



State of Arizona
Department of Education

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Original Signed

MEMORANDUM

TO: At-Risk Afterschool Program Organizations that use USDA Commodities

FROM: Mary Szafranski, Deputy Associate Superintendent
Arizona Department of Education, Health and Nutrition Services

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DATE: December 13, 2012

SUBJECT: Streamlining At-risk Meal Participation for School Food Authorities

The purpose of this memorandum is to streamline the requirements for participation of school food authorities (SFAs) in the at-risk afterschool meals component of the Child and Adult Care Food Program (CACFP). The Healthy Hunger-Free Kids Act authorized the service of afterschool meals in all States through the at-risk afterschool meals component of CACFP.

We recognize that schools located in low-income areas and participating in the National School Lunch Program (NSLP) are well-positioned to offer meals and snacks through their afterschool programs. Although Congress did not authorize the service of at-risk meals through NSLP, streamlining the requirements for schools participating in CACFP to be more consistent with those of the NSLP will provide significant administrative relief without compromising the integrity of the Program.

Agreements

State agencies that administer more than one Child Nutrition Program are required to enter into a single agreement with SFAs with respect to the operation of any combination of the Child Nutrition Programs. Therefore, if the same State agency administers both CACFP and NSLP, SFAs interested in offering afterschool meals through CACFP are required only to sign an addendum to the existing NSLP



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agreement. In States where NSLP and CACFP are administered by different State agencies, the SFA must submit applications to and enter into an agreement with both State agencies.

Application

State agencies may accept a copy of the NSLP application from SFAs that wish to participate in the at-risk afterschool meals component of CACFP. However, the State agency must ensure that additional information required by 7 CFR §226.6(b) that is not captured by the NSLP application or otherwise available to the State agency is obtained. This might be accomplished by creating an addendum to the NSLP application that includes the additional information required for participation in CACFP. The names, mailing addresses, and dates of birth of the responsible principals and individuals must be included in the addendum. For SFAs, responsible principals and individuals include, at a minimum, the school food service director and accountant, and the responsible administrator (principal or superintendent).

Information specific to CACFP that State agencies must ensure they obtain includes:

- *Documentation of eligibility.* CACFP State agencies must obtain documentation indicating that each school that will be offering at-risk afterschool meals through CACFP offers educational or enrichment activities and is a school where at least 50 percent of the children are eligible for free or reduced price school meals or is located in the attendance area of an eligible school as required by 7 CFR §226.17a(a).
- *Preference for commodities/cash in lieu of commodities.* The CACFP State agency must determine whether the SFA prefers commodities or cash in lieu of commodities unless the State agency has received approval to provide cash-in-lieu of commodities for all institutions.
- *Ineligibility for other publicly funded programs.* SFAs must provide a list of all Federal programs in which they participate. Additionally, the SFA must certify that during the last seven years, the SFA and the individual responsible for the food service have not been:
 - declared ineligible to participate in any other publicly funded program by reason of violating that program's requirements or provide documentation that it was later reinstated or determined eligible for the program; or
 - convicted of any activity that indicated a lack of business integrity.
- *Certification.* The SFA must submit a certification that all information on the application is true and correct, along with the name, mailing address, and date of birth of the individual authorized to sign for the SFA [7 CFR §226.6(b)(1)].

For SFAs serving afterschool meals, State agencies may consider the successful operation of the NSLP as sufficient evidence of administrative capability and financial viability and may waive the requirement to submit a separate management plan. SFAs are not required to submit a separate CACFP budget.



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During SFA reviews, the State agency must ensure that CACFP reimbursements are being used for costs allowable in any of the Child Nutrition Programs administered by the SFA.

Training

SFAs participating in the NSLP are familiar with operating a Federal Child Nutrition Program and should not be required to attend training prior to submitting a CACFP application. Similarly, members of the food service staff who receive meal service training under the NSLP are not required to attend separate CACFP training on meal services.

However, administrative staff must be informed about Program requirements and attend the necessary training. CACFP State agencies may offer targeted training on the at-risk component of CACFP during NSLP trainings to eliminate the need for SFA administrative staff to attend a separate CACFP training. Additionally, SFAs are not required to conduct preapproval visits to schools already participating in NSLP.

Meal Patterns

The CACFP regulations permit SFAs participating in NSLP to substitute NSLP meal pattern requirements for the CACFP meal pattern requirements [7 CFR §226.20(o)]. This means SFAs may choose to use either the CACFP or NSLP meal patterns when serving at-risk afterschool meals through CACFP. Schools electing to follow the NSLP meal pattern requirements must follow the new NSLP meal patterns. Although the use of offer versus serve (OVS) is not generally permitted under CACFP, SFAs may use OVS for the meal service under either the CACFP or NSLP meal patterns. However, OVS may not be used with snack services under either CACFP or NSLP.

Procurement and Contracting Requirements

SFAs may follow the NSLP procurement standards found in 7 CFR §210.21 in lieu of CACFP procurement standards at 7 CFR §226.22. NSLP has comprehensive requirements in these areas and compliance with the NSLP requirements satisfies the intent of the corresponding CACFP requirements and will simplify participation for SFAs. Please note that there is no Federal requirement that food inventories used for the various Child Nutrition Programs be stored separately. Additionally, SFAs are not required to allocate expenses to the separate Child Nutrition Programs. Child Nutrition Program reimbursements may be used to pay expenses related to any of the Child Nutrition Programs. Indirect costs must be charged appropriately to the nonprofit school food service account. Please see the indirect cost guidance for more information CN# 09-12 (<http://www.azed.gov/health-nutrition/nslp/2011-2012/>).

Similarly, SFAs may comply with the NSLP requirements for contracting with food service management companies (FSMCs) outlined in 7 CFR §210.16 in lieu of the CACFP requirements at 7 CFR §226.21. It should be noted, however, that the addition of CACFP at-risk afterschool meals may represent a material change to an FSMC contract. For guidance regarding a material change, State agencies and SFAs are encouraged to refer to CN# 33-12, *Procurement Questions and Answers to Assist*



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in the Implementation of the Final Rule titled Nutrition Standards in the National School Lunch and School Breakfast Programs.

SFAs that contract with FSMCs for some or all aspects of the management of the food service program may allow the FSMC to conduct the same activities for CACFP that are performed for NSLP. SFAs should be reminded, however, that the SFA maintains responsibility for submitting claims, retaining control of the quality of the food service and the prices charged to children, monitoring the food service operations, and remaining accountable to ensure that all CACFP requirements are met.

Monitoring

SFAs must continue to monitor their at-risk sites, though monitoring requirements of the CACFP at-risk afterschool meal sites may be aligned with those of NSLP. With regard to State agency monitoring, where the same State agency administers both CACFP and the school meal programs, monitoring of the financial management portion of the Child Nutrition Programs must be combined to ease the burden on SFAs and ensure that the complete nonprofit food service is reviewed. Where two separate State agencies administer the programs, the State agencies must determine which agency will monitor the financial management portion of the SFA Child Nutrition Programs. Additionally, States are encouraged to combine CACFP and NSLP monitoring of programmatic requirements, including meal pattern compliance, counting, and claiming. State agencies may wish to implement a memorandum of understanding (MOU) between the two agencies to address review requirements. MOUs between State agencies must be approved by the appropriate Food and Nutrition Service (FNS) Regional Office.

CACFP deficiencies identified through State agency or SFA monitoring must be addressed according to the CACFP regulations, including the requirements regarding termination, disqualification, and submission to the CACFP National Disqualified List. Additionally, overclaims must be assessed and collected by the CACFP State agency in accordance with CACFP regulations.

Please feel free to contact your specialist if you have questions.



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