



**State of Arizona
Department of Education**

Tom Horne
Superintendent of
Public Instruction

Memorandum

January 21, 2004
CACFP # 21-04

To: Child and Adult Care Food Program Organizations
From: Melissa Steinle, Team Leader, CACFP
Subject: Use of independent contractors to manage CACFP

The Department of Education has been made aware of independent contractors approaching Child and Adult Care Food Program organizations and offering management services. As a reminder, the CACFP Food Service Agreement specifically states that the management of CACFP cannot be contracted out.

The CACFP Food Service Agreement (A.G. Contract No. KR02-1170-ALS) Page 3, #12 states that the Sponsor will accept final administrative and financial responsibility for Program operations. **No Sponsor may contract out for management of the program.** (Emphasis added.)

This paragraph is based on **7 CFR 226.6.f.1**, which, states in part that the program agreement shall provide that the institution shall accept final financial and administrative responsibility for management of an effective food service, comply with all requirements under this part and comply with all Civil Rights requirements...

Furthermore, 7 CFR 226.25.b. indicates that nothing in this part shall prevent a state agency from imposing additional requirements for participation in the Program, which are not inconsistent with the provisions of this part...

The long standing Federal Regulation ensures that federal funds are appropriately used. Independent contractors do not have an agreement with the State and thereby the State cannot ensure accountability of the independent contractors with the standards identified in 7 CFR 226 for the management of federal funds. Sponsoring organizations must adhere to CACFP Regulations. Independent contractors are not sponsoring organizations.

Please remember that CACFP offers free training and assistance for all interested participants. Please visit our website at www.ade.az.gov/health-safety/cnp/cacfp/ for program information, documents, presentations and training schedules.

If you have questions, please contact your CACFP Specialist or the Child Nutrition Office at 602.542.8700.