive program that provides a variety of health, social, and related support services to the enrolled adult participants through an individual plan of care.

At-Risk Afterschool Meals provides free reimbursement to afterschool programs that are organized primarily to provide care for children that serve a meal and/or snack to children after school or on the weekends, holidays, or school vacations during the regular school year. Programs must provide organized regularly scheduled activities in a structured and supervised environment that include education or enrichment activities and be located in an eligible area.

Board of Directors is an independent board of directors which requires the board to meet regularly and have authority to hire and fire the executive director.

CACFP Program Year is the period from October 1 through September 30.

Child Care Center is a facility that is licensed or approved to provide nonresidential child care services to enrolled children, including but not limited to day care centers, preschools, Head Start centers, outside of school hours care centers, and organizations providing day care services for children with disabilities.

Child is (a) persons 12 years of age and under, (b) persons 15 years of age and under of migrant workers, (c) persons with a disability, age 18 or under, enrolled in an institution or child care facility serving a majority of persons 18 years of age or under, and (d) persons 18 years of age and under participating in At-Risk Afterschool Meals or an Emergency Shelter Program.

Day Care Home is an organized nonresidential child care program for children enrolled in a private home, licensed as a family or group day care home and under the auspices of a sponsoring organization.

Disability is any mental or physical condition that substantially limits one or more major life activities.

Economic Unit or Family or Household refers to a group of related or unrelated people who share all significant income and expenses (food, housing, medical, and household insurance costs). More than one economic unit may live in the same household. Separate economic units living in the same household are characterized by economic independence from each other.

Emergency Shelter Program allows emergency shelters, homeless shelters and domestic violence shelters to receive reimbursement for nutritious meals served to children 18 years of age and under.

Enrolled Child for CACFP is a child whose parent or guardian has annually submitted a signed CACFP enrollment form to a sponsoring organization.

Facility is a sponsored center or family day care home.

For-profit Center is any center that has not received exemption from federal income tax.

Functionally Impaired Adult is a chronically impaired person who is 18 year of age or older with a disability that markedly limits their capacity for independence and their ability to carry out activities of daily living.

KN-CLAIM – Kansas Nutrition-CLaims And Information Management System. The web-based system used by KSDE to maintain sponsor information and pay claims for reimbursement.

Nonprofit refers to an organization that maintains tax-exempt status under the Internal Revenue Code of 1986 or is currently operating a federally funded program requiring nonprofit status. A nonprofit organization has a governing body which provides adequate program oversight.

Notice means a letter sent by certified mail, return receipt (or equivalent service), by facsimile, or by email, that describes an action by the state agency or sponsor. If the notice is undeliverable, it is considered to be received five days after being sent.

Nonresidential facility is a facility where the same participants are not maintained in care for more than 24 hours on a regular basis.

Outside School Hours Care Center is licensed to provide organized nonresidential child care services to enrolled children outside of school hours. All outside school hours centers must be licensed.

Participants are "adult participants" or "children" as defined in this section.

Residential facility is a facility where the same participants are maintained in care for more than 24 hours on a regular basis.

Residential children in a family day care home are children who live at that address for 3 or more consecutive days.

Sponsoring Organization (Sponsor) is an organization that enters into an agreement with the Kansas State Department of Education to assume final administrative and financial responsibility for the operation of the CACFP in:

- one or more day care homes;
- a child care center, emergency shelter, At-Risk Afterschool Meals, outside-school-hours care center, or adult day care center which is a legally distinct entity from the sponsor;
- two or more centers [child care, adult care, etc.] or shelters; or
- any combination of centers, shelters, and homes.

Types of sponsors:

- Governmental (state or local) – programs operated by state universities, community colleges, or a local government.
- Educational – programs administered by public school districts.
- For-profit Center– programs that do not have tax-exempt status from IRS.
- Nonprofit (Secular) – programs with a nonprofit status from IRS that are not affiliated with a place of worship or certain religion (may have religious names but are not "faith-based").
- Nonprofit (Faith-based) – program administered by a religious institution.