

Section 28

Residential Child Care Centers

Section 28, Residential Child Care Institutions (RCCIs)

Update Guide

May 19, 2023

Clarified guidance on:

- Meal pattern flexibility
- Outreach

Created new *Definitions* and *Contact Information* sections, located at the beginning of the *Administrator's Reference Manual (ARM)*. Removed definitions and contact information from this section.

July 28, 2022

Clarified information on the following topics:

- Financial system
- Local wellness policy

August 12, 2020

Updated *Section 28, Residential Child Care Institutions (RCCIs)* to update *Administrator's Reference Manual (ARM)* section references.

Clarified information on the following topics:

- Adult meals
- Afterschool snacks and meals
- Eligibility
- Local wellness policy
- Meal pattern, meal pattern flexibility
- Non-residential children/students
- Offer versus serve (OVS)
- Children/Student participation
- Weekend and occasional meals

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Residential Child Care Institutions (RCCIs)

Residential Child Care Institutions (RCCIs) are required to comply with all program regulations unless specifically exempted by regulation. RCCIs must follow all other regulations as described in other sections of the *Administrator's Reference Manual* unless flexibility is given by USDA.

This section provides information on the areas in which RCCIs are given flexibility in operating one of the School Nutrition Programs (SNPs).

Policy Statement for Free and Reduced-Price Meals

RCCIs are required to submit and maintain a *Policy Statement for Free and Reduced-Price Meals Attachment B: Meal Count/Collection Procedure(s)*, even if they operate a program that does not charge separately for meals. The *Policy Statement for Free and Reduced-Price Meals Attachment B: Meal Count/Collection Procedure(s)* form is available in the Texas Unified Nutrition Programs Systems (TX-UNPS), application screen. For information regarding the policy statement for free and reduced-price meals, refer to *Administrator's Reference Manual (ARM), Section 2, Program Application & Agreement*.

Eligibility Determination

USDA provides flexibility to RCCIs on documentation related to eligibility for RCCI children/students that reside in the RCCI. However, there is no flexibility for day children/students that attend the RCCI's school.¹ Moreover, because RCCIs have the possibility of children/students attending an RCCI school or a public or charter school, the method for determining eligibility varies for RCCIs.

Documentation Demonstrating Eligibility

CEs certify eligibility for RCCI children/students in one of three ways:

Residential Children/Students Attending an RCCI Onsite School

When children/students attend an RCCI onsite school, the RCCI may complete a household application on behalf of each child/student or may use a master list to establish eligibility. If the RCCI completes a household application for each child/student, the RCCI director or designated official signs the household application as the adult household member for the child/student.

For children/students that are residents of the RCCI, each child/student is considered to be a household of one.

Non-Residential Children/Students (Day Children/Students) Attending an RCCI Onsite School

The eligibility for non-residential or day students is based on household income or categorical eligibility. The RCCI is responsible for distributing and collecting household applications from non-residential students.

Eligibility of non-residential students cannot be determined without an application unless the student is directly certified as categorically eligible.²

¹ See *Administrator's Reference Manual (ARM), Section 4, Eligibility Determination* for additional information on eligibility determination.

² See *Administrator's Reference Manual (ARM), Section 4, Eligibility Determination* for additional information on eligibility determination.

If an RCCI chooses to provide meals to all day students at no cost, the RCCI must still determine the eligibility for each day student and claim reimbursable meals for these students by eligibility status—free, reduced-price, or paid.

[NOTE: An RCCI may choose to offer universal free meals to day children/students. In this case, the RCCI must claim reimbursable meals for day children/students by the correct eligibility status—free, reduced-price, or paid—as determined by household application or Direct Certification. An RCCI cannot claim all day children/students as paid in order to avoid the eligibility determination process for these children/students.]

RCCI Children/Students Attend a School Offsite

When children/students attend a public or charter school that is not located at the RCCI, RCCIs may complete a household application on behalf of each child/student or may provide a master list to the school. If the RCCI completes a household application for each child/student, the RCCI director or designated official signs the household application as the adult household member for the child/student.

Master List

To document child/student eligibility, a master list must provide the following information:

- Child's/Student's name
- Child's/Student's date of birth
- Personal income received by the child/student, including frequency of income
- Date of admission to the RCCI
- Date a child/student no longer resides or is enrolled at the RCCI
- Signature,³ title, and contact information of an official authorized to provide the information Signature⁴ of the RCCI's authorized representative, title, and contact information

[NOTE: A master list may also contain eligibility information for non-residential or day children/students.]

To simplify the reporting income information of a master list, a CE may record a note on the master list indicating that all children/students have zero income as long as the note states that the zero income applies to all children/students and is signed and dated by a staff member who can certify the accuracy of the information.

Managing a Master List

The RCCI must update each child's/student's information on the master list annually and/or when the child/student exits the facility either physically or by reaching the age of 21.

Master lists do not have to be paper lists. The master list may be maintained electronically. RCCIs must enroll new children/students onto the master list as soon as possible after they enter the RCCI in order for those meals to be claimed. Meals served to children/students not listed on the master list must not be claimed for reimbursement.

³ See the *Definitions for This Section* in this section for additional information on signatures.

⁴ See the *Definitions for This Section* in this section for additional information on signatures.

The *Sample Master List Chart* demonstrates one method of record keeping that documents required information.

Sample Master List Chart							
Child's/ Student's Name	Date of Birth	Entering or Starting Date	Approved	Income	Frequency	Category	Exiting Date or Date Child/ Student Reached 21 Years of Age
Smith, Joe	5/4/2003	6/1/2015	6/1/2015	\$00.00		Free	
Ngyen, Le	11/5/2002	4/16/2017	4/16/2017	\$00.00		Free	
Lusby, Arnie	2/5/2001	2/25/2016	2/25/2016	\$275.00	Monthly	Free	
Nunez, Ted	6/20/1999	1/15/2016	1/16/2016	\$00.00		Free	6/20/2017*
* The exit column denotes the date a child/student becomes ineligible for the NSLP and SBP by virtue of age or by physically leaving the facility. In Ted Nunez's case above, his 21 st birthday made him ineligible as of midnight on 6/19/2017. While the facility will provide meals to him after that date, none of his meals can be claimed for reimbursement after 6/19/2017.							

Other Determining Eligibility Issues

Household Member Signature

RCCIs are not required to obtain a household application or signature from an adult household member to receive free or reduced-price meals on behalf of a child/student in the residence at the RCCI. If the RCCI does not obtain a household application, the RCCI must document the child's/student's income and eligibility status in the child's/student's case file and on the master list.

For day children/students, the RCCI must distribute household applications and must ensure that an adult in the household provides a signature when a household application is submitted.

Income

RCCIs do not count income or payments from any source received directly by the institution on the behalf of children/students. This includes court-ordered child support from the parent and/or guardian.

The following types of income for children/students must be counted:

- Trust funds or oil interest monies
- Social security death benefits or military allotments
- Regular earnings from full or part-time employment

Public Announcement about NSLP/SBP

Residential Child Care Institutions (RCCIs) are exempt from the public announcement requirement unless the RCCI has day children/students. If the RCCI has day children/students, the RCCI must provide a public announcement about the meal program. In making a public announcement, the RCCI may target the information to the households of day children/students or the population area from which the RCCI draws its day children/students.

Size of Household

A residential child/student in an RCCI is considered a one-person household.

Verification

RCCI residential children/students are exempt from the requirement to verify applications when the children/students attend classes at the RCCI. However, RCCI are still required to complete the *School Food Authority (SFA) Verification Collection Report, FNS-742* and submit it in TX-UNPS.

RCCI non-residential or day child/student household applications must be verified as described in *Administrator's Reference Manual (ARM), Section 6, Verification*.

Local Wellness Policy and Assessment

Every CE must establish and follow a local wellness policy (LWP). However, establishing a LWP that engages parents and community members may be difficult for RCCIs that only provide services to residential children/students or primarily residential children/students. In these cases, RCCIs are expected to meet all requirements whenever possible for residential children/students and document those situations that prevent it from fully implementing an LWP as required for residential students. For detailed guidance on developing an LWP and completing the triennial assessment, see the *Administrator's Reference Manual (ARM), Section 29, Local Wellness Policy, Stakeholder Engagement*.

Meal Service

RCCIs are encouraged to give children/students sufficient time for meals and an atmosphere that maximizes nutritional and social benefits of shared meals.

Meal Pattern

RCCIs are required to follow the meal pattern requirements described in *Administrator's Reference Manual (ARM), Section 7, Breakfast Meals; Section 8, Lunch Meals; and Section 9, Pre-Kindergarten Meals*.

Meal Pattern Flexibility

RCCIs may apply for the following flexibilities if (1) the RCCI is a juvenile detention or correctional facility or the RCCI can demonstrate operational limitations to separating age/grade groups and (2) has a legitimate safety concern or State juvenile justice laws or regulations related to offering meals with varying amounts of food within the same meal period:

Age/Grade Portion Size Flexibility

Offer the same portion size to all children/students. If approved, (1) the RCCI may serve lunch and/or breakfast meals with the same amount of food for all age/grade groups at the meal service and (2) RCCI must serve meals meeting the lunch meal pattern in effect for the highest age/grade group participating to ensure nutritional adequacy.

Choice of Milk Flexibility

Offer a choice of milk over the week. If approved, the RCCI may meet the milk variety requirement by offering all children/students one choice of milk on some days of the week and a different choice of milk on another day. All milk served must meet the specifications for fluid milk as described in the meal pattern.

To request flexibility, RCCIs must complete the applicable waiver request form under the Download Forms page in the Texas Unified Nutrition Programs System (TX-UNPS). The RCCI should be prepared to provide an explanation, and documentation if needed, about how the RCCI qualifies for this flexibility including information on

1. **Status.** How does the institution qualify as a juvenile detention or correctional facility or how does the institution demonstrate operational limitations to separating age/grade groups?

An explicit explanation might include the following: a description of how children/students are placed in the institution, the types of state programs housed in the institution, or the types of services provided by the institution.⁵

2. **Portion Size.** How will serving varied portions to different age/grade groups during the same meal service create a safety concern for children/students and/or how does serving varied portion sizes conflict with State law and/or regulations?

An explicit explanation might include the following: a description of what factors can impact children's/students' safety or previous similar situations that have caused adverse reactions; detailed description of the conflicting regulations and programs to which it applies.

3. **Age/Grade Groups.** Which age/grade groups and meal patterns—breakfast, lunch, or both—will be affected by this flexibility?

An explicit description includes what age/grade groups are being served at the same time and for which meals.

4. **Choice of Milk Over the Week.** How will the RCCI offer milk choice throughout the week.

An explicit description includes what types of milk will be served and the frequency for serving each milk type.

TDA will review the request submitted and will contact the RCCI by email with approval or denial of request within ten (10) TDA business days of receipt. This flexibility may be revoked for a change in conditions, if state law or regulations change, or if review findings discredit the information provided in the flexibility.

Weekend and Occasional Meals

For weekend meal service, the RCCI has several options for serving the meal pattern. For these options, the RCCI will use the meal pattern described in the Short and Long Week Adjustment Chart found in *Administrator's Reference Manual (ARM)*, Section 7, *Breakfast Meals* and Section 8, *Lunch Meals* for the number of days meals are served for the week.

Routine Weekly Meal Service

- Use the 7-day meal pattern, or 6-day if appropriate.

The CE will integrate the weekend meal service into its regular week-day service. Only the *additional* vegetables category is adjusted for long weeks; no adjustment to any of the dietary specifications is required since they are weekly averages.

⁵ RCCIs may find it helpful to use descriptions and definitions in state or federal regulations that govern their institutions or mission or work scope statements in writing their explicit explanation of status.

- Add three weekends together to create a 6-day school week.
This option allows the RCCI a more flexible method of serving the meal pattern. Only the *additional* vegetables category is adjusted for long weeks; no adjustment to any of the dietary specifications is required since they are weekly averages.

Infrequent Weekend Meal Service

- Use the one day or two-day meal pattern.
When serving only one day, the RCCI will use the daily meal pattern requirement. If it is two days, the RCCI will use a two-day meal pattern.

Family Style Meal Service

RCCIs may serve meals family style. In order to claim these meals for reimbursement, RCCIs must meet the following conditions:

- Enough food must be placed on the table in serving bowls to allow each child/student to receive the required minimum portion of each component and to accommodate the servings for the supervising adult(s) if they eat with the children/students.
- Each child/student must be initially offered the full required minimum portion of each component.
- If the child/student does not take the entire minimum required portion size, the supervising adult(s) should encourage the child/student to take the required portion size of the item during the course of the meal. For a meal to be reimbursable, the meal must contain the required portion sizes of the required components as described in *Administrator's Reference Manual (ARM), Section 7, Breakfast Meals; Section 8, Lunch Meals; and Section 9, Pre-Kindergarten Meals.*
- The RCCI cannot force or require the child/student to take any of the meal items. A supervising adult may encourage the child/student to take the required meal components for a reimbursable meal. However, if the child/student refuses to take the required components for a reimbursable meal, the meal is not reimbursable.

Offer Versus Serve

Offer versus serve (OVS) is optional for children/students below the high school level. At the high school level, OVS is required at lunch unless the institution receives TDA approval to waive the requirement to waive OVS implementation.

To request this flexibility, RCCIs must submit a letter⁶ requesting OVS flexibility on RCCI letterhead signed by the superintendent or an authorized representative as specified in the Texas Unified Nutrition Programs System (TX-UNPS).

Child/Student-Parent Involvement

The nature of some RCCIs makes it difficult to incorporate child/student-parent involvement in the NSLP. RCCIs are encouraged, to the maximum extent possible, to include children/students and parents in the operation of the NSLP.

⁶ The *Contact Information for the Texas Department of Agriculture* at the beginning of this manual provides phone, fax, and email information for submitting a flexibility request to TDA.

Financial System

School Nutrition Program (SNP) accounts are required to comply with Generally Accepted Accounting Principles (GAAP) for federally funded programs, as well as accounting and financial requirements that are specific to the SNP.

To meet this requirement, CEs must have an accurate, efficient financial management system that applies sound and consistent management practices that allows CEs to:

- Identify all funds received and expended by each school nutrition program the CE is operating.
- Identify the source and application of school nutrition program funds.
- Ensure effective control over, and accountability for, all funds, property, and other assets.
- Provide accurate, current, and complete disclosure of financial and accounting system as required.
- Operate under specific written procedures for determining the allowability of costs.

For more information, see the *Administrator's Reference Manual (ARM), Section 16, Financial System*.

Claims for Reimbursement

RCCIs must establish a point of service (POS) system that allows them to accurately count and report reimbursable meals served.⁷

Total Monthly Attendance in RCCIs Used for Counting and Claiming Edit Checks

RCCIs may have populations that remain constant over time or have significant fluctuation in the number of children/students who are present at any given time. Fluctuating child/student populations can make it difficult for RCCIs to conduct edits check (Accuclaim process) to ensure that counting and claiming is done accurately.⁸

For the edit check (Accuclaim process), an RCCI must calculate its total monthly attendance to determine the number range for meals the CE may claim. The total monthly attendance is a total of all children/students enrolled in the RCCI each day. RCCIs must use the following criteria to establish their total monthly attendance:⁹

- If a child/student is in attendance for the entire month, count the child/student as having been in attendance every day that month.
- If a child/student is in attendance some but not all of days for a month, count the child/student as in attendance on each of the days the child/student is in attendance.

⁷ See the *Administrator's Reference Manual (ARM), Section 20, Counting and Claiming* for additional information about claims for reimbursement.

⁸ See the *Administrator's Reference Manual (ARM), Section 20, Counting and Claiming* for additional information about edit checks.

⁹ Total monthly attendance is the total enrollment for each serving day totaled. It is not the number of meals served or claimed each month.

- If a child/student exits the RCCI, count the child/student as in attendance on each of the days the child/student is in attendance.
- If a child/student is in attendance for a few days of a month, exits, and then returns for additional days, count the child/student as in attendance for each of the days the child/student is in attendance.

Sample Total Monthly Attendance Calculation Chart				
Number of Students Enrolling and Exiting	Number Days in Each Date Range			
	January 1–9 (9 Days)	January 10-24 (15 Days)	January 25 (1 Day)	January 26–31 (6 Days)
Number Children/Students Attending Start of Date Range—Add for each day in attendance	100	100	117	131
Number Children/Students Added on the Last Day of Date Range—Add for each day in attendance	--	10	14	--
Number of Children/Students Who Exited on the Last Day of Date Range—Add for each day in attendance	--	7	--	5
Total Attendance for Date Range	100	117	131	136
Multiply by number of days in range	x 9	x 15	x 1	x 5
Total Attendance Per Date Range	= 900	= 1,755	= 131	= 680
Total Monthly Attendance Add all range totals together	[900 + 1,755 + 131 + 816] = 3,602			

Age Limitations for Claiming Meals in RCCIs

The age limit for claiming meals in the NSLP and SBP for children/students enrolled in an RCCI is up to 21 years of age; meals may not be claimed for children/students residing in an RCCI who are 21 years of age or older.

Therefore, RCCIs can only claim meal reimbursements through 20 years of age for the following categories of children/students:

- Children/Students residing at the RCCI
- Children/Students residing at the RCCI and enrolled in the RCCI’s day school component
- Children/Students not residing at the RCCI but enrolled in the RCCI’s day school component

Afterschool Snacks—Afterschool Care Program (ASCP)

RCCIs may claim afterschool snacks served in the afterschool care program (ASCP). RCCIs may not claim reimbursement for snacks served on weekends, holidays, or vacation periods unless the snack is served during an activity that takes place after an education activity. The RCCI must retain records that demonstrate that an educational activity was offered before the snack service. See

Administrator's Reference Manual (ARM), Section 10, Afterschool Snacks & Meals for additional guidance on this program.

Afterschool Snacks/Suppers—Child and Adult Care Food Program At Risk (CACFP At-Risk)

An RCCI may apply to participate in the Child and Adult Care Food Program (CACFP), including CACFP At-Risk, as an emergency shelter, but only if it serves a distinct group of homeless children/students who are **not** enrolled in the RCCI's regular program.

An emergency shelter is a public or private nonprofit organization or site that provides temporary shelter and food services to homeless children/students, including children/students in an RCCI that serves a distinct group of homeless children/students who are not enrolled in the RCCI's regular program.

If an RCCI serves CACFP meals to children/students 18 years old or younger who are homeless and seeking shelters with or without their families, the RCCI must ensure that it claims reimbursement only for reimbursable meals that meet program requirements and maintains records that track the income and costs for each program the RCCI operates. See *Administrator's Reference Manual (ARM), Section 10, Afterschool Snacks & Meals* for additional guidance on this program.

Shorter or Longer School Weeks

RCCIs may be reimbursed for meals served on weekends as long as these meals meet the new meal patterns. For additional information on short and long week meal service, see the *Schools with Shorter and Longer School Weeks* subsection of the applicable breakfast or lunch section of the *Administrator's Reference Manual (ARM)*.

Meals Served to Continuous School Calendar (Year Round) Children/Students

Many RCCIs operate on a continuous school calendar. RCCIs may **not** claim reimbursement for any meals served to children/students on a continuous school calendar who are on vacation.

Meals Served to Children/Students of RCCI Staff

RCCIs may not claim reimbursement for meals served to children/students of RCCI staff except in the following situation:

- Children/students are actually enrolled in the RCCI program and in residence.
- Children/students are non-residential children/students enrolled in the RCCI's school.
- Documentation is kept on file.

Meals Served to RCCI Staff

RCCI staff that are assisting with the operation of the meal program may receive a meal at no charge. This includes staff that prepare and serve meals, perform the counting and claiming, and supervise the meal service. The RCCI **must** pay the nonprofit school food service account for meals served to staff that are not involved directly with the preparation, operation, or supervision of the meal service.¹⁰

¹⁰ See the *Administrator's Reference Manual (ARM), Section 19, Meal Pricing* for additional information on adult meal pricing.

Outreach

Like traditional schools, RCCIs are required to conduct outreach for SBP three times a year and SFSP before and during the summer months, even if they do not participate in SBP or SFSP themselves.

The outreach can be basic; sample ways to meet the outreach requirement are:

- Posting breakfast promotion on a bulletin board in a common area of the RCCI (when, where, how much it costs), or in the intake area
- Posting phone number, texting information, and a link to nearby location maps or TDA's Summer Meal Program website (<https://squaremeals.org/Programs/Summer-Meal-Programs>) on a bulletin board or common area
- Posting this information on the RCCI website (if applicable)
- Including information in the intake or discharge process

Records Retention

CEs are required to maintain an organized system of records retention that is accessible to appropriate CE employees and federal or state reviewers. TDA may request documentation for both offsite and onsite administrative review processes. CEs have the option to maintain records in paper or electronically.

All documentation or records must be kept on file for a minimum of five years for public and charter schools or three years for private schools, other nonprofit organizations, and residential child care institutions after the end of the fiscal year to which they pertain. If audit findings have not been resolved, the records must be maintained as long as required for the resolution of the issues raised by the audit.

Information Box 1 Records Retention

State Board of Education policies require public and charter schools to maintain records for a period of five years.

Private schools, other nonprofit organizations, and RCCIs maintain records for three years.

Compliance

During an administrative review (AR) or at other times as appropriate, TDA will assess compliance with the counting and claiming requirements by reviewing the CE's counting and claiming practices and documentation. Documentation will include, but is not limited to, financial records and food production documentation. CEs with findings in these areas will be required to complete approvable Corrective Action Documentation (CAD). Noncompliance in these areas may also require fiscal action.