

Frequently Asked Questions

Program Year 2023-2024 Operations

Guidance Subject to Change – Check dates for the latest version

Contracting Entities (CEs) must understand and adhere to all applicable requirements of the Child and Adult Care Food Program (CACFP), including the guidance set forth in this FAQ document. All program requirements remain in effect unless specifically waived by USDA and as described in this document. Updates since the previous posting will be highlighted. Click on an individual question in the Table of Contents to navigate to the answer. Please contact your local ESC with any questions.

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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

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Food and Nutrition Division
COVID-19

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11. In absence of good participant data, may I report aggregate racial/ethnic data on potential participants?
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1. Are non-congregate, meal service times, and parent pick-up flexibilities available to CACFP operators in Program Year (PY) 2024?

No. Non-congregate service, meal service times, and no child present/parent pick-up flexibilities are not available to CACFP operators during PY 2024.

2. Are offsite monitoring waivers available for CACFP operators beginning in PY 2023-2024?

No. However, there are elements of a monitoring review that can be conducted offsite, such as documentation review and entrance and exit conferences. Refer to the following USDA-issued guidance for information, strategies, and best practices for conducting reviews now that offsite waivers have expired:

<https://www.fns.usda.gov/cn/oversight-monitoring-onsite-offsite-cacfp-guidance>

3. Are there any meal pattern waivers available in PY 2023-2024?

No. All pandemic-era waivers, including meal pattern waivers, are no longer in effect.

4. Are there any area eligibility flexibilities available beginning PY 2023-2024?

No. The area eligibility flexibilities that allowed Tier II day care homes to receive Tier I reimbursement expired June 30, 2023. Sponsors should correctly identify provider sites by the correct tier on the site application and claim meals in accordance with the regulations associated with each tier. All other CACFP sites dependent on area eligibility to operate, including CACFP At-risk sites, must establish area eligibility according to standard regulations.

5. Is there any congressionally approved supplemental per-meal reimbursement available in PY 2023-2024?

No. The temporary 10-cent per-meal reimbursement provided by the Keep Kids Fed Act of 2022 expired June 30, 2023. The reimbursement rates for 2023-2024 are published on SquareMeals.org at:

<https://squaremeals.org/Programs/ChildandAdultCareFoodProgram/ReimbursementRates.aspx>.

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6. Can I still claim CACFP meals served to young adults at the emergency shelter I operate?

No. The American Rescue Plan Act provision that authorized the reimbursement for meals and snacks served to young adults at emergency shelters expired at the federally declared end of the COVID-19 public health emergency on May 11, 2023.

7. Am I required to collect racial and ethnic data at my sites?

Yes. The requirements related to the collection of racial and ethnic data are not waived. CACFP operators must, annually, attempt to gather the race and ethnicity of individual participants attending sites. CEs operating an enrolled site typically gather this information in enrollment forms. Sites that do not have enrollment, such as At-risk sites, must attempt to gather data at least once each school year.

8. Can I use visual observation to determine a participant's race or ethnicity?

No. Effective May 17, 2021, federal policy prohibits visual observation as an allowable practice for gathering this data; the preferred method is self-identification and self-reporting. A best practice for this includes obtaining the information from parents or guardians.

9. If a child picks up a meal without a parent or guardian present, must I verbally ask the child to self-identify his or her race and ethnicity? What if a child participant is too young to understand the purpose or nature of the question?

While requesting data verbally is allowable, TDA understands that requesting information verbally may be uncomfortable for staff and for participants. Respect for individual dignity should guide the processes and methods of collecting data on race and ethnicity.

Additionally, TDA discourages asking a child to self-identify their race and ethnicity, as this practice may confuse young children. Obtaining data from parents or guardians is the preferred method of data collection, as parents or guardians can provide accurate information. If a parent or guardian is not present at the time of meal pick-up, or if the parent chooses not to identify, their response may be marked "unknown." For that reason, TDA does not expect that the number of respondents will equal the number of children at a meal service site. However, TDA expects program operators to continue to capture the data.

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TDA has developed a new [Collection of Child Nutrition Program Participant Racial/Ethnic Data Prototypes form](#)ⁱ to assist program operators in capturing racial and ethnic data to the best extent possible. This form is available in the applicable tables on the [CACFP Administration and Forms page](#)ⁱⁱ on SquareMeals.org.

10. What parameters has USDA established for collecting data from parents or guardians?

Parents and guardians may be asked to identify the racial or ethnic group of the participating child/student only after the following has been explained:

- Providing the information is to ensure compliance with USDA nondiscrimination requirements only
- Failure to report the information will not affect the participant's eligibility for meals.

Program operators of sites that do not require enrollment should choose data collection methods that are easy for adult participants or parents and guardians to use. For this requirement, parents and guardians of children attending non-enrolled sites are not required to provide the participant's name. Parents and guardians must not be required to fill out a free or reduced-price meal application for a non-enrolled program.

11. In absence of good participant data, may I report aggregate racial/ethnic data on potential participants?

Program operators may only report aggregate data if they have attempted to obtain individual participant data but could not do so. Aggregate data must be specific to the service area of the meal service site.

Examples of sources of aggregate data include:

- Use the Census' American Community Survey at <https://www.census.gov/programs-surveys/acs/> to obtain localized aggregate data on the population to be served.
- Use racial and ethnic data obtained from the National Center for Education Statistics Common Core of Data database at <https://nces.ed.gov/ccd/schoolsearch/> to search the specific school on the population to be served.

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- Use aggregate school enrollment data to obtain localized data on the population to be served for sites that are operated at the same school or at a site in the attendance area served by a school.

12. May sites that do not require enrollment, and are operated by a school sponsor, utilize school enrollment data to obtain racial or ethnic data for individual children?

Yes. Non-enrolled sites operated by a school sponsor may use school enrollment data to obtain the racial or ethnic data for individual children.

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In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
- (2) fax: (833) 256-1665 or (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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ⁱ https://squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/CACFP_SFSP_Racial-Ethnic_Data_Collection_Form_Prototype_220727.pdf

ⁱⁱ <https://squaremeals.org/Programs/ChildandAdultCareFoodProgram/AdministrationForms.aspx>