USDA

United States
Department of
Agriculture

Food and
Consumer
Service

Mountain Plains
Region

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Denver, CO
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JAN 19 1999

Reply to
Attn. of: SP 99-10
CACFP-565

Subject: Reimbursement for Snacks in After School Care Programs

To: STATE AGENCY DIRECTORS (Child Nutrition Programs) - Colorado ED, Colorado DPHE, Iowa, Kansas, Missouri ED, Missouri DH, Montana OPI, Montana DPHSS, Nebraska ED, North Dakota, South Dakota, Utah and Wyoming ED

Attached for your information and action is a copy of the January 14, 1999 memorandum issued by our National Office implementing the after school snack provisions authorized by Public Law 105-336, the Child Nutrition Reauthorization Act of 1998. That memo outlines the provisions relative to both the National School Lunch Program and the Child and Adult Care Food Program.

The January 14 memo was sent directly to each State Director. We are reissuing it through this memo in order to have a Regional reference point when discussing/reviewing these issues in the future.

Please contact the respective Section staff with any questions you have on this material.

ANN C. DEGROAT
for Regional Director
Child Nutrition Programs

Attachment

AN EQUAL OPPORTUNITY EMPLOYER.

January 14, 1999

SUBJECT: Reimbursement for Snacks in After School Care Programs (SP99-4): (CACFP 99-4)

TO: State Directors
Child Nutrition Programs
All States

Regional Directors
Special Nutrition Programs
All Regions

Sections 107 and 108 of Public Law 105-336, the Child Nutrition Reauthorization Act of 1998 enhance nutrition benefits for all children with a special emphasis on older children by authorizing reimbursement for snacks served to children through age 18, (and to individuals, regardless of age, who are determined by the State agency to be mentally or physically disabled), who participate in programs organized to provide after school care. The intent of these provisions is to assist schools and public and private nonprofit organizations to operate organized programs of care which include education or enrichment activities known to help reduce or prevent children's involvement in juvenile crime or other high risk behavior.

This authority may be exercised by schools through the National School Lunch Program (NSLP) and by public and private nonprofit organizations through the Child and Adult Care Food Program (CACFP). These legislative provisions became effective October 1, 1998, and this memorandum authorizes retroactive claims to that date for programs determined eligible by State agencies under the provisions established in this document.

These provisions apply to both the NSLP and the CACFP. However, the law establishes certain differences in operating requirements between the two programs. This memorandum discusses the requirements separately for each program, and is intended to provide preliminary guidance to enable State agencies, schools and public and private nonprofit organizations to implement after school care programs for children in advance of publication of a final rule, since the provisions took effect October 1, 1998. We will issue additional guidance as necessary to deal with operational issues that are identified, and we will be developing proposed regulations to gain public input on more detailed and formal operating procedures.

NATIONAL SCHOOL LUNCH PROGRAM

Eligible Programs

To be eligible to qualify for reimbursement under the NSLP, after school care programs must meet the following criteria. First, they must be run by a school that is eligible to operate the NSLP. Secondly, the purpose of these programs must be to provide care in after school settings. This does not mean that the programs must offer formal child care as recognized by a licensing authority. There is no Federal requirement for after school care sites operating under this provision to have either Federal, State or local licensing or approval as a condition of eligibility. However, to qualify under this provision, these programs must be organized to provide children with regularly scheduled activities in a setting that is structured and supervised. By "regularly scheduled" we do not mean that the program must occur daily. Moreover, while eligible programs would not need to establish formal enrollment procedures, they must have a means of determining that children are present on a given day, such as a roster or sign-in sheet.

Third, eligible programs must include education or enrichment activities in organized, structured and supervised environments. It must be stressed that any extracurricular activities such as the school choir, debate team, drama society, et al. can qualify to participate under this provision only if their basic purpose is to provide after school care as defined above.

It must be emphasized that under no circumstances can organized athletic programs engaged in interscholastic sports be approved as after school care programs under this provision. In the Conference Report that accompanied P.L. 105-336, the Conference Committee declared its intent that support under this provision would not be provided to members of athletic teams. However, while athletic teams participating in interscholastic sports programs may not be approved, programs which include supervised athletic activity along with education or enrichment activities may participate. The key would be that they are open to all and do not limit membership for reasons other than space or security considerations, or, where applicable, licensing requirements.

Eligible Sites

Reimbursement under the NSLP for snacks served in after school care programs is no longer limited to schools which participated in the CACFP as of May 15, 1989. P.L. 105-336 removed this previous statutory requirement. Under the new statutory provisions, any school that is eligible to operate the NSLP may be reimbursed for snacks served on or after October 1, 1998, to eligible children in eligible after school care programs.

For the NSLP, the after school program must be operated by the school and not some other organization, although the school does not have to use the school's personnel or regular school facilities. However, the school must retain final administrative and management responsibility for the program, including the program site. Furthermore, the school food
authority for the school must be the party that enters into the agreement with the State agency and must assume full responsibility for meeting all program requirements. The school may then, if it wishes, arrange with another organization to perform the day-to-day operations. For example, the PTA could operate the program under an arrangement with the school.

It is important to note that there is no Federal statutory requirement that otherwise eligible organizations receive Federal, State or local licensing or approval as a condition of eligibility. Therefore, if a school is offering an approved after school care program for children as described in this memorandum, it does not have to be licensed separately to provide day care unless there is a State or local requirement for licensing. If a State or local jurisdiction does require licensing, then these facilities would need to be licensed in order to participate in this program. However, Federal law requires that facilities that are not required to be licensed must meet State or local health and safety standards.

Residential child care institutions (RCCIs) and boarding schools are not eligible to operate the after school care component of the NSLP. RCCIs and boarding schools, by their definitions, have children in residence. These arrangements are inconsistent with the law's concept of after school care.

Reimbursement

Under this provision, schools may claim reimbursement for one snack, per child, per day. Children are eligible to participate through age 18, and if a student's nineteenth birthday occurs during the school year, reimbursement may be claimed for snacks served to that student during the remainder of the school year. Reimbursement may also be claimed for individuals, regardless of age, who are determined by the State agency to be mentally or physically disabled.

Sites located in areas served by a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced price meals are eligible to receive reimbursement at the free rate for snacks served to all children eligible for snacks, regardless of each individual child's eligibility for free or reduced price lunches and breakfasts. Area eligibility for the after school care programs discussed in this memorandum will follow the Summer Food Service Program's (SFSP) policies for area eligibility using school data. Schools determined to be area eligible for the SFSP would also be area eligible as after school care facilities. Sites which are not in areas served by

a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced price meals must count meals and claim reimbursement by type (free, reduced price and paid), and must have documentation of eligibility for all meals served free or at a reduced price. (Under no circumstances may a school charge children for snacks claimed at the free reimbursement rate.) Charges for reduced price snacks may not exceed 15 cents, as stipulated in program regulations at 7 CFR section 210.9 (c)(4).

This provision was effective October 1, 1998. Therefore, schools which served snacks to eligible children in eligible sites and programs prior to issuance of this memorandum and maintained appropriate program records may claim reimbursement retroactively to that date or the date they began operation if they began operating after October 1, 1998. Valid retroactive claims for meals served during this period will be paid without regard to the normal 60-day time limit on submission of claims, if they are submitted prior to July 1, 1999.

Times of Operation

This change in the law applies only to programs that provide care for children after their school day has ended. Under no circumstances may snacks be reimbursed in programs operated before or during the child's school day. Schools are not eligible to receive reimbursement under this provision for snacks served on weekends or holidays, including vacation periods.

However, children's eligibility is based on when their scheduled school day ends and not on whether or not the school continues in session. For example, if a kindergarten program ends at noon but the children remain in school under a care program as described above, snacks served to these children may be reimbursed under this provision. The same would be true for older children enrolled in schools that have split sessions. If children enrolled in the early session remain on campus to participate in an approved after school care program, they may receive reimbursable snacks even though the school continues to operate a later academic session.

Content of Meals

Snacks served under this provision must meet the meal pattern for snacks set forth in 7 CFR sections 210.10(n) and 210.10a(j). Portions for children ages 13 through 18 shall be no less than the portions stipulated for children ages 6 through 12. We recommend that schools offer larger portions for older children (ages 13-18) based on their greater food energy requirements.

Additional Requirements

Schools wishing to participate under this provision must provide sufficient information to enable the State agency to determine whether or not the program is eligible and, if so, whether or not it qualifies for free reimbursement for all meals based on area eligibility. Upon approval, the State agency must amend its agreement with the school food authority
to provide for the requirements of an after school meal service. We wish to emphasize that all relevant provisions in the agreement apply to the after school care activities, including the requirement to comply with program regulations. Finally, the State agency must review these operations as part of its general oversight of the NSLP.

Record Keeping

It is our intention to keep any record keeping burden to the minimum necessary to ensure that Federal reimbursement is properly paid. At a minimum, school food authorities participating under this provision must maintain the following records for the time periods required in 7 CFR section 210.23(c).

- If all meals are claimed free, documentation that the site is located in an area served by a school in which at least 50 percent of the enrolled students are certified eligible for free or reduced price meals.

- For all other sites, documentation of free and reduced price eligibility for all children for whom free and reduced priced snacks are claimed.

- Meal counts (total for sites qualifying for free reimbursement for all children; meal counts by type for other sites).

- Documentation of individual children's attendance on a daily basis.

- Documentation of compliance with meal pattern requirements.

CHILD AND ADULT CARE FOOD PROGRAM

Eligible Programs

To be eligible to qualify for reimbursement under the CACFP, after school care programs must meet the following criteria. First, they must be operated by a public or private nonprofit organization. Secondly, the purpose of these programs must be to provide care in after school settings. This does not mean that the program must offer formal child care as recognized by a licensing authority. As discussed later in this

memorandum, there is no Federal requirement for after school care sites operating under this provision to have either Federal, State or local licensing or approval as a condition of eligibility. However, to qualify under this provision, these programs must be organized to provide children with regularly scheduled activities in a setting that is structured and supervised. By "regularly scheduled" we do not mean that the program must occur daily. Moreover, while eligible programs would not need to establish formal enrollment procedures, they must have a means of determining that children are present on a given day, such as a roster or sign-in sheet.

Third, eligible programs must include education or enrichment activities. Organizers have considerable discretion to decide the kind of activities they will offer, but it must be emphasized that under no circumstances may organized athletic programs competing in a league, such as a community sports league, be approved under this provision. In the Conference Report that accompanied P.L. 105-336, the Conference Committee declared its intent that support under this provision would not be provided to members of athletic teams. However, programs which include supervised athletic activity along with education or enrichment activities, such as those sponsored by the Police Athletic League or a community youth organization, such as Boys and Girls Clubs or the YWCA, may participate provided the sites meet the eligibility criteria discussed below. The key would be that they are open to all and do not limit membership for reasons other than space or security considerations or, where applicable, licensing requirements.

Eligible Sites

To be eligible to participate under this provision, a site must be located in an area served by a school in which at least 50 percent of the enrolled children are certified eligible for free or reduced price meals. Area eligibility for the after school care programs discussed in this memorandum will follow the SFSP's policies for area eligibility using school data. Unlike the after school component of the NSLP, all sites in the CACFP serving children 13 years of age or older must be area eligible. There is no provision for individualized means testing.

It is important to note that, under the law, there is no Federal requirement that otherwise eligible organizations receive Federal, State or local licensing or approval as a condition of eligibility. Therefore, if a community organization, such as a Boys or Girls Club or a YWCA, is offering an approved after school care program for eligible children as described in this memorandum, it does not have to be licensed to provide day care unless there is a State or local requirement for licensing. If a State or local jurisdiction does require licensing, then these facilities would need to be licensed in order to participate in this program. However, facilities that are not required to be licensed must meet State or local health and safety standards. We must emphasize that day care homes may not

qualify as after school care sites under this provision because the law does not intend their participation, but rather focuses exclusively on schools and other institutions.

Reimbursement

Under this provision, after school care programs may claim reimbursement for one snack, per child, per day. Children are eligible to participate through age 18, and if a student's nineteenth birthday occurs during the school year, reimbursement can be claimed for snacks served to that student during the remainder of that school year. Reimbursement may also be claimed for individuals, regardless of age, who are determined by the State
agency to be mentally or physically disabled. All snacks served under this provision which meet the CACFP meal pattern are reimbursed at the free rate. It is not necessary for the site to make eligibility determinations for individual children or count and claim snacks according to type (free, reduced price and paid). There is no provision for individualized means testing (and reimbursement at the free, reduced price, and paid rates) for CACFP after school sites serving children 13 years of age or older in non-needy areas. Sites may not charge children for snacks reimbursed under this provision.

This provision was effective on October 1, 1998. Therefore, eligible organizations which served snacks to eligible children in eligible sites and programs prior to issuance of this memorandum and maintained appropriate program records may claim reimbursement retroactively to that date or the date they began operations if they began operating after October 1, 1998. Valid retroactive claims for meals served during this period will be paid without regard to the normal 60-day time limit on submission of claims if they are submitted prior to July 1, 1999.

Times of Operation

This change in the law applies only to programs that provide care for children after their school day has ended. Under no circumstances may snacks be reimbursed under this provision for children participating in programs operated before or during the child's school day. However, unlike the NSLP, under the CACFP after school care provisions, snacks may be reimbursed if they are served at any time of the day on weekends or holidays, including vacation periods, during the regular school year.

Content of Meals

Snacks served under this provision shall meet the meal pattern established for snacks in 7 CFR section 226.20(c)(4). Portions for children ages 13 through 18 shall be no less than the portions stipulated for children ages 6 through 12. We recommend that

organizations offer larger portions for older children (ages 13-18) based on their greater food energy requirements.

Additional Requirements

The State agency must amend its agreement with an institution already participating in the CACFP to provide for the requirements of an after school meal service. New public or private nonprofit organizations wishing to participate under this provision must contact the State agency that administers the CACFP for information on how to apply. All organizations must provide sufficient information to enable the State agency to determine whether or not the program is eligible. All relevant provisions in the agreement apply to the after school care activities, including the requirement to comply with program
regulations. Finally, the State agency must review these operations as part of its general oversight of the CACFP.

Record Keeping

It is our intention to keep any record keeping burden to the minimum necessary to ensure that Federal reimbursement is properly paid. At a minimum, public and private nonprofit organizations participating under this provision must maintain the following records for the time periods specified in 7 CFR section 226.10(d).

- Documentation that the site is located in an area served by a school in which at least 50 percent of the enrolled students are certified eligible for free or reduced price meals.
- Total meal counts.
- Documentation of individual children's attendance on a daily basis.
- Documentation of compliance with meal pattern requirements.

CONCLUSION

This provision represents an important new initiative to bring nutritious meals to the nation's children. Therefore, we encourage eligible schools and public and private

nonprofit organizations to participate, and we will be working with State and local officials to ensure that these benefits reach eligible children.

SIGNED

STANLEY C. GARNETT
Director
Child Nutrition Division