

# Section 4000

# Managing the Program

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## Managing the Program

By agreeing to participate in the CACFP (Program), the contracting entity (CE) accepts final administrative and financial responsibility for operating the Program in its independent adult day care center or sponsored site(s). These responsibilities are described in federal and state laws, regulations, and policies and in the CE's approved application and Permanent Agreement. The CE must not deviate from its approved budget and application/management plan without TDA's written consent.

Either directly or through its site(s), a CE must:

- Prepare and serve reimbursable meals.
- Operate a nonprofit food service.
- Manage Program activities.
- Document the Program activities as required.

### 4100 Reimbursable Meals and Snacks

CEs and sites must comply with Program requirements, including meal patterns, to receive reimbursement for meals and snacks. A reimbursable meal or snack is one that meets the meal pattern requirements (contains all required components in at least the minimum required portion sizes) and is served to an eligible enrolled participant.

#### 4110 Meal Service

The meal patterns guide the preparation of well-balanced and nutritious meals. The meal patterns are a flexible framework that enables the CE and sites to choose from a wide variety of foods when planning and serving nutritious meals. Variations in the meal patterns can be considered for religious, cultural, and ethnic eating preferences when planning menus.

CEs and sites may not use meals, or components of a meal, as a way to reward or punish an adult participant under any circumstance.

## 4111 Planning of Meal Service

CEs and sites are encouraged to plan meals at least two weeks in advance of a meal service to assist in food-purchasing, cost control and the scheduling of food preparation. Often adult's diets lack sufficient nutrients, such as iron and vitamins A and C, therefore; TDA recommends using foods that are good sources of these nutrients. Planning menus in advance, incorporating seasonal fruits and vegetables, will help CEs and sites plan menus that will increase nutrient intake and promote healthier eating.

CEs and sites must plan for and prepare or order meals on the basis of current participation trends with the objective of providing only one meal per adult participant at each meal service, and minimizing waste.

Using the appropriate Program meal pattern and the Health and Human Services Commission (HHSC) requirements, CEs and sites should vary the form, size, shape, color, texture, flavor, and temperature of foods that are offered. Sponsors should review their sites' menus in advance to reduce the number of disallowed meals.

Links to training and resources to assist CEs in planning and preparing healthy meals can be found at <http://www.squaremeals.org> under F&N Resources, and Publications. TDA also provides trainings through the Education Service Centers (ESCs) on topics such as menu planning, planning nutritious snacks, and kitchen math. Classes can be found at <http://www.squaremeals.org> under F&N Resources, by selecting the Training link.

### Best Practices

The following recommendations are best practices and not required for Program compliance. The use of these best practices is optional and intended to further strengthen the nutritional quality of the meals served.

- Vegetables and Fruits
  - Make at least one of the two required components of a snack a vegetable or a fruit
  - Serve a variety of fruits and choose whole fruits (fresh, canned, frozen, or dried) more often than juice
  - Provide at least one serving each of dark green vegetables, red and orange vegetables, beans and peas (legumes), starchy vegetables, and other vegetables once per week
- Grains
  - Provide at least two servings of whole grain-rich grains per day

- Meat and Meat Alternates
  - Serve only lean meats, nuts, and legumes
  - Limit serving processed meats to no more than one serving per week
  - Serve only natural cheeses and choose low-fat or reduced-fat cheeses
  - Serve only low-fat or fat-free yogurt
- Milk
  - Serve only unflavored milk to all participants. If flavored fat-free (skim) milk is served use the Nutrition Facts Label and select and serve flavored milk that contains no more than 22 grams of sugar per 8 fluid ounces, or the flavored milk with the lowest amount of sugar if flavored milks within this sugar limit are not available
  - Serve water as a beverage when serving yogurt in place of milk
- Additional
  - Incorporate seasonal and locally produced foods into meals
  - Limit serving purchased pre-fried foods to no more than one serving per week
  - Avoid serving non-creditable foods that are sources of added sugars, such as sweet toppings (e.g., honey, jam, syrup), mix-in ingredients sold with yogurt (e.g., honey, candy or cookie pieces), and sugar-sweetened beverages (e.g., fruit drinks or sodas)
  - Offer and make water available to participants upon their request throughout the day

## Cycle Menus

A cycle menu is one that is different every day, planned for a specified period of time (e.g., 1 to 2 weeks or 3 – 4 weeks) and then repeated.

Cycle menus can help CEs and sites save time and labor by:

- Reducing menu planning time
  - The cycle menu is planned weeks in advance thereby cutting menu planning time
- Streamlining purchasing procedures
  - CEs and sites know in advance what items are needed and where possible can obtain those items more efficiently and at a cost savings
- Standardizing food production
  - Staff become more familiar with the recipes and more efficient in producing them
- Reducing storage and food waste
  - CEs and sites know through history how much of each component to keep on hand and how much of each items to make

CEs and sites are not required to use cycle menus. If cycle menus are used, CEs and sites are encouraged to evaluate them periodically to ensure they are providing a variety of food options as well as providing cost and time savings.

## 4112 Meal Pattern Requirements

The meal pattern charts document the *minimum* amounts of each required component as well as any other requirements (i.e., milk types, sugar limits) that must be provided to each participant for a meal to qualify for reimbursement. Participants may be served larger portions, but at a minimum must be served the quantity specified in the meal pattern charts for each component. CEs and sites may serve any additional food that they choose.

For any *meal* to be eligible for reimbursement all food components in the required minimum serving sizes must be offered at the same time.

CEs and sites should become familiar with the following terms as they will be used throughout:

- A food component is one of the food categories that comprise a reimbursable meal. CACFP centers must always offer all the food components that comprise a reimbursable meal in at least the minimum required amounts. The food components in the CACFP are: grains, vegetables, fruits, meat/meat alternates, and milk.
- A food item is a specific food offered within the food components comprising the reimbursable meal. For example, separate ½ cup servings of broccoli and carrots are two food items that comprise the vegetable component.
- A combination food contains more than one food item from different food components that cannot be separated, such as a vegetable pizza. A vegetable pizza contains three food items from three different food components: a serving of grains (crust), a serving of vegetables (vegetable toppings), and a serving of meat alternate (cheese). Other examples of combination foods are soups, prepared sandwiches, and burritos.

All serving sizes and equivalents must be as specified in the Food Buying Guide (FBG) for Child Nutrition Programs as published by USDA. A link to the FBG is located on the TDA website at <http://www.squaremeals.org>, under F&N Resources, Tools & Links. The FBG Calculator and Crediting Handbook for the Child and Adult Care Food Program are also available. The calculator allows users to build shopping lists of foods from the FBG and determine how much of each item to purchase to provide enough servings for participants in their program.

The Crediting Handbook provides crediting information for commonly served foods. Additionally, USDA provides a FBG Mobile App which provides quick access to food yield information for quick purchasing decisions. The mobile app can be downloaded from USDA's website at <https://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs>.



Foods not listed in the FBG may be served in CACFP using the yield information of similar food or in-house yield with TDA approval. Instructions for developing yield information are available in the introduction section of the FBG.

Requests for approval must be submitted to:

Texas Department of Agriculture  
Attn: F&N CACFP Nutrition Specialist  
P.O. Box 12847  
Austin, TX 78701

Fax: (888) 203-6593  
Attn: F&N CACFP Nutrition Specialist

Email: [Nutrition@TexasAgriculture.gov](mailto:Nutrition@TexasAgriculture.gov)  
Attn: F&N CACFP Nutrition Specialist

Meal pattern charts begin on the next page.

4112.1 Meal Pattern Chart

ADULT CARE MEAL PATTERN

<b>BREAKFAST FOOD COMPONENTS</b> <b>Must Serve All Three Components for a Reimbursable Meal</b>		<b>Adult Participants</b>
<b>Milk<sup>1</sup></b>	Milk, fluid	8 fl oz
<b>Vegetables, Fruits, or portions of both<sup>2</sup></b>	Vegetable(s) and/or fruit(s)	1/2 cup
<b>Grains (oz eq)<sup>3,4,5</sup></b>	Whole grain-rich or enriched bread	2 slices <sup>8</sup>
	Whole grain-rich or enriched bread product, such as biscuit, roll, muffin	2 servings
	Whole grain-rich, enriched or fortified cooked breakfast cereal <sup>6</sup> , cereal grain, and/or pasta	1 cup
	Whole grain-rich, enriched or fortified ready-to-eat breakfast cereal (dry, cold) <sup>6,7</sup>	
	<ul style="list-style-type: none"> <li>• Flakes or rounds</li> <li>• Puffed cereal</li> <li>• Granola</li> </ul>	<p>2 cups</p> <p>2 1/2 cup</p> <p>1/2 cup</p>
<b>Offer versus Serve</b>	Participant may decline one of four food items.	

- <sup>1</sup> Must be unflavored low-fat (1%), unflavored fat-free (skim), or flavored fat-free (skim) or low-fat (1%). 6 ounces (weight) or  $\frac{3}{4}$  cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.
- <sup>2</sup> Pasteurized full-strength juice may be used to meet the vegetable or fruit requirement at one meal, including snack, per day.
- <sup>3</sup> At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
- <sup>4</sup> Meat and meat alternates may be used to meet the **entire** grains requirement a maximum of three times a week. One ounce of meat and meat alternates is equal to one ounce equivalent of grains.
- <sup>5</sup> FNS has extended until October 1, 2021 the deadline for implementing ounce equivalents to determine the quantity of creditable grains. The extension allows more time for FNS to develop additional technical assistance materials and for TDA and CEs to provide training and technical assistance to support meal planners. In the interim, CEs are encouraged to transition to using ounce equivalents, rather than household measures such as cups or “servings,” to determine the quantity of creditable gains. Assistance for this transition is available via applicable FNS-sponsored training webinars; tools such as the *Recipe Analysis Workbook* and *Exhibit A Grains Tool* sections of the [Food Buying Guide for Child Nutrition Programs](#); and TDA’s meal pattern training modules and Q&As located on the [CACFP Meal Patterns page on SquareMeals.org](#). **NOTE:** CN Labeled items that currently indicate the number of ounce equivalents of grains in a product contribute to the CACFP as declared on the label as an ounce equivalent serving size (16 grams of grains) is slightly heavier than the current serving size for CACFP (14.75 grams of grains).
- <sup>6</sup> Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).
- <sup>7</sup> Beginning October 1, 2019, the minimum serving size specified in this section for ready-to-eat breakfast cereals must be served. Until October 1, 2019, the minimum serving size for any type of ready-to-eat breakfast cereals is 1  $\frac{1}{2}$  cup.
- <sup>8</sup> Slice is not a measurable unit. A measurable amount of each food item prepared must be entered on the Daily Meal Production Record. Examples of how to document a measurable amount for bread slices can be found on the instructions to the Daily Meal Production Record as well as in the Food Buying Guide.

ADULT CARE MEAL PATTERN (cont.)

<b>LUNCH or SUPPER FOOD COMPONENTS</b> <b>Must Serve All Five Components for a Reimbursable Meal</b>		<b>Adult Participants</b>
<b>Milk<sup>1</sup></b> <i>Milk is optional at supper.</i>	Milk, fluid	8 fl oz
<b>Vegetables<sup>2</sup></b>	Vegetable(s)	1/2 cup
<b>Fruits<sup>2,3</sup></b>	Fruit(s)	1/2 cup
<b>Grains (oz eq)<sup>4,5</sup></b>	Whole grain-rich or enriched bread Whole grain-rich or enriched bread product, such as biscuit, roll, muffin Whole grain-rich, enriched or fortified cooked breakfast cereal <sup>6</sup> , cereal grain, and/or pasta	2 slices <sup>9</sup> 2 servings 1 cup
<b>Meat/ Meat Alternates<sup>7,8,9</sup></b> <b>Edible portion as served</b>	Lean meat, poultry, or fish Tofu, soy products or alternate protein products <sup>7,10</sup> Cheese Large egg Cooked dry beans or peas Peanut butter or soy nut butter, or other nut or seed butters Yogurt - plain or flavored unsweetened or sweetened <sup>8</sup> The following may be used to meet <i>no more than 50 percent</i> of the requirement: Peanuts, soy nuts, tree nuts or seeds <sup>11</sup>	2 ounces 2 ounces 2 ounces 1 1/2 cup 4 Tbsp. 8 ounces or 1 cup 1 ounce = 50% <sup>8</sup>
<b>Offer versus Serve</b>	Participant may decline: two of five food components required at <i>Lunch</i> ; and one of four food components required at <i>Supper</i> .	

- <sup>1</sup> Must be unflavored low-fat (1%), unflavored fat-free (skim), or flavored fat-free (skim) or low-fat (1%). 6 ounces (weight) or  $\frac{3}{4}$  cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.
- <sup>2</sup> Pasteurized full-strength juice may be used to meet the vegetable or fruit requirement at one meal, including snack, per day.
- <sup>3</sup> A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two *different* kinds of vegetables must be served.
- <sup>4</sup> At least one serving per day, across all eating occasions, must be whole grain-rich. Grain based desserts do not count towards the grains requirement.
- <sup>5</sup> FNS has extended until October 1, 2021 the deadline for implementing ounce equivalents to determine the quantity of creditable grains. The extension allows more time for FNS to develop additional technical assistance materials and for TDA and CEs to provide training and technical assistance to support meal planners. In the interim, CEs are encouraged to transition to using ounce equivalents, rather than household measures such as cups or "servings," to determine the quantity of creditable gains. Assistance for this transition is available via applicable FNS-sponsored training webinars; tools such as the *Recipe Analysis Workbook* and *Exhibit A Grains Tool* sections of the [Food Buying Guide for Child Nutrition Programs](#); and TDA's meal pattern training modules and Q&As located on the [CACFP Meal Patterns page on SquareMeals.org](#). NOTE: CN Labeled items that currently indicate the number of ounce equivalents of grains in a product contribute to the CACFP as declared on the label as an ounce equivalent serving size (16 grams of grains) is slightly heavier than the current serving size for CACFP (14.75 grams of grains).
- <sup>6</sup> Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).
- <sup>7</sup> Alternate protein products must meet requirements in Appendix A of 7 CFR Part 226.
- <sup>8</sup> Yogurt must contain no more than 23 grams of total sugars per 6 ounces.
- <sup>9</sup> Slice is not a measurable unit. A measurable amount of each food item prepared must be entered on the Daily Meal Production Record. Examples of how to document a measurable amount for bread slices can be found on the instructions to the Daily Meal Production Record as well as in the Food Buying Guide.
- <sup>10</sup> Tofu and soy yogurt products must meet the specifications in Item 4112.2.
- <sup>11</sup> As listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry or fish)

**ADULT CARE MEAL PATTERN (cont.)**

<b>SNACKS</b> <b>Must Serve Two of the Five Components for a Reimbursable Meal</b>		<b>Adult Participants</b>
<b>Milk<sup>1</sup></b>	Milk, fluid	8 fl oz
<b>Vegetables<sup>2</sup></b>	Vegetable(s)	1/2 cup
<b>Fruits<sup>2</sup></b>	Fruit(s)	1/2 cup
<b>Grains (oz eq)<sup>3,4</sup></b>	Whole grain-rich or enriched bread	1 slice <sup>9</sup>
	Whole grain-rich or enriched bread product, such as biscuit, roll, muffin	1 serving
	Whole grain-rich, enriched or fortified cooked breakfast cereal <sup>5</sup> , cereal grain, and/or pasta	1
	Whole grain-rich, enriched or fortified ready-to-eat breakfast cereal (dry, cold) <sup>5,6</sup>	
	<ul style="list-style-type: none"> <li>• Flakes or rounds</li> </ul>	1 cup
	<ul style="list-style-type: none"> <li>• Puffed cereal</li> </ul>	1 1/4 cups
<b>Meat/ Meat Alternates</b> <b>Edible portion as served</b>	<ul style="list-style-type: none"> <li>• Granola</li> </ul>	1/4 cup
	Lean meat, poultry or fish, or	1 ounce
	Tofu, soy products or alternate protein products <sup>7,10</sup> , or	1 ounce
	Cheese, or	1 ounce
	Large egg, or	1/2
	Cooked dry beans or peas, or	1/4 cup
Peanut butter or soy nut butter, or other nut or seed butters, or	2 Tbsp.	
Yogurt - plain or flavored unsweetened or sweetened <sup>8</sup> , or	4 ounces or 1/2 cup	
Peanuts, soy nuts, tree nuts or seeds	1 ounce	

- <sup>1</sup> Must be unflavored low-fat (1%), unflavored fat-free (skim), or flavored fat-free (skim) or low-fat (1%). 6 ounces (weight) or  $\frac{3}{4}$  cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.
- <sup>2</sup> Pasteurized full-strength juice may be used to meet the vegetable or fruit requirement at one meal, including snack, per day. Juice cannot be the second component of a snack if milk is the other component.
- <sup>3</sup> At least one serving per day, across all eating occasions, must be whole grain-rich. Grain based desserts do not count towards the grains requirement.
- <sup>4</sup> FNS has extended until October 1, 2021 the deadline for implementing ounce equivalents to determine the quantity of creditable grains. The extension allows more time for FNS to develop additional technical assistance materials and for TDA and CEs to provide training and technical assistance to support meal planners. In the interim, CEs are encouraged to transition to using ounce equivalents, rather than household measures such as cups or "servings," to determine the quantity of creditable gains. Assistance for this transition is available via applicable FNS-sponsored training webinars; tools such as the *Recipe Analysis Workbook* and *Exhibit A Grains Tool* sections of the [Food Buying Guide for Child Nutrition Programs](#); and TDA's meal pattern training modules and Q&As located on the [CACFP Meal Patterns page on SquareMeals.org](#). NOTE: CN Labeled items that currently indicate the number of ounce equivalents of grains in a product contribute to the CACFP as declared on the label as an ounce equivalent serving size (16 grams of grains) is slightly heavier than the current serving size for CACFP (14.75 grams of grains).
- <sup>5</sup> Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).
- <sup>6</sup> Beginning October 1, 2019, the minimum serving size specified in this section for ready-to-eat breakfast cereals must be served. Until October 1, 2019, the minimum serving size for any type of ready-to-eat breakfast cereals is  $\frac{3}{4}$  cup.
- <sup>7</sup> Alternate protein products must meet requirements in Appendix A of 7 CFR Part 226.
- <sup>8</sup> Yogurt must contain no more than 23 grams of total sugars per 6 ounces.
- <sup>9</sup> Slices (servings) is not a measurable unit. A measurable amount of each food item prepared must be entered on the Daily Meal Production Record. Examples of how to document a measurable amount for bread slices can be found on the instructions to the Daily Meal Production Record as well as in the Food Buying Guide.
- <sup>10</sup> Tofu and soy yogurt products must meet the specifications in Item 4112.2.

## 4112.2 Fluid Milk

Fluid milk must be served as a beverage, or on cereal, or a combination of both.

Fluid milk must be pasteurized, must meet State and local standards, and must be unflavored low-fat (1%), unflavored fat-free (skim) or flavored fat-free (skim) or low-fat (1%) milk (applies to pre-packaged flavored milk or milk flavored using syrup, flavored milk powder or straws).

Reimbursable types of milk include:

- Fat-free or low-fat milk
- Fat-free or low-fat lactose reduced milk
- Fat-free or low-fat lactose free milk
- Fat-free or low-fat butter milk
- Fat-free or low-fat acidified milk

Whole milk and reduced-fat (2%) milk may not be served to participants.

### Yogurt

6 ounces (weight) or  $\frac{3}{4}$  cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day (regardless of meal service style used) when yogurt is not served as a meat alternate in the same meal.

### Flavored Milk

Flavored milk contains all the major nutrients found in unflavored milk. Flavored milk (commercially prepared and plain milk flavored with syrup, powder, or straws) also contains added sugars; therefore, if flavored milk is served it must be fat-free (skim) or low-fat (1%).

### Smoothies

Milk (fat-free or low-fat) in smoothies can be credited as fluid milk with the following exceptions:

- A yogurt smoothie does not serve as a milk substitute in any meal type.
- Milk in commercially prepared prepackaged smoothies **is not** creditable.



## NOTES:

- Commercially prepared smoothies must have a CN label, or product formulation statement.
- Smoothies containing dietary and herbal supplements, such as whey protein powder and Ginkgo biloba, are not creditable. However, smoothies made with juice that has been fortified with vitamins and minerals, such as calcium and Vitamin D are creditable if all other requirements are met.
- Concentrated fruit puree and concentrated fruit juice are only creditable when reconstituted to full (original) strength.

Refer to Item 4113.3, *Adult Participants with Medical or Special Dietary Needs* for guidance related to fluid milk substitution requirements.

If a CE or site experiences temporary unavailability of milk, or conditions exist that cause a continuing unavailability of milk, it should consult its Community Operations Field office for approval to serve meals without milk (temporary unavailability only) or with equivalent amounts of canned, whole dry or fat-free dry milk (continuing unavailability).

### **4112.3 Vegetables**

Vegetables may be fresh, frozen, or canned vegetables, dry beans and peas (legumes), pasta products made of vegetable flour, or vegetable juice.

All vegetables are credited based on their volume as served, except that 1 cup of *raw* leafy greens (e.g., lettuce, raw spinach, etc.) counts as  $\frac{1}{2}$  cup of vegetables.

*Cooked* leafy greens are credited as the volume served, e.g.  $\frac{1}{2}$  cup cooked collard greens credits as  $\frac{1}{2}$  cup vegetables.

Pasta products made of vegetable flour credit as follows:

#### **Made of 100 Percent Vegetable Flour(s)**

$\frac{1}{2}$  cup of pasta made of 100 percent vegetable flour(s) credits as  $\frac{1}{2}$  cup of vegetables.

#### **Made of Vegetable Flour(s) and Other Non-Vegetable Ingredients**

Pasta products made of vegetable flour and other non-vegetable ingredients may credit as a vegetable with a product formulation statement detailing the actual volume of vegetable flour per serving.

**This crediting does not apply to grain-based pasta products that contain small amounts of vegetable powder for color (e.g., spinach, sun-dried tomato).**

### **Pasta Products Made of 100 Percent Legume Flour(s)**

½ cup of cooked pasta made of 100 percent legume flour(s) may credit as 2 ounce equivalents of meat alternate. To credit as a meat alternate, pasta made of legume flour(s) must be offered with additional meat/meat alternate, such as tofu, cheese, or meat. At the discretion of the CE or site legumes may credit as a vegetable or a meat alternate, but not as both in the same meal.

CEs and sites may credit legume flour pasta using the Bean Flour yield information on page C-1 of Appendix C of the [FBG](#), or by obtaining a product formulation statement.

It is critical that CE and site staff are trained to recognize a reimbursable meal. Staff should be informed when pasta made with vegetable flour is offered and understand how the pasta contributes toward the reimbursable meal.

Food items that are mixtures of vegetables and fruits, such as a carrot-raisin salad, may credit toward both the vegetable component and the fruit component if they contain at least 1/8 cup vegetable and 1/8 cup fruit per serving that are easily identifiable. Similarly, vegetable mixtures may count toward the vegetable component and the fruit component at lunch and supper if they contain at least 1/8 cup of two different kinds of vegetables.

Pureed vegetables may contribute toward the meal pattern requirement as long as the dish also provides an adequate amount (1/8 cup) of recognizable, creditable vegetables. If the dish does not contain at least 1/8 cup of a recognizable component then the blended foods do not contribute to the meal requirements.

Hominy may credit as a vegetable component as follows: ¼ cup of canned, drained hominy credits as ¼ cup vegetable.

Pasteurized full-strength vegetable juice may be used to fulfill the entire vegetable requirement at only one meal, including snack, per day. Meals and snacks include breakfast, am snack, lunch, p.m. snack, supper, and evening snack.

Regardless of the participants at each meal service, juice may only be served at one meal or snack per day. If a CE or site serves a meal in shifts, for example lunch, juice may be served at both shifts as lunch is one meal. However, if the CE or site serves a.m. snack and p.m. snack juice may be served at only one snack time as a.m. snack and p.m. snack are two distinct snacks.

A juice blend that contains both vegetable and fruit juices may only contribute to one component (either vegetable or fruit) in a meal based on which component is the most prominent ingredient. For example, a vegetable/fruit juice blend that contains 60 percent vegetable juice and 40 percent fruit juice could only be credited toward the vegetable component.

**NOTE:** juice may be served as an extra food item outside of the meal pattern, for example if juice is served at breakfast, juice may be served as an extra at snack (e.g. crackers, cheese, and juice (extra)). Discretion should be used when serving extra food items as they can add extra calories and extra cost. The reimbursement rate for meals with extra food items (including juice) is the same as regular meals.

Cooked or dry beans or dry peas may be used as either a vegetable or a meat alternate, but not as both in the same meal except when two servings of a different beans or peas are served. For example, if legumes are used as part of a salad, and as part of a chili or bean soup, they can count as a vegetable component in the salad and meat alternate component in the chili or soup.

### Smoothies

Vegetables in smoothies can be credited as a juice under the following guidelines:

- Vegetables credit in the following forms: fresh, frozen, or canned, 100% vegetable juice and 100% vegetable and fruit juice blends.
- Pureed vegetables and fruits (fresh, frozen, or canned) credit as juice following the same requirements regarding juice.
- Vegetables from the dry beans and peas subgroup may credit as juice when served in a smoothie.

Smoothies credit as a juice and are subject to the limit of one meal, including snack per day. CEs and sites may not serve a pasteurized full strength juice at one meal and a smoothie at another in the same day.

### **NOTES:**

- Commercially prepared smoothies must have a CN label, or product formulation statement.
- Smoothies containing dietary and herbal supplements, such as whey protein powder and Ginkgo biloba, are not creditable. However, smoothies made with juice that has been fortified with vitamins and minerals, such as calcium and Vitamin D are creditable if all other requirements are met.

- Concentrated vegetable puree and concentrated vegetable juice are only creditable when reconstituted to full (original) strength.

#### 4112.4 Fruits

Fruit may be fresh, frozen, canned, dried fruits, or fruit juice. All fruits are based on their volume as served except that 1/4 cup dried fruit counts as 1/2 cup fruit. **Exception:** dried coconut, coconut flour and coconut oil are not creditable in any meal type.

Fresh or frozen coconut can be used as a fruit based on volume served. At least 1/8 cup of fresh or frozen coconut must be served to credit toward the fruit component.

Food items that are mixtures of vegetables and fruits, such as a carrot-raisin salad, may credit toward both the vegetable component and the fruit component if they contain at least 1/8 cup vegetable and 1/8 cup fruit per serving that are easily identifiable. Similarly, vegetable mixtures may count toward the vegetable component and the fruit component at lunch and supper if they contain at least 1/8 cup of two different kinds of vegetables.

Pureed fruits may contribute toward the meal pattern requirement as long as the dish also provides an adequate amount (1/8 cup) of recognizable, creditable fruit. If the dish does not contain at least 1/8 cup of a recognizable component then the blended foods do not contribute to the meal requirements.

Pasteurized full-strength fruit juice may be used to fulfill the entire fruit requirement at only one meal, including snack, per day. Regardless of the participants at each meal service, juice may only be served at one meal or snack per day. If a CE or site serves a meal in shifts, for example lunch, juice may be served at both shifts as lunch is one meal. However, if the CE or site serves a.m. snack and p.m. snack juice may be served at only one snack time as a.m. snack and p.m. snack are two distinct snacks.

A juice blend that contains both vegetable and fruit juices may only contribute to one component (either vegetable or fruit) in a meal based on which component is the most prominent ingredient. For example, a vegetable/fruit juice blend that contains 60 percent vegetable juice and 40 percent fruit juice could only be credited toward the vegetable component.

**NOTE:** juice may be served as an extra food item outside of the meal pattern, for example if juice is served at breakfast, juice may be served as an extra at snack (e.g. crackers, cheese, and juice (extra)). Discretion should be used when serving extra food items as they can add extra calories and extra cost. The reimbursement rate for meals with extra food items (including juice) is the same as regular meals.

## Smoothies

Fruit in smoothies can be credited as a juice under the following guidelines:

- Vegetables credit in the following forms: fresh, frozen, or canned, 100% fruit or vegetable juice and 100% vegetable and fruit juice blends.
- Pureed vegetables and fruits (fresh, frozen, or canned) credit as juice following the same requirements regarding juice.
- Vegetables from the dry beans and peas subgroup may credit as juice when served in a smoothie.

Smoothies credit as a juice and are subject to the limit of one meal, including snack per day. CEs and sites may not serve a pasteurized full strength juice at one meal and a smoothie at another in the same day.

### **NOTES:**

- Commercially prepared smoothies must have a CN label, or product formulation statement.
- Smoothies containing dietary and herbal supplements, such as whey protein powder and Ginkgo biloba, are not creditable. However, smoothies made with juice that has been fortified with vitamins and minerals, such as calcium and Vitamin D are creditable if all other requirements are met.
- Concentrated fruit puree and concentrated fruit juice are only creditable when reconstituted to full (original) strength.

A vegetable may be used to meet the entire fruit requirement at lunch and supper. The substituted vegetable must be at least the same serving size as the fruit component it replaced. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served. Two different kinds of vegetables does not mean different textures or consistencies, they must be different, for example broccoli and carrots.

### **4112.5 Grains**

Grain is a required component at breakfast, lunch, and supper meals, and is an optional component at snack. All grain products served in the CACFP must be made with enriched or whole grain meal or flour, or bran or germ in order to be creditable.

At least one serving per day must be whole grain-rich. CEs and sites that only serve one meal per day (breakfast, snack, lunch, or supper) must always serve a whole grain-rich grain with the breakfast, lunch, or supper, and must serve a whole grain-rich grain with the snack if a grain is one of the chosen components.

**NOTE:** If a site is unable to serve the documented meal with the whole grain-rich grain due to extenuating circumstances, such as being forced to close before serving that meal due to severe weather, meals would not be disallowed on the basis that the whole grain-rich requirement was not met so long as the CE and/or site has documentation on file of the circumstances.

CEs and sites will document which meal each day contains the whole grain-rich grains on the meal production records. See item 4114.1, *Meal Production Record*. **NOTE:** CEs and sites with different groups of adults at each meal are encouraged to vary the meal in which a whole grain-rich item is served. This will help ensure that all participants are served a variety of whole grains and benefit from the important nutrients they provide.

### **Enriched Grains and Fortified Breakfast Cereals**

Enriched grains are refined grains that have been processed to remove the nutrient-rich bran and germ, and then have thiamin, riboflavin, niacin, folic acid, and iron added after processing. Similarly, a food that is fortified has certain vitamins and minerals added to increase the nutritional quality. Foods made from refined grains that meet at least one of the following are considered creditable:

1. The food is labeled as “enriched.” For example, long grain rice that is enriched will have the product name “enriched long grain rice.”
2. An enriched grain is listed as the first ingredient on the food’s ingredient list or second after water. The ingredient list will usually say “enriched flour” or “enriched wheat flour,” or there is a sub-listing of nutrients used to enrich the flour, for example, “yellow corn flour {iron, folic acid, riboflavin, niacin, and thiamine}.”
3. For breakfast cereals, the product is labeled as “fortified” or the ingredient list names the vitamins and minerals that have been added to the product. If a breakfast cereal is fortified, it does not need to be enriched. For example, the ingredient list of a fortified breakfast cereal may read, “Ingredients: Wheat flour, sugar, contains 2% or less of salt, baking soda, caramel color, BHT for freshness. Vitamins and Minerals: Vitamin C (sodium ascorbate, ascorbic acid), niacin, vitamin B6 (pyridoxine hydrochloride), reduced iron, zinc oxide, folic acid, vitamin B2 (riboflavin), vitamin B1 (thiamin hydrochloride), vitamin A palmitate, vitamin D, vitamin B12.”

**NOTE:** The ingredient list of a non-fortified cereal would not name any added vitamins and minerals. For example, the ingredient list of a non-fortified breakfast cereal may read, “Ingredients: rice flour, corn flour, evaporated cane juice, pomegranate juice concentrate, sea salt.” This particular cereal would not be considered a creditable grain because it is not made from whole or enriched grains and is not fortified.

## **Whole Grain-Rich**

A whole grain is a grain that has not had its nutrient-rich germ and bran removed, and therefore does not need enrichment. Foods that meet the whole grain-rich criteria are foods that contain at least 50 percent whole grains and the remaining grains in the food are enriched, or are 100 percent whole grain.

Any one of the following six options may be used to determine if a grain product meets the whole grain-rich criteria. Use of these methods is intended to be flexible so that individual CEs and sites who may use different methods to purchase food (such as wholesale or retail), can easily identify creditable whole grain-rich foods. CEs and sites must only ensure that a food meets at least one of the following to be considered whole grain-rich:

1. The product is found on any State agency’s Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)-approved whole grain food list.

Any grain product found on a State agency’s WIC-approved whole grain food list meets CACFP whole grain-rich criteria. CEs and sites can obtain a copy of the Texas Health and Human Services (HHSC) WIC Approved Foods List by contacting HHSC at (512) 776-7111 or (888) 963-7111, or online at:

[https://www.dshs.texas.gov/wichd/approved\\_foods/new\\_foods.shtm](https://www.dshs.texas.gov/wichd/approved_foods/new_foods.shtm)

CEs and sites may also obtain other State agency’s WIC-approved whole grain food list by contacting the WIC State agency. For a list of WIC State agency contacts, go to [www.fns.usda.gov/wic/wic-contacts](http://www.fns.usda.gov/wic/wic-contacts).

2. The product is labeled as “whole wheat” and has a Standard of Identity issued by the U.S. Food and Drug Administration (FDA).

An FDA Standard of Identity is a set of rules for what a certain product (like whole wheat bread) must contain or may contain to legally be labeled with that product name.

FDA provides Standards of Identity for certain whole wheat bread products (21 CFR §136.180) and certain whole wheat pasta products (21 CFR §139.138).

Only breads with these exact product names conform to an FDA Standard of Identity and can be considered whole grain-rich using this method:

<b>Whole Wheat</b>	<b>Entire Wheat</b>	<b>Graham</b>
Bread	Bread	Bread
Rolls	Rolls	Rolls
Buns	Buns	Buns

Only pastas with these exact product names conform to an FDA Standard of Identity and can be considered whole grain-rich using this method:

<b>Whole Wheat</b>			
Macaroni product	Macaroni	Spaghetti	Vermicelli

Other grain products labeled as “whole wheat” that do not have an FDA Standard of Identity, such as crackers, tortillas, bagels, and biscuits, must be evaluated for whole grain-rich creditability for CACFP using one of the other methods.

**IMPORTANT:** Manufacturers may label their products with terms that are similar to, but slightly different from, FDA Standard of Identity terms defined above. Some frequently encountered terms include “whole grain,” “made with whole grains,” “made with whole wheat,” or “contains whole grains.” These terms do not indicate an FDA Standard of Identity for whole wheat products. Foods labeled with these terms must be evaluated for whole grain-rich creditability for CACFP using one of the other methods.

3. The product includes one of the following FDA approved whole-grain health claims on its packaging, exactly as written:

“Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol may reduce the risk of heart disease and some cancers.”

OR



“Diets rich in whole grain foods and other plant foods, and low in saturated fat and cholesterol, may help reduce the risk of heart disease.”

FNS is allowing the FDA whole grain health claims to be sufficient documentation to demonstrate compliance with the whole grain-rich criteria in the CACFP.

4. The food meets the whole grain-rich criteria under the NSLP.

Use of the NSLP whole grain-rich criteria may ease menu planning and purchasing for school CEs that operate CACFP at-risk afterschool programs or CACFP child care programs, as they can use the same whole grain-rich criteria for both programs. The NSLP whole grain-rich criteria apply for all grain products with the exception of grain-based desserts, which are not creditable under CACFP.

5. The food meets FNS’ Rule of Three, a three-step process for identifying whole grain-rich products in the CACFP.

FNS developed the Rule of Three in recognition that CEs and sites may not have access to manufacturers’ product formulation statements.

To meet the Rule of Three as a whole grain-rich product, the first ingredient (or second after water) must be whole grain, and the next two grain ingredients (if any) must be whole grains, enriched grains, bran, or germ. Any grain derivatives (by-products of grains) may be disregarded. Any non-creditable grain ingredients (e.g., flours that are not enriched or whole) that are labeled as 2 percent or less of product weight are considered insignificant and may also be disregarded (see below for a list of these ingredients).

When applying the Rule of Three to the grain portion of mixed dishes, such as pizza crusts and tortillas for burritos, the first grain ingredient must be whole grain and the next two grain ingredients (if any) must be whole grains, enriched grains, bran, or germ.

When applying the Rule of Three for ready-to-eat breakfast cereals, if the first grain ingredient is a whole grain and the cereal is fortified, the product meets the whole grain-rich criteria. In this situation, the second and third grain ingredients, if any, do not need to be considered.

CEs and sites may wish to refer to the below list of ingredients while reviewing grain product labels when using the Rule of Three. **NOTE:** This list is not meant to be exhaustive, and there may be other items that qualify that are not listed below.

<b>Whole Grains</b> (must be the first grain ingredient; may be the second or third grain ingredient)				
Wheat berries	Wheat groats	Oat groats	Whole grain corn	Brown rice
Wild rice	Buckwheat groats	Rye groats	Whole einkorn berries	Spelt berries
Millet	Triticale	Quinoa	Teff	Cracked wheat
Buckwheat	Amaranth	Sorghum	Bulgur	Whole wheat flour
Whole durum flour	Graham flour	Whole grain corn flour	Whole rye flour	Whole grain oat flour
Whole grain einkorn flour	Whole grain spelt flour	Buckwheat flour	Millet flour	Teff flour
Triticale flour	Amaranth flour	Sorghum flour	Whole grain wheat flakes	Old fashioned oats
Steel cut oats	Quick cooking oats	Instant oatmeal	Sprouted whole wheat	Sprouted brown rice
Sprouted whole rye	Sprouted buckwheat	Sprouted einkorn	Sprouted spelt	Whole corn
Corn flour	Corn masa	Cornmeal	Hominy*	Popcorn

\*1/2 cup cooked or 1 ounce (28 grams) dry hominy grits credits as 1 oz equivalent grains

<b>Brans and Germs</b> (may be the second or third grain ingredient)					
Wheat bran	Oat bran	Corn bran	Rice bran	Rye bran	Wheat germ

<b>Enriched Grains</b> (may be the second or third grain ingredient)			
Enriched wheat flour	Enriched white flour	Enriched durum flour	Enriched rye flour
Enriched rice or Enriched rice flour	Enriched corn flour	Enriched bromated flour	Enriched durum wheat flour

<b>Disregarded ingredients</b> (may be ignored, as these ingredients are not included in the Rule of Three)	
Any ingredients that are less than 2 percent of product weight (any ingredients listed on the ingredient list after the words “contains 2% or less”).	Any grain derivatives which are generally presented in only small amounts, such as: <ul style="list-style-type: none"> <li>- wheat gluten</li> <li>- wheat dextrin</li> <li>- corn dextrin</li> <li>- tapioca starch</li> <li>- wheat starch</li> <li>- corn starch</li> <li>- rice starch</li> <li>- modified food starch</li> </ul>

<b>Non-creditable Grains or Flours</b> (The following ingredients are not whole or enriched and cannot be one of the first 3 grain ingredients)			
Bromated flour	Durum flour	Malted barley flour	Semolina
Wheat flour	Oat fiber	Barley malt	Farina
White flour	Corn fiber	Corn	Degerminated corn meal
Potato flour	Rice flour	Any bean flour	Any nut flour

Examples of *Rule of Three*:

**Example 1:** An English muffin’s ingredient list reads: “whole wheat flour, water, enriched wheat flour, wheat starch, yeast, sugar, and salt.” This product is creditable as a whole grain-rich product in the CACFP using the Rule of Three because the first ingredient (whole wheat flour) is a whole grain, and the second grain ingredient (enriched wheat flour) is an enriched grain. The wheat starch is a grain derivative and therefore does not count as a grain ingredient in CACFP. Therefore, this product meets the Rule of Three based on the only two grain ingredients.

**Example 2:** A corn chip’s ingredient list reads: “whole corn, vegetable oil, salt, cheddar cheese, maltodextrin, wheat flour, Romano cheese, whey protein concentrate.” This product is not creditable as a whole grain-rich product for CACFP using the Rule of Three, because although the first ingredient is a whole grain (whole corn), the next grain ingredient is unenriched wheat flour. However, this item is creditable as a grain that is not being served as a whole grain-rich item because the first grain is a whole grain.

**Example 3:** A cheese pizza’s ingredient list reads: “mozzarella cheese, parmesan cheese, white whole wheat flour, brown rice flour, enriched flour, non-fat milk, water, tomato paste, yeast.” This product meets the whole grain-rich criteria using the Rule of Three because the first and second grain ingredients are whole grains and the third grain ingredient is enriched.

6. Proper documentation from a manufacturer or a standardized recipe demonstrates that whole grains are the primary grain ingredient by weight.

Documentation from a manufacturer or a standardized recipe is particularly helpful when determining whole grain-rich creditability for grain products that do not have a whole grain as the first ingredient and for mixed products. When a grain product (such as bread) has a first ingredient that is not whole grain, the primary ingredient by weight may still be whole grain if there are multiple whole-grain ingredients and the combined weight of those whole grains is more than the weight of the other grain ingredients. When the grain portion of a mixed product (like a beef enchilada) is not entirely whole grain, it may be whole grain-rich depending upon the proportion of whole grains to other grain ingredients.

Examples of Proper Documentation:

**Example 1:** Documentation from a manufacturer of a purchased bagel states the product contains enriched wheat flour (40 percent of grain weight), whole-wheat flour (30 percent of grain weight), and whole oats (30 percent of grain weight). The combined weight of the two whole-grain ingredients (whole wheat and whole oats at 60 percent) is greater than the enriched wheat flour (at 40 percent), even though the enriched wheat flour is listed first on the ingredient list.

**Example 2:** A standardized recipe for homemade bread calls for 2 cups of whole-wheat flour and 2 cups of enriched flour. This recipe meets the whole grain-rich requirement, because it contains 50 percent whole grains and the remaining grains in the food are enriched.

**Example 3:** The retail package for a frozen breaded chicken patty is labeled “contains whole grains” and lists grain ingredients as “enriched wheat flour, whole wheat flour, and whole grain corn flour.” The CE or site understands that “contains whole grains” does not indicate an FDA Standard of Identity and the product does not meet the Rule of Three for determining whole grain-rich creditability because the first grain ingredient is not a whole grain. The CE or site contacts the manufacturer and receives documentation that the grain portion of the product contains 50 percent enriched wheat flour, 25 percent whole wheat flour, and 25 percent whole grain corn flour. This product is therefore creditable as whole grain-rich using manufacturer documentation showing that the grain portion contains 50 percent whole grain and the remaining grains are enriched.

**IMPORTANT:** While the Whole Grain Stamps provide useful information on the amount of whole grains a product contains, they are not sufficient documentation to determine if a food is whole grain-rich. This is because products that display a Whole Grain Stamp may also contain high amounts of non-creditable grains, such as non-enriched, refined flour.

### Grain-based Desserts

Grain-based desserts have been identified as sources of added sugars and saturated fats and therefore cannot count towards the grain requirement in any meal or snack.

The following foods, included in Exhibit A: *Grain Requirements for Child Nutrition Programs* in the Food Buying Guide (FBG) are considered grain-based desserts:

Cookies	Sweet pie crusts	Doughnuts
Breakfast bars	Sweet rolls	Toaster pastries
Sweet scones	Sweet Bread puddings	Sweet Rice puddings
Granola bars	Brownies (including black bean brownies*)	Homemade granola bars
Cereal bars	Cake	Coffee Cake

\*The black beans in a black bean brownie also do not credit toward the meat/meat alternate or vegetable component.

**NOTE:** Foods not listed in the FBG may be considered grain-based desserts and would not count toward a reimbursable meal.

It is important to note that cookies do not have a standard of identity, so a food manufacturer may come up with fanciful names that could mislead the menu planner into serving a product that may not be allowed. When determining whether a food is a grain-based dessert, the menu planner should consider whether the food is commonly thought of as a dessert or treat.

Quick breads, such as banana breads and zucchini bread are still allowable as a grain. Crusts on meat/meat alternate (savory) pies, such as a chicken pot pie, may credit towards the grain component if it contains at least  $\frac{1}{4}$  serving grain per portion. **NOTE:** Quick breads credit the same as muffins. Reference group D in Exhibit A of the FBG.

Savory scones, such as one made with cheese and herbs, credit like a biscuit and are not considered a grain-based dessert.

The fruit in a grain-based dessert, such as pies, cobblers, or crisps, can credit toward the fruit component. CEs and sites are encouraged to use sweetened fruit *in moderation* to help reduce the consumption of added sugars.

It is understood that CEs and sites may want to occasionally serve grain-based desserts, such as for celebrations or other special occasions, and continue to have the flexibility to serve grain-based desserts as an additional food item that does not contribute to the meal components required for reimbursement. However, non-creditable food items are not allowable costs and must be purchased using non-Program funds.

## **Breakfast Cereals**

Breakfast cereals, as purchased, (including ready-to-eat cereals, instant and hot cereals (such as oatmeal)) must contain no more than 6 grams of sugar per dry ounce (21.2 grams of sugar per 100 grams of dry cereal), and be whole grain-rich, enriched, or fortified to be creditable.

There are several ways to determine if a breakfast cereal is within the sugar limit. A breakfast cereal must meet only one (not all) of the following methods to determine if a breakfast cereal meets the sugar limit:

1. Use any State agency's WIC approved breakfast cereal list. Similar to CACFP, all WIC-approved breakfast cereals must contain no more than 6 grams of sugar per dry ounce (21.2 grams of sugar per 100 grams).

2. Use USDA's Team Nutrition training worksheet *Choose Breakfast Cereals That Are Lower in Added Sugars* (<https://www.fns.usda.gov/tn/cacfp-meal-pattern-training-worksheets>), which includes a chart with common breakfast cereal serving sizes and the maximum amount of sugar the breakfast cereal may contain per serving, which should eliminate the need to perform sugar limit calculations for many CEs and sites.
3. Use one of the following methods to calculate the sugar content per dry ounce.

### Standard Method

- First, find the serving size in grams at the top of the Nutrition Facts label, and find the sugars listed towards the middle.
- Next, divide the total sugars by the serving size in grams.
- If the answer is equal to or less than 0.212, then the cereal is within the required sugar limit and may be creditable in CACFP.

#### Example

Cereal A's Nutrition Facts label shows that the serving size is 55 grams and the amount of sugar per serving is 13 grams. Thirteen grams (sugar) divided by 55 grams (serving size) equals 0.236. Cereal A exceeds the sugar limit because 0.236 is greater than 0.212.

### Rounding Method

This is the calculation method used in the Team Nutrition training worksheet *Choose Breakfast Cereals That Are Lower in Added Sugars* (<https://www.fns.usda.gov/tn/cacfp-meal-pattern-training-worksheets>) noted above. The worksheet uses the standard rules for rounding, which are to round up to the next whole number if the number after the decimal point is 0.5 or greater and to round down if the number is less than 0.5.

- First, find the serving size in grams at the top of the Nutrition Facts label.
- Multiply the serving size in grams by 0.212.
- If the answer in step 2 ends in 0.5 or more, round the number up to the next whole number. If the answer in step 2 ends in 0.49 or less, round the number down to the next whole number. For example, if the answer in step 2 is 4.24, it is rounded down to 4.

- Next, find the Sugars listed towards the middle of the Nutrition Facts label.
- Compare the number from Step 4 with the number in Step 3. If the number from Step 4 is equal to, or less than, the number in Step 3, the cereal meets the sugar limit and may be creditable in the CACFP.

#### Example

Cereal B's Nutrition Facts label shows that the serving size is 30 grams. 30 grams times 0.212 equals 6.36. This number ends in 0.36, which is less than 0.5, so 6.36 is rounded down to 6 grams. Six grams is the sugar limit for a serving size of 30 grams. The amount of sugar per serving in Cereal B is 5 grams. Five grams is less than the sugar limit of 6 grams calculated for this serving size, so this cereal is under the sugar limit and is creditable in the CACFP.

Both of these methods of calculations are valid ways of demonstrating a breakfast cereal meets the sugar limit, but there may be times when a breakfast cereal is within the sugar limit when using one of these methods, but not the other. As long as a breakfast cereal meets the sugar limit using at least one of the methods described above, it is considered within the sugar limit.

CEs and sites cannot mix a high sugar cereal with a low sugar cereal to meet the sugar limit. Adding toppings to a breakfast cereal is allowed, but CEs and sites are encouraged to offer healthy toppings such as fruit instead of sugar.

CEs and sites that make homemade cereal, such as granola, must calculate the sugar content of the granola based on the recipe used. The Standardized recipe must be on file for review.

### Popcorn

Popcorn is a whole grain food and a good source of fiber. Popcorn may now credit as a whole grain in meals and snacks as follows:

- $\frac{3}{4}$  cup (or 0.25 ounces (7 grams)) popped popcorn credits as  $\frac{1}{4}$  ounce equivalent of whole grains;
- 1  $\frac{1}{2}$  cups (or 0.5 ounces (14 grams)) popped popcorn credits as  $\frac{1}{2}$  ounce equivalent of whole grains; and
- 3 cups (or 1.0 ounce (28 grams)) popped popcorn credits as 1 ounce equivalent of whole grains



Popcorn also may be used as an ingredient in creditable foods prepared commercially or by the CE or site. Popcorn must be present in the minimum creditable quantities to credit (that is  $\frac{3}{4}$  cup or  $\frac{1}{4}$  ounce equivalent). To credit commercially-prepared foods, CEs or sites must obtain a product formulation statement. CEs and sites using popcorn as an ingredient in other food prepared in-house by the CE or site will follow the standards already in place for determining meal contributions for in-house recipes, including creating standardized recipes in the FBG. Additionally, to determine how to credit popcorn that is ground into flour, and made into crackers for example, CEs and sites will follow Exhibit A, found in the appendix of the *Food Buying Guide*.

CEs and sites are encouraged to limit the use of toppings such as salt, caramel, cheese, and butter that add sodium, sugar, or saturated fat. Although these toppings are not prohibited, healthier alternatives are encouraged, including seasoning the popcorn with herb blends or serving fresh, plain popcorn. CEs and sites are to use their discretion in determining if a certain popcorn product or recipe is perceived to be a grain-based dessert and to follow the guidance in place for grain-based desserts accordingly.

In addition, to prevent the risk of choking, CEs and sites must consider the ability of disabled or older adults to swallow safely when deciding whether to offer popcorn.

#### **4112.6 Meat/Meat Alternates**

Meat/meat alternates must be served in a main dish, or in a main dish and one other menu item.

The creditable quantity of meat/meat alternates must be the edible portion as served of:

- Lean meat, poultry, or fish;
- Alternate protein products;
- Cheese, or an egg;
- Cooked dry beans or peas;
- Pasta made of 100 % legume flour(s);
- 
- Peanut butter; or
- Any combination of these foods.

Nuts and seeds and their butters are allowed as meat alternates. Nuts and seeds may only be used to meet one-half of the meat/meat alternates component for lunch and supper and must be combined with other meat/meat alternates to meet the full requirement for a reimbursable lunch or supper. **EXCEPTION:** Acorns, chestnuts, and coconuts cannot be used as meat alternates because of their low protein and iron content.

Nut and seed meals or flours may be used only if they meet the requirements for alternate protein products as specified in Item 4112.6.2, *Alternate Protein Products*.

Cooked and dry beans and peas (legumes) may be used to meet all or part of the meat/meat alternate component. Beans and peas include:

Black beans	Garbanozo beans	Lentils	Kidney beans
Mature lima beans	Navy beans	Pinto beans	Split peas

Cooked or dry beans or dry peas may be used as either a vegetable or a meat alternate, but not as both in the same meal except when two servings of a different beans or peas are served. For example, if legumes are used as part of a salad, and as part of a chili or bean soup, they can count as a vegetable component in the salad and meat alternate component in the chili or soup.

Four ounces (weight) or 1/2 cup (volume) of yogurt equals one ounce of the meat/meat alternates component and may be plain or flavored unsweetened or sweetened and must contain no more than 23 grams of total sugars per 6 ounces. Yogurt may not be used as a meat alternate if it is also being used as a milk substitute in the same meal. CEs and sites may not mix a non-creditable yogurt (one with a sugar content that exceeds the allowable sugar limit) with a creditable yogurt (one with a sugar content that meets the allowable sugar limit) to create a yogurt that meets the sugar limit.

Other meat alternates, such as cheese and eggs, may be used to meet all or part of the meat/meat alternates component.

Shelf-stable, dried and semi-dried meat, poultry, and seafood snacks (such as beef jerky or summer sausage) may be used toward the meat component in a reimbursable meal or snack. To credit the product CEs and sites will follow the crediting principles used for all other products made from meat, poultry, or seafood. Product Formulation Statements or CN Labels are the two acceptable formats for documenting meal contributions from dried meat, poultry, and seafood products.

When a product formulation statement is provided for a dried meat product, it should be evaluated to ensure the following crediting principles are followed:

- The creditable meat ingredient listed on the product formulation statement must match or have a similar description as the ingredient listed on the product label (e.g., Ground Beef, Not More Than 30% Fat or Beef Round Roast);
- The creditable meat ingredient listed on the product formulation statement must have a similar description to a food item in the *Food Buying Guide for CNPs*; and
- The creditable amount cannot exceed the finished weight of the product.

Surimi seafood, which is available in many forms and shapes including chunks, shredded, and flaked may also credit as a meat/meat alternate as follows:

<b>Surimi Seafood (ounces)</b>	<b>Meat/Meat Alternate (ounce equivalents)</b>
4.4	1.5
3.0	1.0
1.0	0.25

Surimi seafood may contain as little as one-third seafood ingredient, and can include other creditable food ingredients. The crediting ratio for surimi seafood differs based on portion size due to rounding rules that require crediting down to the nearest 0.25 ounces.

To credit surimi seafood differently than what is listed in the chart above, CEs and sites must obtain a CN label or product formulation statement from the manufacturer. These products may credit based on the creditable ingredient quantities identified in the CN Label or product formulation statement.

Tempeh, a highly nutritious soybean cake, may be served as a meat alternate. This will allow CEs and sites to diversify menus to meet the dietary needs of children with vegetarian preferences or dietary restrictions for cultural or religious reasons. One (1) ounce of tempeh credits as one (1) ounce equivalent of meat alternate. This method of crediting applies to tempeh with ingredients limited to soybeans (or other legumes), water, tempeh culture, and for some varieties, vinegar, seasonings, and herbs.

Varieties of tempeh that include other creditable foods as ingredients, such as brown rice, sunflower seeds, sesame seeds, flax seed, and/or vegetables, may also credit as meat alternates, grains, and/or vegetables. Since foods must be present in the minimum creditable quantities ( $\frac{1}{8}$  cup or  $\frac{1}{4}$  ounce equivalents) to credit in the Program, documentation must show how much tempeh and other creditable foods these products contain. To credit these varieties of tempeh, CEs and sites must obtain a CN Label or a product formulation statement from the manufacturer. These varieties may credit based on the ingredient quantities identified in the CN Label or product formulation statement.

### **Pasta Products Made of 100 Percent Legume Flour(s)**

$\frac{1}{2}$  cup of cooked pasta made of 100 percent legume flour(s) may credit as 2 ounce equivalents of meat alternate. To credit as a meat alternate, pasta made of legume flour(s) must be offered with additional meat/meat alternate, such as tofu, cheese, or meat. At the discretion of the CE or site legumes may credit as a vegetable or a meat alternate, but not as both in the same meal.

CEs and sites may credit legume flour pasta using the Bean Flour yield information on page C-1 of Appendix C of the FBG, or by obtaining a product formulation statement.

Seitan and soy cheeses are not creditable as meat alternates.

### Smoothies

Yogurt in a smoothie can be credited as a meat/meat alternate. Yogurt is the only creditable meat/meat alternate allowed in a smoothie.

### **NOTES:**

- Commercially prepared smoothies must have a CN label, or product formulation statement.
- Smoothies containing dietary and herbal supplements, such as whey protein powder and Ginkgo biloba, are not creditable. However, smoothies made with juice that has been fortified with vitamins and minerals, such as calcium and Vitamin D are creditable if all other requirements are met.
- Concentrated fruit puree and concentrated fruit juice are only creditable when reconstituted to full (original) strength.

The following items cannot be used to satisfy the meat/meat alternates component:

- Frozen yogurt.
- Yogurt bars.
- Yogurt covered fruits or nuts.
- Yogurt flavored products.
- Homemade yogurt.

**NOTE:** Commercially added flavorings such as fruit, fruit juice, juice, nuts, seeds, or granola cannot be counted as the second component of a snack.

#### **4112.6.1 Tofu and Soy Yogurt Products**

Tofu means a commercially prepared soy-bean derived food, made by a process in which soybeans are soaked, ground, mixed with water, heated, filtered, coagulated, and formed into cakes. Basic ingredients in tofu are whole soybeans, one or more food-grade coagulants, and water.

2.2 ounces (1/4 cup) of commercially prepared tofu, containing at least 5 grams of protein is creditable as 1 ounce equivalent of meat alternate. When purchasing tofu use the following yield information: 1 pound of tofu with 37 grams of protein will have 7.28 quarter-cup servings per pound and provide 7.25 ounces of equivalent meat alternate.

Noncommercial tofu products and soft or silken tofu incorporated into drinks such smoothies or other dishes to add texture or improve nutrition such as in baked desserts does **NOT** credit toward the meat alternate component.

Firm or extra firm tofu in stir-fries, omelets, and miso soup may credit towards the meat alternate component. Firm or soft tofu cut into cubes and incorporated into a dish, such as a salad, is creditable as the tofu is easily recognizable as a meat alternate.

Meat substitute products such as links and sausages made from tofu are also easily recognizable as meat substitutes and can be included in a meal.

Tofu that mimics another food group (such as tofu noodles which mimic a grain noodle) are not creditable because the tofu is not easily recognizable as a meat alternate.

½ cup (4.0 fluid ounces) of soy yogurt is creditable as 1.0 ounce equivalent of meat alternate. Soy yogurt allows CEs and sites to provide a non-dairy alternative. Soy yogurt must not contain more than 23 grams of sugar per 6 ounces to be creditable.

Noncommercial soy yogurt products do **NOT** credit toward the meat alternate component.

#### **4112.6.2 Alternate Protein Products**

Alternate Protein Products (APP) – formerly referred to as "Vegetable Protein Products" – can be credited as a meat/meat alternate on an "ounce-for-ounce" basis.

APP, whether used alone or in combination with meat or meat alternate, must meet the following criteria:

- The APP must be processed so that some portion of the non-protein constituents of the food is removed. APPs must be safe and suitable edible products produced from plant or animal sources.
- The biological quality of the protein in the APP must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS).

- The APP must contain at least 18 percent protein by weight when fully hydrated or formulated. (When hydrated or formulated refers to a dry APP and the amount of water, fat, oil, colors, flavors or any other substances which have been added).

A CE or site may use commercially prepared meat/meat alternate products combined with APP, or a product that contains only APP. Examples of combination items include beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad. The APP may be used in a non-hydrated, partially hydrated, or fully hydrated form. The moisture content of a fully hydrated APP, if prepared from a dry concentrated form, must be such that the mixture has a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

The CE and site must maintain documentation from the manufacturer that an APP meets protein quality standards mandated by the Child Nutrition Programs, as indicated above.

Documentation must provide information on the percent of protein contained in the dry alternate protein product and on an as prepared basis and, for an alternate protein mix, must include information on (a) the amount by weight of dry alternate protein product in the package; (b) hydration instructions; and (c) instructions on how to combine the mix with meat or other meat alternates.

CEs and sites must accurately describe the menu items that are served. This will assist the CE's or site's staff and participants when selecting menu items that are consistent with dietary needs.

It is important to remember that the terms meat and protein are not synonymous and that meal pattern requirements specify meat/meat alternate component in terms of lean cooked meat, not protein. Refer to Section 11000, *Resources*, for the Meat Versus Protein Fact Sheet.

## **4113 Meal Variations**

### **4113.1 Religion**

TDA may approve variations in meal patterns to meet religious needs. If a CE or site wants to serve meals that vary from USDA Meal Patterns, the CE must submit an alternate meal pattern with justification to TDA. Sponsored sites must first submit their alternate meal plan to their sponsor; the sponsor must submit their site's plan to their Community Operations office for final approval. All plans must be approved by TDA prior to the CE or site claiming reimbursement.

Jewish CEs and sites may be exempted from the enrichment portion of the bread requirement if they choose to substitute un-enriched matzo for the required grains/breads component during the observance of Passover. At all other times of the year, matzo served as the grain component must be whole grain rich, whole grain, or enriched in accordance with CACFP meal pattern requirements.

Jewish CEs and sites may also be exempted from the meal pattern requirement that milk be served with all lunches and suppers. This exemption applies only to meals containing meat or poultry since Jewish Dietary Law allows milk to be served with meat alternates such as fish, cheese, eggs, nut and seed butter, and nuts and seeds.

Jewish CEs and sites that request an exemption must choose from the following three options:

- **Option I** – The CE or site may serve an equal amount of full-strength juice in place of milk with lunch or supper. Juice substituted for milk cannot contribute to the vegetable/fruit requirement.

If the CE or site operates five days a week, it may substitute juice for milk twice per week for lunches and twice per week for suppers, but is only allowed one substitution per day.

If the CE or site operates seven days a week, it may substitute juice for milk three times per week for lunches and three times per week for suppers, but is only allowed one substitution per day.

Milk substitutions are limited since milk is a primary source of calcium and riboflavin. When using Option I, CEs and sites should serve other sources of calcium (for example, broccoli and greens) and of riboflavin (for example, dark green and yellow fruits and vegetables and whole-grain or enriched breads and cereals).

- **Option II** – The CE or site may serve milk at an appropriate time before or after the meal service period, in accordance with applicable Jewish Dietary Law.
- **Option III** – The CE or site may serve a snack juice component at lunch or supper. Serve the lunch or supper milk component as part of a snack.

**NOTE:** An exemption is not necessary for breakfasts.

## 4113.2 Adult Participants with Disabilities

CEs and sites are **required** to provide meal component substitutions to disabled adult participants when supported by a written statement signed by a licensed physician or a State recognized medical authority. A State recognized medical authority is a State licensed health care professional who is authorized to write medical prescriptions under State law.

As part of its informational packet or orientation documentation, the CE or site should provide adult participants instructions on requesting substitutions.

The medical statement should include a description of the adult participant's physical or mental impairment that is sufficient to allow the CE or site to understand how it restricts the adult participant's diet. It should also include an explanation of what must be done to accommodate the disability. In the case of food allergies, this means identifying the food or foods that need to be omitted and recommending alternatives. In other cases, more information may be required. For example, if an adult participant requires the substitution of a non-dairy milk substitute that is not equivalent to cow's milk to accommodate a disability, this information must be included in the statement.

CEs and sites may request more information if the medical statement does not contain all necessary information to allow the CE or sites to understand what modification(s) to make, however; CEs and sites may not request additional information with the intent of trying to figure out if the adult participant really has a disability. CEs and sites must put into place what is known while waiting on additional information or clarification.

When CEs or sites believe the medical statement is unclear, or lacks sufficient detail, they must obtain appropriate clarification so that a proper and safe meal can be provided. CEs and sites may consider using the services of a Registered Dietitian, when available, to assist in implementing meal modifications, as appropriate.

CEs and sites are not required to provide the exact substitution or other modification requested. However, they must work with the adult participant or a person acting on behalf of an adult participant, to offer a reasonable modification that effectively accommodates the adult participant's disability and provides equal opportunity to participate in or benefit from the Program.

When determining what an appropriate modification is, the age, maturity, mental capacity, and physical ability of the adult participant should be considered. CEs and sites may also consider expense and efficiency when choosing the most appropriate approach to accommodate an adult participant's disability. "No" cannot be the first response to an adult participant requesting a specific brand or item.



For example, an adult participant with an allergy to a specific ingredient found in a menu item may request that the CE or site provide a particular brand name version as a substitute. Generally, the CE or site is not required to provide the brand name item identified, but it must offer a substitute which does not contain the specific allergen that affects the adult participant.

CEs and sites are not required to make modifications that would result in a fundamental alteration in the nature of the Program. In these situations, some meal modifications may be so expensive that providing the modification would fundamentally alter the nature of the Program. Modifications that are so expensive that they would make continued operation of the Program unfeasible constitute a fundamental alteration in the nature of the Program and are, therefore, not required. CEs and sites should be aware that the expense of a modification is measured against the total resources available to that particular CE or site.

CEs and sites faced with a very expensive request should first consider engaging in further dialogue with the adult participant. As discussed above, CEs and sites are not required to provide the exact substitution or other modifications requested. However, they must work with the adult participant, or a person acting on behalf of an adult participant to offer a reasonable modification that effectively accommodates the adult participant's disability and provides equal opportunity to participate in or benefit from the Program.

CEs concerned that a requested modification would fundamentally alter the nature of the Program should contact their ESC or Community Operations Field office for assistance.

CEs and sites must:

- Keep on file a copy of the licensed physician's or State recognized medical authority's medical statement in both the CE's and the site's files, if the CE and site are in different locations;
- Provide the meal substitutions at no additional cost to the adult participant; and
- Document meal substitutions.

CEs and sites must provide all meal services in the most integrated setting appropriate to the needs of the disabled adult participant. Exclusion of any adult participant from the Program environment is not considered an appropriate or reasonable modification.

An adult participant, or a person on behalf of an adult participant, may provide one or more of the components of the reimbursable meal as long as the CE or site provides at least one required component. CEs and sites may not require an adult participant, or person on behalf of an adult participant, to provide one or more component for a child/infant with a disability.

The reimbursement rate for meals served to adult participants with disabilities is the same standard rate as all other Program meals, however; the added cost of providing meal substitutions is an allowable Program cost in the food budget.

### **4113.3 Adult Participants with Medical or Special Dietary Needs**

CEs and sites may, at their discretion, make substitutions for adult participants who are not disabled but who are unable to consume a food item because of medical or other special dietary needs, such as adult participants with food intolerance(s) (e.g., lactose intolerant or food allergy).

Substitutions must be made on a case-by-case basis, must be provided at no additional cost to the adult participant, and must be supported by a written statement signed by a recognized medical authority. The written statement must include the following:

- Identification of the medical or special dietary need that restricts the adult participant's diet;
- Food or foods to be omitted from the adult participant's diet; and
- Food or choice of foods to be used as substitutions.

In these cases, "recognized medical authority" may include physicians, physician assistants, or nurse practitioners. **EXCEPTION:** written requests for non-dairy fluid milk substitutions do not have to be signed by a recognized medical authority. See Non-dairy Fluid Milk Substitutions below.

The decision as to whether or not a CE or site will provide the substitutions is at the discretion of the CE or site. CEs and sites are not required to satisfy the unique dietary needs of each adult participant. TDA strongly encourages CEs and sites to work closely with their adult participants to ensure that reasonable accommodations are made to allow adult participants with medical or special dietary needs to participate in the meal service. This is particularly important when accommodating adult participants whose medical or special dietary need requires significant modifications or personal assistance.

An adult participant or a person on behalf of an adult participant may provide one component of the reimbursable meal as long as the component meets the meal pattern requirements and the CE or site provides the remaining components.

### **Non-dairy Fluid Milk Substitutions**

Participants who cannot consume fluid milk due to medical or other special dietary needs, other than a disability, may be served non-dairy beverages in lieu of fluid milk.

Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk as outlined below:

Per Cup					
Nutrient	Weight	Percentage	Nutrient	Weight	Percentage
Calcium	276 mg.*	30	Magnesium	24 mg.*	6
Protein	8 g.*	----	Phosphorus	222 mg.*	20
Vitamin A	500 IU.*	10	Potassium	349 mg.*	10
Vitamin D	100 IU.*	25	Riboflavin	0.44 mg.*	25
Vitamin B-12	1.1 mcg.*	20			

\*mg = milligrams; g = grams; IU = international units; mcg = micrograms

If an adult participant is lactose intolerant, CEs and sites are encouraged to determine the availability of lactose-reduced or lactose-free milk with their milk supplier. CEs and sites are also encouraged to provide lactose-reduced or lactose-free milk, as a fluid milk choice, as a creditable part of a reimbursable meal.

Participants may request in writing non-dairy fluid milk substitutions without providing a statement signed by a recognized medical authority (this does not include a request to substitute whole or reduced-fat (2%) milk). CEs and sites must ensure the substitution meets the requirements as stated above.

The written request from the participant must identify the medical or special dietary need that restricts the diet of the participant. For example, a participant who follows a vegan diet may request soy milk be served instead of cow's milk.

Adult participants with chewing and swallowing difficulties may require textural modifications that include softer foods, e.g., cooked carrots rather than raw carrots, or foods that are chopped, ground, or blended. Textural modifications can usually be made to the regular program meal; therefore, a physician's written statement indicating the appropriate food texture is recommended, but not required.

The reimbursement rate for meals served to adult participants with medical or special dietary needs is the same standard rate as all other program meals, however; the added cost of providing meal substitutions is an allowable program cost in the food budget. CEs and sites cannot require an adult participant to pay the difference between fluid milk and the non-dairy substitute if the non-dairy milk substitute costs more than the fluid milk.

## **4114 Meal Service Documentation**

CEs and sites must ensure the food items used to prepare meals meet CACFP requirements as creditable food items. Food labels and other documentation identify the ingredients as well as the contribution towards a reimbursable meal a product contains. CEs must maintain this documentation on file and have it ready for review.

The types of labels and documentation needed in order to identify the food's contribution to the meal pattern requirements are:

- Ingredients listing/nutrition facts label
- A child nutrition (CN) label
- A product formulation statement from the food manufacturer

For menu items in which a CN label or product formulation statement cannot be obtained, it is recommended that additional food items are served that meet the meal pattern requirement to reduce the risk that the meal will be disallowed.

### **4114.1 Meal Production Record**

CEs and sites must document the menu and meal production prior to the meal service on the *Daily Meal Production Record – Adult Day Care (H1654)*, or alternate form. Food items used must be documented as purchased using the Food Buying Guide. Additionally, meals that contain fluid milk must specify the type of milk including fat content, for example unflavored fat-free, and meals that contain grains must specify when the grain is whole grain-rich, for example wholegrain-rich (WGR) rolls, whole wheat pasta.

Substitutions due to disabilities, and/or medical or special dietary needs must also be noted on the meal production record.

Changes to the record must be noted and initialed.

### **4114.2 Leftover/Recycle**

CEs and sites that have food remaining after a meal service may use those food items for future meals under the following conditions:

- State and local health department requirements must be met.
- Food must be held at the proper temperature.
- Food can be recycled one time.

- Food that has been served using any meal service style cannot be recycled unless it is individually wrapped or self-contained (for example, apples, oranges, milk packaged as individual servings, etc.).

Documentation of leftover/recycled food must be maintained to demonstrate compliance with the meal pattern and operation of a nonprofit food service.

CEs and sites may use TDA's *Record of Leftover/Recycled Food (H1568)* or *Daily Meal Production Record – Adult Day Care (H1654)* to document leftover/recycled food or may create their own document to record this information. This documentation must be available during a review or upon request.

#### **4114.3 Donations**

CEs and sites that receive donations of food for use in the CACFP nonprofit food service must maintain documentation of such donations to include, at minimum:

1. Date of the donation
2. Description of the item(s) donated (i.e., fat-free milk)
3. Amount of the donation (i.e., gallons, half-gallons, pints)
4. Quantity of the donation (i.e., 10, 20)

Donation documentation could be an individual receipt or donation log or any other method that captures, at minimum the above information.

#### **4114.4 Ingredients Listing/Nutrition Facts Label**

Ingredients listing and nutrition facts label are found on all food items, whether processed or not, with the exception of fresh fruits and vegetables. This information is used to confirm that the food product meets requirements for use in the CACFP. For example, bread must be whole wheat or enriched. This information is found in the ingredients list on the package of bread.

#### **4114.5 CN Labels**

Main dish products that contribute at least ½ ounce to the meat/meat alternates component of the meal pattern (for example cheese or meat pizzas, meat or cheese burritos, breaded fish, chicken nuggets) and juice and juice products containing at least 50% full-strength juice by volume (for example frozen juice bars and sherbet) are the only products eligible for Federal CN Labeling. 100% juice products are **NOT** eligible for a CN label.

Products containing the CN label will have the following information printed on the principal display panel of the label:

- Product name;
- Ingredients listed in descending order by weight;
- Inspection legend for the appropriate inspection;
- Establishment number (for meat, poultry, and seafood items only);
- Manufacturer's or distributor's name and address;
- CN label statement. The CN label statement must be an integral part of the product label and include the following information:
  - The CN logo, the distinctive border around the CN statement;
  - A six-digit product identification number which will appear in the upper right hand corner of the CN label statement;
  - A statement of the product's contribution toward meal pattern requirements for the Child Nutrition Programs;
  - A statement specifying that the use of the CN logo and label statement is authorized by USDA FNS;
  - The month and year the label was approved by USDA FNS.

If a CE or site purchases and serves a product without a CN label and the product does not meet CACFP requirements, the meal/snack will not be reimbursable, unless the CE or site has a product formulation statement for the item. See Item 11500, *USDA Child Nutrition (CN) Labels*, for more information.

CEs and sites must keep:

- The original CN label from the product carton.
- A photocopy of the CN label shown attached to the original product carton; or
- A photograph of the CN label shown attached to the product carton.

Photocopied or photographed CN labels must be visible and legible to be acceptable documentation.

Generally, watermarked CN labels printed from a website are not acceptable documentation.

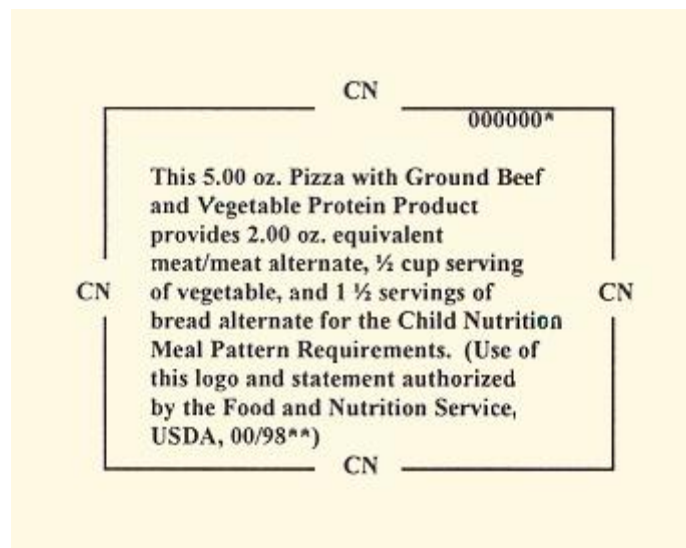
However; if the original, photocopied, or photographed CN Label is not available a CE may provide:

- The bill of lading (invoice) containing the product name; **and**
- A hard copy of the CN Label copied with a watermark displaying the product name and CN number provided by the vendor; or
- An electronic copy of the CN Label with a watermark displaying the product name and CN number provided by the vendor.

CN labels are generally approved for a period of five years; however some approvals are for a shorter period of time such as one year. The list of authorized CN labels includes the CN label expiration date. CEs and sites should frequently check this list to ensure the CN labeled products being used are still authorized and creditable.

To locate a list of authorized CN labels issued to manufacturers go to the USDA FNS CN Labeling Program website at <http://www.fns.usda.gov/cnd/cnlabeling/authorized.htm>. Manufacturers may not, under any circumstances, place the CN logo and contribution statement on fact sheets or other product information.

Example of a CN Label:



\* CN identification number

\*\* Month and Year of original approval

## **4114.6 Product Formulation Statements**

When purchasing a processed product that does not contain a CN label, the CE or site may request a product formulation statement from the manufacturer.

A product formulation statement from a food manufacturer must contain:

- A detailed explanation of what the product actually contains.
- The amount of each ingredient in the product by weight or measure, as appropriate.
- A certifying statement as to the contribution of the product to the meal pattern.
- The signature of a high-ranking official employed by the manufacturer.

CEs and sites are responsible for:

- Reviewing the manufacturer's product formulation statement before serving the product to determine the credibility of information provided by the manufacturer.
- Ensuring the proper documentation is maintained on each commercially prepared product used to meet USDA meal pattern requirements.
- Ensuring that the food product meets specifications and has the correct code number.

Sample product formulation statements that have been developed to assist CEs and sites when documenting the creditable amount of food in products to meet meal pattern requirements can be found on the USDA FNS CN Labeling website at:

<http://www.fns.usda.gov/cnd/cnlabeling/foodmanufacturers.htm>.

**NOTE:** Product formulation statements are sometimes referred to by other names, such as product analysis, specifications, or recipe analysis.

## **4115 Food Preparation**

CEs and sites may prepare food on-site, at a central kitchen or may purchase meals from a vendor. Regardless of the method of food preparation, the meal pattern requirements, record keeping requirements, as well as all other requirements must be met.

### **4115.1 On-Site Food Preparation**

Independent centers and sponsored sites generally prepare their own meals. Those who do are responsible for their own purchasing, menu planning, cooking, serving, and cleanup.



USDA prohibits the use of deep-fat fried foods that are prepared on-site, in a central kitchen, or satellite kitchen as part of a reimbursable meal. Deep-fat frying means cooking by submerging food in hot oil or other fat. This prohibition does not apply to vended meals that contain deep-fried foods as long as the deep-fried food was prepared by the vendor off-site.

Foods that are pre-fried, flash-fired, or par-fried by a commercial manufacturer may be served, but must be reheated by a method other than deep-fat frying.

#### **4115.2 Vended Meals**

CEs and sites may choose to purchase meals from a food service management company/vendor or school.

CEs and sites may purchase meals in bulk or as units. Whether the CE or site prepares their own meals or they purchase meals for delivery, they are responsible for ensuring that the meals meet CACFP meal pattern requirements.

CEs and sites purchasing meals must do so according to the procurement policies in this handbook.

#### **Food Service Management Companies**

Food service management companies (FSMC) are generally for-profit vendors, e.g., caterers. If a CE or site wants to contract with an FSMC, they must follow the procurement guidelines provided in Section 7000, *Financial Management*.

#### **Program Meals Obtained from a School Food Authority that Participates in the NSLP/SBP**

CEs and sites that obtain meals through a contract with a school food authority (SFA) must adhere to the following procedures:

- **Meal Production Records** - The CE or site may use the meal production records provided by the school as documentation for the CACFP meal service.

CEs and sites are required to keep the delivery receipt from the school for each day's meal service as documentation of the meal offered. The delivery receipt must indicate the following:

- Identify the menu items;
- Amount/quantity of each menu item delivered;
- Number of servings of each item; and

- Serving instructions, such as what constitutes a serving and which serving utensil to use. (The serving size is based upon the meal pattern requirements as provided to the school by the CE or site in the contract.)
- **Food Service Management Company/Vendor Site Review** – CEs and sites do not have to complete an on-site review of the food preparation facility, however; the CE or site must complete the *Food Service Management Company/Vendor Monitor Review* (H1529), Sections 3 and 5, for an observed meal service.
- **Meal Analysis** – The meals provided by the school are subject to a meal analysis conducted by the TDA department that monitors the NSLP/SBP.

**REMINDER:** This only applies to CEs and sites that purchase program meals from a SFA that participates in the NSLP/SBP.

#### **4115.2.1 Monitoring FSMC/Vendor Contracts**

If a CE or site contracts with a Food Service Management Company (FSMC) or vendor to provide food service, the CE or site must conduct an annual on-site monitoring review of each food preparation site used by the FSMC/vendor to provide meals for their contract. The review must be conducted during each CACFP Program Year (October 1 through September 30 of any given year). CEs and sites must use the *Food Service Management Company / Vendor Monitor Review* (H1529), to conduct the monitoring review.

Sponsors may conduct this review in conjunction with the required reviews of their sites, but are not required to do so.

#### **4116 Service of Traditional Foods**

**NOTE:** This does not apply to for-profit contracting entities

CEs and sites that are public entities or nonprofit organizations, including those operated by Indian tribes and tribal organizations, which primarily serve Indians, are allowed to accept the donation of traditional foods and serve traditional foods as part of a reimbursable meal.

Traditional foods are defined as food that has traditionally been prepared and consumed by an Indian tribe which includes the following types of food:

- Wild game meat
- Fish
- Seafood
- Marine mammals
- Plants
- Berries

To make use of these products, the CE and site must make sure the following requirements are met:

- Ensure that the food received is whole, gutted, gilled, as quarters, or as a roast, without further processing.
- Make a reasonable determination that the
  - animal was not diseased;
  - food was appropriately butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and
  - food will not cause a significant health hazard or potential for human illness.
- Carry out any further preparation or processing of the food at a different time or in a different space from the preparation or processing of other food for the Program to prevent cross-contamination.
- Clean and sanitize food-contact surfaces of equipment and utensils after processing the traditional food.
- Label donated traditional food with the name of the food item.
- Store the traditional food separately from other food for the Program, including through storage in a separate freezer or refrigerator or in a separate compartment or shelf in the freezer or refrigerator.
- Follow Federal, State, local, county, Tribal, or other non-Federal law regarding the safe preparation and service of food in public or nonprofit facilities.
- Follow other such criteria as established by the Secretary of Agriculture and Commissioner of the U.S. Food and Drug Administration.

Donation of traditional foods must be documented as required in Item 7450, *Donations*.

#### **4117 Excess Meals**

CEs and sites must plan and prepare meals with the intent of serving one meal per participant per approved meal type per day. However, due to unanticipated fluctuations in participation a CE or site could produce more meals than participants in attendance to consume them.

CEs and sites are encouraged to seek alternatives to avoid food waste before discarding the excess food.

Some potential alternatives include, but are not limited to:

- Refrigerating the food for next day use (recycling); and/or
- Donating the excess foods to homeless shelters, food banks, or food pantries.

CEs and sites must ensure they follow all local health and sanitation codes before sharing or donating food.

CEs and sites that have excess food and set up a sharing table or donate the excess food must adhere to the following requirements:

- Documentation of:
  - Date of excess food;
  - Reason for the excess food; and
  - What was done with the excess food (i.e., donated).
- For donated food, a written agreement with the agency receiving the donated food that includes at minimum:
  - Terms of the agreement;
  - Duties of the agency; duties of the CE or site; nondiscrimination;
  - Representatives of the agency receiving donated food not an officer, employee, or agent of the CE or site;
  - Liability;
  - Hold harmless and indemnification; and
  - Certification of liability insurance.

A sample agreement is located in Section 11000, *Resources*.

**The instances of excess food should be extremely limited and CEs and sites must ensure that they adhere to CACFP requirements in planning and preparation of meals.**

#### **4118 Use of USDA Foods**

CEs and sites may participate in both CACFP and The Emergency Food Assistance Program (TEFAP). TEFAP is an emergency food assistance program that supplies USDA Foods to eligible recipients through organizations such as soup kitchens, pantries, or other organizations.

Federal regulations require that if USDA Foods are distributed or used in prepared meals, recipients must not be required to make any payments in money, materials, or services for or in connection with the receipt of USDA Foods.

CACFP cash-in-lieu funds must be kept separate from other funds (including TEFAP administrative funds), since the CACFP cash-in-lieu funds must be used only to purchase or obtain foods for use in CACFP. CEs and sites may use CACFP cash-in-lieu funds at food banks for obtaining non-USDA Foods. Refer to Section 3000, *Program Agreement*, for more information regarding USDA Foods.

#### **4120 Meal Time Restrictions**

CEs and sites must ensure that the following meal time restrictions are observed:

- Two hours must elapse between the beginning of any meal (breakfast, lunch and supper) or snack;
- The duration of a meal service (breakfast, lunch and supper) must not exceed two hours
- The duration of a snack service must not exceed one hour;
- Service of supper must begin no earlier than 4:00 p.m.

Additionally, a meal service cannot begin any later than 30 minutes before the ending time (close of business) indicated as the normal hours of operations on the *Site Application - Centers*.

#### **4130 Meal Service Styles**

CEs and sites may serve meals:

- As a unit (cafeteria style/pre-plated/unitized); or
- Family style.

In either type of meal service, the CE or site must ensure that the minimum quantities of each meal component are available to each participant. In cafeteria style meal service, each participant must be served at least the minimum amount of each component.

Meals served in the CACFP are intended to be consumed in settings where organized groups of adults are gathered to eat; therefore meals must be consumed on-site in order for the meal to be reimbursable. CEs and sites must not allow participants to take meals off-site for later consumption.

Failure to comply with the congregate feeding requirement will result in the disallowance of meals and may lead to placement in the serious deficiency process.

## 4131 Cafeteria/Pre-plated/Unitized

Cafeteria style meal service occurs when participants are served food components as they proceed down a serving line.

Pre-plated and unitized style meal service occurs when the CE or site pre-plates all required components of the meal in the minimum serving sizes and serves them as one unit to the participant.

### 4131.1 Offer Versus Serve

Offer versus serve (OVS) is an approach to menu planning and meal service that allows participants to decline some of the food offered in a reimbursable breakfast, lunch or supper. OVS is not allowed at snack.

Using OVS can help adult day care centers reduce food waste and costs while maintaining the nutritional value of the meal that is served; however, the use of OVS is optional.

#### OVS at Breakfast

The CACFP breakfast meal pattern requires three food components to be offered: milk, fruits and vegetables, and grains. As a reminder, fruit and vegetables are one combined component in the breakfast meal patterns.

When using OVS at breakfast, at least the following four food items, in the required minimum serving sizes, must be offered:

1. A serving of milk;
2. A food item from the fruit and vegetable component;
3. A food item from the grains component; and
4. A food item from the meat/meat alternate component or one additional item from the fruit and vegetable component or grains component.

All the food items offered must be different from each other. For example, while a flake cereal, such as bran flakes with raisins, and a puff cereal, such as a puffed rice cereal, are two types of cereals that are not identical, they are the same food item.

An adult must take at least three different food items from any of the food items offered. The food items selected may be from any of the required components and must be in the required minimum serving sizes.

Here is an example of a reimbursable OVS breakfast menu:

- ½ cup berries;
- ½ cup grapefruit;
- 1 serving pancakes; and
- 1 cup (8 oz) of fluid milk

### OVS at Lunch or Supper

The CACFP lunch and supper meal patterns requires all five food components to be offered: milk, meat/meat alternates, vegetables, fruits, and grains. Milk is optional for supper meals.

When using OVS at lunch or supper, at least one food item from each of the five food components, in the required minimum serving sizes, required at lunch and supper must be offered:

1. A serving of milk\*;
2. A food item from the meat/meat alternate component;
3. A food item from the vegetable component;
4. A food item from the fruit component; and
5. A food item from the grains component

\*As noted above, milk is optional for supper for meals served and does not need to be offered when serving an OVS supper in those settings. In all other situations, milk must be offered.

Similar to OVS at breakfast, all of the food items offered at lunch and supper must be different from each other. For example, while apple slices and apple sauce are two types of apples that are not identical, they are the same food item. Unlike OVS at breakfast, at lunch or supper meals using OVS, an adult must take at least three food components, rather than three items, to ensure the adult takes an adequately nutritious meal.

An adult must select at least the minimum required serving size of the components for them to be counted. It is the adult's choice to select or decline a food component. Adult day care centers may not specify what food components an adult must select.

Here is an example of a reimbursable OVS lunch menu:

- 2 ounces Parmesan Chicken;
- ½ cup spinach salad;
- ¼ cup broccoli;

- 1 cup pasta; and
- 1 cup (8 oz) of fluid milk.

When using OVS, CEs and sites have the option to go beyond the minimum requirements. Within each component, different food items may be offered, giving adults many combinations for building a reimbursable meal. Offering different food items when using OVS increases the likelihood that adults will select foods they prefer and reduces waste.

For example, an OVS lunch menu may offer milk, roasted chicken, black beans (credited as a meat alternate), rice, broccoli, and apple slices. This menu includes two food items from the meat/meat alternate component (roasted chicken and black beans) for adults to choose from. Please note, one serving of dry beans and peas may count toward the meat/meat alternate component or the vegetable component, but not both in the same meal. In this menu, the black beans are designated as a meat alternate.

The CE or site must decide how dry beans or peas are credited **prior** to meal service and it cannot be switched during meal service. Therefore, an adult could not select milk, roasted chicken and black beans and have it count as three components in this example.

As explained above, offering two servings of the same food item is not permissible under OVS. All food items offered must be different from each other. For example, an OVS breakfast with a serving of milk, banana, and two servings of toast (e.g. toasted enriched cinnamon-raisin bread and toasted whole-wheat bread) would not be reimbursable because the toast is two servings of the same food item.

**NOTE:** All grain items offered must be whole grain-rich for the meal designated to meet the whole grain-rich requirement or if the CE or site only serves one snack or meal per day.

However, a CE or site could provide adults choices within a food item as long as at least four different food items are offered at breakfast and at least five different food items are offered at lunch or supper meals. For example, an OVS breakfast could include:

- Milk;
- Banana;
- Two types of toast (e.g. toasted enriched cinnamon-raisin bread and toasted whole-wheat bread); and
- Cereal.

Further, a larger food item that is worth two servings in weight, such as a two ounce bagel, counts as only one food item under OVS, not two.



If the CE or site offers combination foods or two or more food items from one food component, such as bread and rice, instructions or signs must be available to let staff and adults know what choices make up a reimbursable meal. The instructions and signs should let an adult participant know that they cannot select two of the same food items or components. For example, an adult participant could not select two pieces of toast and milk and have it count towards a reimbursable breakfast because only two different food items were selected. Additionally, an adult participant could not select two servings of chicken and one serving of rice and have it count toward a reimbursable lunch because only two components were selected.

While the adult may decline some food items or components in OVS, they must take the full minimum serving size of the food components they choose in order for the meal to be reimbursable.

If a CE or site runs out of a food component, all meals served after that point are not reimbursable because the CE or site was unable to offer the rest of the adults a complete reimbursable meal. However, the CE or site can replace the food item with another food item in the same food component and the meals would still be reimbursable. CEs and sites are encouraged to offer a variety of options to ensure adults receive a healthy well balanced meal which contains all components. This reduces the chance of running out of a required component, resulting in meals that cannot be claimed.

**The offer vs. serve option cannot be used in the family style meal service.**

#### **4132 Family**

Family style meal service occurs when participants are allowed to serve themselves from common serving dishes of food placed on the table.

In family style meal service:

- A sufficient amount of prepared food must be placed on each table to provide the full, required portions of each of the food components for all participants at the table;
- Adults must be allowed to serve the food components themselves, with the exception of fluids (such as milk and juice). During the course of the meal, it is the responsibility of the CE to actively encourage each adult to serve themselves the full required portion of each food component of the meal pattern. CEs who choose to serve the fluids (including milk and juice) directly to the adults must serve the required minimum quantity to each adult; and
- Second meals cannot be claimed for reimbursement.

In line with the nutritional goals of the CACFP, family style meal service encourages a pleasant eating environment, promotes mealtime as a learning experience by allowing adults to serve themselves from common platters of food (with assistance as needed) and provides educational activities that are centered around food. Even when a complete family style meal service is not possible or practical, it may be useful to offer one component or multiple components in a family style manner.

When an adult does not take a food component or the full minimum serving size of a food component during family style meals, the CE must encourage the adult to serve themselves the full minimum serving size. However, if the adult does not serve themselves a food component or take the full minimum serving size of a food component the meal may still be reimbursed.

If an adult takes more than the minimum required and the serving dish is emptied before each adult is served then the CE or site must re-fill the serving dish so each adult is offered a complete reimbursable meal.

A meal can be considered reimbursable and marked as received (point-of-service) when

- It is observed that all required components in quantities sufficient to feed each adult participating in the meal service the required portion sizes are on the table; and
- The adult is observed participating in the meal service.

#### **4140 Prohibition of Separation by Sex**

Regardless of which meal service style is chosen, CEs and sites may not separate participants on any protected basis, including sex, during a meal service, whether or not that participant is participating in the meal service.

USDA recognizes there are some situations in which separation by sex may be permissible.

A CE may request an exemption to the prohibition against separation by sex in the following circumstances:

- Religious institutions – meal service is provided at a religious institution that operates under the dictates of the religion with which they are affiliated.
- Juvenile correctional facilities – meal service is at a correctional facility where combining members of the opposite sex would present a potential safety risk.
- Facilities that separate males and females as normal part of their operations – meal service is at a facility such as a camp that separates males and females.
- Other – those situations that do not meet the criteria above. These types of requests will be reviewed on a case-by-case as must be approved by TDA and the FNS.

CEs requesting this exemption will use the *Male/Female Separation Exemption Request* form located in the Application Module, Download Forms page in TX-UNPS.

Refer to Section 6000, *Civil Rights* for further information on discrimination and protected classes.

#### **4150 Counting Meals and Snacks**

CE's and site's meal count system must:

- Provide accurate counts of reimbursable meals and snacks served to eligible participants; and
- Ensure the count is taken at the point of service (where it is observed that the participant receives a reimbursable meal).

#### **Limit on Quantity of Reimbursable Meals**

CEs and sites may serve any or all of the following:

<b>Meals</b>	<b>Snacks</b>
Breakfast	A.M.
Lunch	P.M.
Supper	Evening

To be counted and claimed, meals and snacks must meet meal pattern requirements and must be:

- Served to participants who are properly enrolled for and participating in day care;
- Eaten in the center (congregate feeding);
- Served to participants who meet CACFP age requirements or are functionally impaired (documentation required);
- Supplied by the CE or site;
- Served at a time that TDA has approved;
- Served by a CE or site that TDA has approved for participation in the CACFP;
- Prepared by a source (self-prep or vended) that TDA has approved;
- Counted at the point of service (where the participant receives a reimbursable meal).

CEs and sites cannot claim reimbursement for meals or snacks that:

- Are served to participants in excess of the center's licensed capacity;
- Are provided by the participant;
- Are funded by Title III C of the Older Americans Act, including commodities from Title III C or cash-in-lieu of commodities from Title III C;
- Conflict with a participants' special diet requirements as specified in a physician's statement;
- Are served to institutionalized individuals who do not reside in the community.

#### **4151 Meal Service Record**

CEs and sites must record meal counts and attendance on a daily basis. Meal counts must be recorded at the point of service where CE and site staff observes that an eligible participant receives a creditable meal. A meal is creditable when a participant receives all required components in the correct quantities.

CEs and sites must record meal counts on the *Daily Meal Count and Attendance Record* (H1535) or alternate form. The *Daily Meal Count and Attendance Record* (H1535), or alternate form, must be completed in ink or other non-erasable form, and all changes to the form must be initialed and dated by the person making the change.

CEs and sites using alternate documentation must ensure all information, including the certification statement, contained on the TDA developed forms is contained on the CE or sites alternate documentation and available for review, to avoid disallowances.

CEs and sites must ensure that all items on the form are completed, including the:

- Date of food service;
- Day of the week;
- Name and age (optional) of the participant;
- Meal counts, by meal type, for each participant;
- Total participant meals, program staff meals and non-program meals served.

The *Daily Meal Count and Attendance Record* (H1535) contains a certification statement that must be signed and dated by the CE or site representative.

CEs and sites that possess the means to complete the *Daily Meal Count and Attendance Record* (H1535), or an alternate, electronically **at the point of service** may do so provided that they:

- Have the means to securely capture the required CE or site representative date and signature; and
- Have the ability to print the form on demand to ensure compliance with the records availability requirements as outlined in Item 5300, *Administrative Reviews*, of this CACFP-ADC Handbook. CEs and sites must have a plan in place to address technical difficulties such as system failures.

**NOTE:** Electronic completion at point of service does not mean taking the meal count manually and then entering the attendance and meal counts in a spreadsheet or software package and disposing of the original source documentation. CEs and sites must maintain the original documentation for the required retention period.

#### **4152 Second Meals During One Meal Service**

CEs and sites must plan and prepare meals with the intent of serving no more than one of each approved meal type per participant per day.

Second meals may be claimed only if the second meals were served due to an unanticipated fluctuation in participation resulting from conditions beyond the CE's or site's control; and

- The meals were served cafeteria/pre-plated/unitized style. CEs and sites may not claim second meals under any condition when the meals are served family style.
- The second meals complied with USDA meal patterns.
- The second meals were served to eligible program participants.
- The CE or site submits documentation justifying the second meals.
- TDA approves the justification for serving second meals due to reasons beyond the CE's or site's control.

CE's and site's meal production records, or other documentation, must show that the quantity of each prepared component was adequate for each meal served (including any second meals) and contained the minimum of each required component.

**EXAMPLE:** Based on the number of adults eating breakfast, the cook prepares lunch for 100 adults. Threatening weather conditions cause 50 participants to leave before lunch. In this situation, weather caused a fluctuation in attendance, which in turn resulted in sufficient food being prepared to serve the remaining 50 adults a complete second meal. Therefore, if all of the above requirements are met, the CE or site may claim second meals served to the 50 remaining adults in the center.

#### **4153 Title III C of the Older Americans Act**

Title III of the Older Americans Act provides a wide range of community-based support and nutrition services for older persons. Title III, Part C, includes nutritional services. CACFP regulations prohibit duplication of CACFP reimbursement and reimbursement under Title III, Part C.

An adult day care center may use CACFP and Title III, Part C monies to fund different meals within the same meal service, or to fund different meal services (breakfast, lunch, dinner, or snacks), but they cannot receive benefits or reimbursement from both programs for the same meal served.

This prohibition includes the commodity (or cash-in-lieu of commodity) benefit currently available under Title III, Part C. CEs and sites must ensure that they do not claim reimbursement for meals that are supported by Title III, Part C.

If a CE or site contracts with another agency to produce meals, the CE or site should include the following stipulations in their invitation to bid and in the contract:

- USDA commodities must not be used to prepare meals;
- Older Americans Act, Title III, Part C funds must not be used to subsidize the meals; and
- Meals produced for the CACFP must not be claimed under the Older Americans Act, Title III, Part C.

If CE's or site's meals are prepared in a central kitchen that serves several programs, the CE and site must maintain an accounting system that ensures that:

- USDA commodities are not used to produce meals for the CE or site; and
- The CE or site does not claim reimbursement from Title III, Part C for meals that are reimbursed in the CACFP.

## 4154 Field Trips

Licensing agencies consider organized activities directly related to the provision of adult day care, e.g., field trips, to be an “extension of the center/facility and subject to regulation.”

Therefore, CEs and sites may claim reimbursement for meals that are served during a field trip if:

- The activity is directly related to the participant’s plan of care; and
- All program requirements are met.

Program requirements include, but are not limited to, the following:

- Meals must meet meal pattern requirements for adults and must be served to eligible participants.
- All state and local health department standards, including maintaining food at proper temperatures, must be followed.
- Daily menu records that include the food items and amounts of food prepared must be maintained.
- Meal counts for meals served to eligible participants must be documented on the *Daily Meal Count and Attendance Record* (H1535), or an alternate meal count form.
- Meals must be provided by the approved source (self-prep or vended) named in the contractor's application and management plan. If a food service management company (FSMC) supplies the meals they must be provided in a manner and detail prescribed in the *Invitation for Bid and Contract for Purchased Meals*.
- Meals purchased from restaurants or “fast food” outlets are not reimbursable without a product formulation statement from the food manufacturer.
- Meals served to participants who are in transit to the center or their homes cannot be claimed as reimbursable meals.

Field trips must be documented in writing and include the following information:

- Date of trip;
- Destination of trip;
- Duration (departure and return time) of the trip;
- Meal types served on the trip;
- A description of the location where the meal was served;
- A description of the method used to ensure that foods are held at proper temperatures;
- A list of foods served on the field trip; and
- A list of everyone who participated in the field trip.

In addition, the employee completing the documentation of the field trip must sign a certification statement that reads:

**"I certify that to the best of my knowledge the information reported about this field trip is true and correct. I understand misrepresentation may result in prosecution under applicable state or federal laws. I certify that meals were prepared, delivered, and served in accordance with all state and local health department standards."**

CEs and sites not required to obtain prior approval from TDA when planning a field trip. However, a sponsor may require that sites obtain prior approval for field trips as a condition of reimbursement for meals served off-site.

A sample form, *Field Trip Food Service Documentation*, is provided in Section 11000, *Resources*. CEs and sites are not required to use this form, but must ensure that the required elements are recorded on the day of the field trip.

## **4200 Participant Eligibility**

### **4210 Eligibility for Free or Reduced-Price Meals**

CEs and sites are responsible for determining eligibility for free or reduced-price meals to include:

- Ensuring that each participant receives
  - A *CACFP Meal Benefit Income Eligibility Form Letter to Households* (Adult Day Care);
  - The *Income Standards for Determining Nutrition Program Eligibility* (H1625-A); and
  - The *CACFP Meal Benefit Income Eligibility Form* (Adult Care).
- Reviewing returned forms to ensure all required elements are completed as appropriate; and
- Determining each participant's eligibility category.

Free and reduced-price eligibility is valid for the entire 12 months from either the:

- Signature date of the determining official **or**
- Signature date of the participant or participant's representative.

For example, a form signed October 5, 2016 is valid through October 31, 2017.



CEs must decide which date they will use as the effective date and apply that date to all eligibility determinations made. This decision must be documented in the CEs processes and procedures for determining participant's eligibility.

**IMPORTANT:** If the date of the participant's or participant's representatives signature is not within the month of determination or the immediately preceding month the effective date *must be* the signature date of the determining official.

**NOTE:** Households are not required to report changes in circumstances, such as an increase in income, a decrease in household size, or when the household is no longer certified as eligible for SNAP, TANF, FDPIR, SSI, or Medicaid during that 12 month period.

#### **4211 Application**

CEs and sites must provide the *CACFP Meal Benefit Income Eligibility Form (Adult Care)* to current and potential participants as well as the *CACFP Meal Benefit Income Eligibility Form Letter to Households (Adult Day Care)*. CEs and sites must ensure that each enrolled participant receive the appropriate forms. CEs and sites may mail or personally deliver these forms.

#### **4212 Income Standards**

The *Income Standards for Determining Nutrition Program Eligibility (H1625-A)* form contains the family size and income standards for reduced-price meals. CEs and sites must give this form, along with the *CACFP Meal Benefit Income Eligibility Form*, to enrolled participants annually and must provide the document to those that inquire about adult day care services.

#### **4213 Pricing and Non-pricing Programs**

If a CE or site charges participants separately for their meals, then the CE or site operates a pricing program. If a CE or site has a general tuition fee that includes the cost of the participant's meals, then that CE or site operates a non-pricing program.

##### **4213.1 Pricing Programs**

If a participant qualifies for free meals, then CEs and sites cannot charge the participant for the meals that it serves. If a participant qualifies for reduced-price meals, then CEs and sites may charge an amount for the meals that it serves to the participant as long as the charge does not exceed the limit established by USDA each year. TDA will notify all CEs of this limit each year.

CEs and sites cannot use CACFP reimbursement or the charges for reduced-price meals to subsidize the cost of meals that are served to non-program participants and program participants in the paid category.

**NOTE:** CEs and sites must not overtly identify participants who receive free or reduced-price meals.

## **4213.2 Non-Pricing Programs**

If a CE or site operates a non-pricing food program, it cannot separately charge participants for the meals that they are served, regardless of their eligibility for free, reduced-price, or paid meals.

### **4214 Determining Eligibility**

When the CE or site receives the *CACFP Meal Benefit Income Eligibility Form*, the CE or site must verify whether it contains:

- Name of enrolled adult and all household members;
- A signature of an adult household member or representative;
- The date of signature;
- The last four digits of the social security number of the adult household member who signs the form, if part 3 of the form is completed. If the adult household member signing the form does not have a social security number, the box "I do not have a Social Security Number" must be checked.

In addition, the CE or site must determine if the form contains categorical eligibility information or household size and income information for use in determining if the household qualifies for free or reduced-price meals.

#### **4214.1 Categorical Eligibility**

Categorical eligibility is based on a household's receipt of federal or state financial assistance.

Participants who receive SNAP, TANF, FDPIR, SSI, or Medicaid benefits, including STAR+PLUS participants, are automatically eligible for free meals if they have submitted a properly completed CACFP Meal Benefit Income Eligibility Form.

### Temporary Assistance of Needy Families (TANF)

- TANF Number –
  - a nine-digit Eligibility Determination Group (EDG) number beginning with any number “0 - 9”; or
  - an eight-digit EDG number beginning with any number “1-9” ,but not a zero

### Supplemental Nutritional Assistance Program (SNAP)

- SNAP number –
  - a nine-digit EDG number beginning with any number “0 - 9”; or
  - an eight-digit EDG number beginning with any number “1-9” ,but not a zero
- Food Distribution Program on Indian Reservation (FDPIR)
- FDPIR case number

### Supplemental Security Income (SSI)

- Participant’s complete social security number

### Medicaid

- Medicaid case number

### NOTES:

- Electronic Benefits Transfer (EBT) or Lone Star Card account numbers are not acceptable SNAP numbers on the application. If this occurs, contact the applicant to obtain the valid SNAP or TANF eligibility number.
- A copy of the award letter (Form H1009) is not acceptable documentation for eligibility.

The determining official must sign and date the *CACFP Meal Benefit and Income Eligibility Form* acknowledging receipt, review, and determination of eligibility. If a participant is ineligible for free or reduced-price meals, the CE, and site must claim that participant’s meals in the paid category.

### **4214.2 Household Size and Income**

If an appropriate SNAP, TANF, FDPIR, SSI, or Medicaid number is not provided, or if an incomplete number is provided, CEs and sites must verify whether the form contains the current income of each household member by source of income,

Family size and income standards change each July 1. TDA posts the updated information at <http://www.squaremeals.org>. CEs must use the income standards posted here to determine income eligibility.

If income is received in different frequencies (such as one household member receives income weekly while another receives income monthly), use the following calculations to obtain the **annual income** to determine the participant’s eligibility for free or reduced-price meals:

- Multiply monthly income by 12.
- Multiply bi-weekly income by 26.
- Multiply weekly income by 52.
- Multiply bi-monthly income by 24.
- Do not round the result.

**4214.2.1 Excluded Income**

The following are excluded as income when determining eligibility for free or reduced-price meals:

<b>Excluded Income from Federal Programs</b>	
<b>Category</b>	<b>Description</b>
SNAP, WIC, Child Nutrition Benefits	Value of assistance to children and their families under the Richard B. Russell National School Lunch Act (NSLA), the Child Nutrition Act (CNA) of 1966, and the Food and Nutrition Act of 2008.
Housing assistance	<ul style="list-style-type: none"> <li>• Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</li> <li>• Payments received under the Cranston-Gonzales National Affordable Housing Act, P.L. 101-625.</li> <li>• Payments received under the Housing and Community Development Act of 1987.</li> </ul>
Volunteer payments	<ul style="list-style-type: none"> <li>• Any payment to volunteers under title I (VISTA and others) and title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 to the extent excluded by the Act.</li> <li>• Payments to volunteers under section 8(b)(1)(B) of the Small Business Act (SCORE and ACE).</li> <li>• Payments and allowances to individuals participating in AmeriCorps to the extent excluded by the National and Community Service Act of 1990.</li> </ul>
Child care	<ul style="list-style-type: none"> <li>• The value of any child care provided or arranged, or any payment or reimbursement for costs incurred for such care, under the Child Care and Development Block Grant Act, as amended by section 8(b) of P.L. 102-586, 106 Stat. 5035.</li> </ul>

	<ul style="list-style-type: none"> <li>Value of any “at-risk” block grant child care payments made under section 5081 of P.L. 101-508, which amended section 402 of the Social Security Act.</li> </ul>
Old age assistance	Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000.
Student financial aid	<ul style="list-style-type: none"> <li>Student financial assistance received under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship Programs, to the extent excluded by the Act.</li> <li>Payments received under the Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990, P.L. 101-392.</li> </ul>
Disaster assistance	<ul style="list-style-type: none"> <li>National Flood Insurance Program (NFIP) payments received by property owners.</li> <li>Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989, P.L. 100-707.</li> </ul>
Utility assistance	Payments under the Low-income Home Energy Assistance Act, P.L. 99-125.
Military compensation	<ul style="list-style-type: none"> <li>Payments under the Agent Orange Compensation Exclusion Act, P.L. 101-201.</li> <li>Family Subsistence Supplemental Allowance (FSSA).</li> <li>Privatized housing allowances to service members living in housing covered under the Military Housing Privatization Initiative. (See: Department of Defense (DOD) Military Housing Privatization, <a href="http://www.acq.osd.mil/housing/">http://www.acq.osd.mil/housing/</a>).</li> </ul>
Combat pay	<ul style="list-style-type: none"> <li>Deployment Extension Incentive Pay (DEIP), which is given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. This exemption applies only until the service members return to their home station. DEIP payments provided to service members who are not considered deployed are not exempt.</li> </ul>

	<ul style="list-style-type: none"> <li>• Also exclude combat pay when it is: <ul style="list-style-type: none"> <li>○ Received in addition to the service member’s basic pay;</li> <li>○ Received as a result of deployment to or service in an area that has been designated as a combat zone; and</li> <li>○ Not received by the service member prior to deployment to or service in the designated combat zone.</li> </ul> </li> </ul>
Land payments	Income derived from certain sub-marginal land of the U.S. that is held in trust for certain Indian tribes.
Institutionalized child’s income	Payments from any source directly received by a Residential Child Care Institution (RCCI) or institution on a child’s behalf are not considered as income to the child.
Lump sum payments	<ul style="list-style-type: none"> <li>• Lump sum payments or large cash settlements are not counted as income since they are not received on a regular basis. These funds may be provided as compensation for a loss that must be replaced, such as payment from an insurance company for fire damage to a house.</li> <li>• NOTE: When lump sum payments are put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income.</li> </ul>
In-kind benefits	In-kind benefits (housing for clergy, cars for salespersons, employee medical or dental benefits, etc.) are not cash payments and, therefore, are not considered as income for the purpose of determining free and reduced price eligibility. School officials are not in a position to determine the value of in-kind benefits.
<b>Other Excluded Income</b>	
<ul style="list-style-type: none"> <li>• Payments received from a foster care agency or court for the care of foster children</li> <li>• Loans, such as bank loans, since these funds are only temporarily available and must be repaid</li> <li>• Infrequent earnings received on an irregular basis, such as payment for occasional babysitting or yard work.</li> </ul>	

The above list is not all inclusive as legislation is periodically enacted that excludes income. CEs should periodically check Appendix to *Subpart K of Part 416 – List of Types of Income Excluded under the SSI Program as Provided by Federal Laws Other Than the Social Security Act*: [http://www.socialsecurity.gov/OP\\_Home/cfr20/416/416-app-k.htm](http://www.socialsecurity.gov/OP_Home/cfr20/416/416-app-k.htm)

## 4214.2.2 Deployed Military Members

### Determining Household Size

When a CE or site determines household size, deployed service members should be considered family members living apart on a temporary basis. These military personnel, whether deployed temporarily or for an extended period of time, are counted in the number of household members.

### Determining Household Income

CEs and sites should count only that portion of the deployed service member's income made available by them or on their behalf to the household as income to the household.

Instruct families to include the names and that portion of income made available to the household from deployed service members on the CACFP Meal Benefit Income Eligibility Form. The determining official will count the service member as part of the household in establishing a participant's eligibility.

When calculating total household income for purposes of determining eligibility for free and reduced-price meals, the following types of income must be:

#### **Included:**

- Base pay
- Regular housing allowance
- Subsistence
- Clothing allowance
- Hazardous duty
- Hostile fire
- Flight pay
- Incentive pay

#### **Excluded:**

- Military Housing Privatization Initiative – Housing allowance for households living on bases participating in this initiative. A list of the military bases participating in this initiative can be accessed at <http://www.acq.osd.mil/housing>. This income exclusion is not an allowable exclusion for households living off-base in the general commercial/private real estate market.

- Family Subsistence Supplemental Allowance (FSSA) – Payments provided to the families of service members by the Department of Defense.
- Earned Income Tax Credit (EITC). This applies to both military and non-military households.
- Agent Orange Compensation Exclusion Act
- Veteran’s Educational Assistance Act of 1964 (GI Bill)
- Rebate checks resulting from the economic stimulus act. This applies to both military and non-military households.
- Military Combat Pay.
  - Combat pay is excluded if it is received in addition to the service member’s basic pay; received as a result of the service member’s deployment to or service in an area that has been designated as a combat zone, **and** not received by the service member prior to his/her deployment to or service in the designated combat zone\*.
  - Deployment Extension Incentive Pay (DEIP) is given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. This exemption applies only until the service members return to their home station. Any additional DEIP payments provided to service members serving at their home station is considered income as they are no longer considered deployed.
- Any excluded income listed in Item 4214.2.1, Excluded Income, not listed here.

\*A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat.

### **4214.3 Letter to Households**

CEs or sites must ensure that each enrolled participant receives the *CACFP Meal Benefit Income Eligibility Form Letter to Households (Adult Day Care)*, and the *Income Eligibility Guidelines for Determining Free and Reduced-Price Benefits (H1625-A)*.

The letter to households explains the purpose of the *CACFP Meal Benefit Income Eligibility Form*, provides general information about the Program, and notifies participants that households with incomes at or below the levels listed on the *Income Eligibility Guidelines for Determining Free and Reduced-Price Benefits (H1625-A)* are eligible for CACFP benefits.

Each of these forms is available in English and Spanish.



## 4220 Signature of Representative or Witness

If a participant needs assistance, a representative can complete the *CACFP Meal Benefit Income Eligibility Form (Adult Care)* on their behalf. If a participant cannot sign the application, they must enter an "X" as their signature. A representative must witness this signature. The last four digits of the participant's social security number of the applicant or adult household member must be included in the space provided. The representative must sign and date the form as required.

**NOTE:** The social security number of a representative is not required. The last four digits of the social security number of the participant or adult household member must be included in the space provided.

## 4230 Annual Renewal of Eligibility

Each year, CEs and sites must determine a participant's continued eligibility for free or reduced-price meals by obtaining a new *CACFP Meal Benefit Income Eligibility Form (Adult Care)* for each participant claimed in the free or reduced-price category.

Free and reduced-price eligibility is valid for the entire 12 months from either the

- Signature date of the determining official **or**
- Signature date of the participant or participant's representative.

For example, a form signed October 5, 2016 is valid through October 31, 2017.

CEs must decide which date they will use as the effective date and apply that date to all eligibility determinations made. This decision must be documented in the CEs processes and procedures for determining participant's eligibility.

**EXCEPTION:** If the date of the participant's or participant's representatives signature is not within the month of determination or the immediately preceding month the effective date *must be* the signature date of the determining official.

A participant must be included in the paid category until the CE or site receives a new *CACFP Meal Benefit Income Eligibility Form (Adult Care)*. CEs and sites must ensure they have a system in place to obtain new Forms annually.

#### **4240 Confidentiality**

CEs and sites must protect the confidentiality of any information that has been provided by a household. CEs and sites may only use the information to determine eligibility.

The CE and site must not release any information that contains a program participant's name or other individual information. Summary information, such as the number of program participants eligible for benefits, can be released.

#### **4300 Program Administration**

If a CE creates, develops, or produces materials with federal funds, USDA FNS may reproduce or publish the material. USDA FNS may also authorize others to reproduce, use, or publish the material.

A CE may reproduce any material developed by TDA or USDA as long as the reproduction is:

- Used in an FNS program.
- Not used for profit.

#### **4310 Management and Monitoring**

CE's are responsible for the management and monitoring of the Program in their sites. Refer to Item 4330, *Sponsoring Organizations – Management and Monitoring* for specific sponsor requirements. These responsibilities include:

- 
- Adding, submitting changes for, and terminating sites.
- Ensuring sites maintain a current license/certification and enrollment documents.
- Conducting training.
- 
- Providing technical assistance.
- 
- Ensuring sites submitted for participation are not disqualified or excluded from participation in any Child Nutrition Program, as well as ensuring site staff in principal positions or performing CACFP functions are not disqualified or excluded (see Section 1000, *Introduction* for a list of other Programs).

### **4311 Enrollment of Participants**

CEs and sites must maintain proof of proper enrollment for all participants who receive meals that are claimed for reimbursement.

The following information must be included on an enrollment form, in enrollment documentation or in alternate documentation if a participant is to be considered properly enrolled:

- Participant's name;
- Participant's date of birth;
- Participant's age;
- Enrollment/withdrawal dates;
- Participant's signature (or that of another responsible adult); and
- Date of signature.

All required elements must be completed on the enrollment records, except the withdrawal date which must only be completed when the adult participant withdraws from the center. CEs and sites cannot claim reimbursement for meals served to a participant for whom the CE or site does not have complete enrollment information. However, each participant who receives care at the CE's or site's facility, except institutionalized individuals, must be included in the enrollment mix on the claim for reimbursement.

If a CE or site does not have enrollment documentation for a participant or the enrollment documentation is incomplete, the CE and site cannot claim reimbursement for that participant until the enrollment requirements are met.

### **4312 Policy Statement**

The *Contracting Entity Management Plan – Centers* contains the *Free and Reduced-Price Policy Statement* which CEs must agree to in order to participate in the CACFP. CEs must sign this statement with their initial application and with the renewal application, if needed.

### **4313 State Government Privacy Policy**

Texas' State Government Privacy Policy legislation stipulates that an individual has the right to review their personal information as maintained by a state agency. An individual also has the right to request the correction of inaccurate information. TDA is required to consider the request, but reserves the right to determine whether the requested correction is appropriate.

A privacy statement is written at the bottom of all TDA forms that request personal information about a specific individual, and at the bottom of the TX-UNPS logon page under TDA Disclaimer.

#### **4314 Making Changes in Operations**

A CE must notify TDA of changes to its operation (such as changing meal times) through its CE application or site application in TX-UNPS, and mail, fax or email any required documentation to TDA.

The following information must be submitted:

- *CE Application* or *Site Application* (in TX-UNPS) as appropriate; and
- Any additional documentation needed dependent on the change. For example, if the change is an address change, you must submit a copy of the new license that reflects the address change and proves the site is licensed to operate at that location or if exempt, documentation of compliance with health and safety requirements.

**NOTE:** A site cannot be approved if it does not meet the licensing and/or health and safety requirements.

#### **4320 Training and Education**

Proper training is an important element in ensuring compliance with Program requirements and minimizing disallowances, unallowable costs and termination of Program participation. CEs are required to provide and attend training, as described below.

Educating staff and participants in proper nutrition, physical activity and healthy lifestyles (including limiting the use of electronic media) is also an important part of the Program purpose. Although promoting physical activity and limiting the use of electronic media is not required, CEs are encouraged to devote time to educating participants.

The cost of these efforts can be an allowable expense and is further described in Item 4323 *Physical Activity and Limiting the Use of Electronic Media*, in Item 7400, *Nonprofit Food Service*, and FNS Instruction 796-2, *Financial Management – Child and Adult Care Food Program*.

#### **4321 Independent Centers**

CEs must train each staff member before they assume any key CACFP activities, and must train each staff member annually thereafter.

Key CACFP activities include:

Budget	Procurement	Enrollment	Eligibility Determination
Attendance Records	Meal Preparation	Meal Service	Meal Counting
Claim Preparation	Monitoring	Civil Rights	Training

Training must cover the following topics:

- Program Meal Pattern
- Meal Counts
- Claims Submission
- Claims Review Procedures
- Recordkeeping Requirements
- Reimbursement System
- Civil Rights

Training for each staff member can be specific to their CACFP duties or can include all topics as listed above. Training must be documented as indicated below.

TDA provides Civil Rights training materials on the TDA website at <http://www.squaremeals.org>, click on F&N Resources, then “Training,” select “Online Education and Self Study”, and finally choose the English or Spanish course.

#### **4322 Physical Activity and Limiting the Use of Electronic Media**

Educating staff and participants on the importance of physical activity and limiting the use of electronic media can improve the health and well-being of older adults and chronically impaired disabled persons.

USDA has provided informational materials related to physical activity and limiting electronic media use as well as others which are free to CEs and sites and can be downloaded and printed for use in trainings and other settings. To obtain these materials visit the USDA website at:

<http://healthymeals.nal.usda.gov/cacfp-wellness-resources-child-care-providers>

CEs and sites are encouraged to use these free resources before developing or purchasing others. However, under certain circumstances, CEs and sites may be able to develop and distribute their own materials related to physical activity and limiting electronic media use and use CACFP funds to pay for those materials.

CEs and sites must ensure:

- The materials (e.g., training curricula, toolkits, newsletters, pamphlets, etc.) emphasize the link between nutritious meals and physical activity and/or limiting the use of electronic media; and
- Costs for these materials are reasonable, necessary, and allocable as to their content in relationship to CACFP requirements.

Reference Item 7400, *Nonprofit Food Service* and FNS Instruction 796-2, *Financial Management – Child and Adult Care Food Program* for further information.

#### **4324 Training Documentation**

CEs must maintain documentation of all training sessions that include the following:

- Date of training,
- Location of training,
- Training topics,
- Names of participants, and
- Written or electronic signature of the participants.

When a site completes a required training course, the sponsor must present the site with written documentation acknowledging their completion of the training.

The documentation must include the:

- Name of the site.
- Title of the training.
- Date that the training was completed.
- Name of the sponsoring organization.
- Name of the trainer who provided the training.
- Written or electronic signature of an authorized representative of the sponsoring organization.

**NOTE:** TDA training materials are produced using federal funds for TDA-sponsored training events and as a tool for attendees to reference and use for training their own staff. No part of TDA's publications may be reproduced in any form or by any means for profit or for any purpose other than use in USDA FNS programs.

TDA cannot guarantee that non-TDA sponsored program training will contain current or correct information. CEs should contact TDA if they have any questions about information received during training.

#### **4330 Sponsoring Organizations – Management and Monitoring**

A sponsor is responsible for the management and monitoring of the sites that it sponsors. These responsibilities include:

- Making pre-approval visits.
- Adding, submitting changes for, and terminating sites.
- Ensuring sites maintain a current license/certification and enrollment documents.
- Conducting training.
- Conducting reviews.
- Providing technical assistance.
- Disbursing payments to sites.
- Ensuring sites submitted for participation are not disqualified from participation in any Child Nutrition Program, as well as ensuring site staff in principal positions or performing CACFP functions are not disqualified (see Section 1000, *Introduction* for a list of other Programs).

#### **4331 Adding, Terminating, or Making Changes to Sites**

Sponsors must inform sites that are not part of their same legal entity that they may apply directly to TDA for participation in the CACFP as an independent CE.

CEs must submit all information and documentation to TDA by the last day of the month for the request to be effective for that same month. In some cases, TDA may be able to approve participation or changes to participation with an effective date in the month prior to submission.

If the information and/or documentation submitted by the CE is incorrect or incomplete, TDA will return the incomplete information and request incomplete documentation before approval. Submitting incomplete or incorrect information or documentation could result in the effective date being a month or months **after** the initial submission, so TDA recommends requests are submitted as early in the month as possible to allow for corrections to be made during the same month.

## REMINDERS:

- Sites and site staff disqualified or excluded from participation in a Child Nutrition Program may not participate in the CACFP.
- Sites that lose their license/certification may not be claimed or participate in the CACFP. It is the sponsor's responsibility to ensure each site is licensed before submitting an application for participation or a claim each month.

### 4331.1 Adding a Site

#### Pre-Approval Visit

Before a sponsor can add a site, the sponsor must make a pre-approval visit to the site.

During the visit, the sponsor must discuss program benefits and requirements and determine whether the site can provide food service in accordance with CACFP requirements.

A sponsor must use TDA's *Pre-Approval Visit (H1602-P)*, or alternate, to document pre-approval visits.

The sponsor must inform each unaffiliated site that it can apply directly to TDA for participation in the CACFP as an independent CE.

After conducting the pre-approval visit, a sponsor may complete the site application and the budget detail in TX-UNPS and mail, fax or email the remaining required documentation to TDA.

The following information must be submitted:

- *Sponsoring Organization Monitoring Staff Information* (in TX-UNPS) (applies to sponsors of 25 or more sites, including sites being added);
- *Contracting Entity Budget* (in TX-UNPS) amending the sponsor's budget as the addition of sites will increase the budget;
- *Site Application* (in TX-UNPS) for each site;
- A copy of the site's license/certification to provide adult day care services and,

**NOTE:** A site cannot be approved if it does not meet the licensing requirements.



The sponsor must also obtain from an unaffiliated site, and maintain in the site's file, a copy of the following:

- Articles of Incorporation, Assumed Name Certificate or Certificate of Formation;
- IRS 501(c)(3) tax-exemption (if applicable);
- Organizational chart; and,
- Governing Body Awareness.

Sponsors must maintain on file a copy of the original *Site Application* and *Permanent Agreement Between Contracting Organization and Adult Day Care Site*, for each site they sponsor and will enter the dates of signature for both the sponsor representative and site representative from the agreement on the site application (applies to unaffiliated sites only). Sponsors must provide each site a copy of the original site application and *Permanent Agreement Between Contracting Organization and Child Care Site*.

TDA has two types of *Permanent Agreement Between Contracting Organization and Adult Day Care Site*.

- *Permanent Agreement Between Contracting Organization and Adult Day Care Site* - applies to the traditional sponsor/site relationship in which the sponsor passes through funds to the site for operation of the nonprofit food service.
- *Permanent Agreement Between Contracting Organization and Adult Day Care Site – Sponsor provides Meals and Snacks* - applies to sponsors that also serve as the meal service vendor and conducts the nonprofit food service for the site and retain 100% of the meal reimbursement.

The sponsor must ensure it has executed the proper agreement with the site before submitting the site for approval.

These documents must be provided, upon request, to TDA. In addition, the completeness and accuracy of these documents will be evaluated during administrative and site reviews.

TDA will not approve a site's participation, and sponsors may not claim reimbursement for meals served at a site, before the latest of the following dates:

- Effective date of the site's license;
- Date of the pre-approval visit;
- Beginning effective date on the *Permanent Agreement Between Contracting Organization and Adult Day Care Site* ( unaffiliated sites);

- Latest date that site application (applies to affiliated sites only) or *Permanent Agreement Between Contracting Organization and Adult Day Care Site* (applies to unaffiliated sites only) is signed by the site or CE; or
- Date of participation that TDA assigns.

**Example:** The beginning effective date on the *Permanent Agreement Between Contracting Organization and Adult Day Care Site* is February 21, 2018; the site's license is effective March 1, 2018, the pre-approval visit was conducted March 10, 2018. The earliest the site could begin claiming would be March 10, 2018, the date of the pre-approval visit.

**NOTES:**

- Reference handbook Item 2225, *Licensing*, for exemptions from licensing requirements.
- Submitting additions, terminations and changes via paper may delay the approval process. TDA highly recommends CEs use TX-UNPS.

**4331.2 Terminating a Site**

To terminate (close) a site, sponsors may complete the process in TX-UNPS and mail, fax or email any required documentation to TDA.

The following information must be submitted:

- *Sponsoring Organization Monitoring Staff Information* (in TX-UNPS) (applies to sponsors of 25 or more sites, this is not needed if the termination of sites decreases your sponsorship to below 25); and
- *Contracting Entity Budget* (in TX-UNPS) amending the sponsor's budget as the termination of sites will decrease the budget.

**4331.3 Making Changes to a Site**

To make a change to a site (such as changing meal times, sponsors may complete the site application in TX-UNPS and mail, fax or email the remaining required documentation to TDA.

The following information must be submitted:

- *Site Application* (in TX-UNPS); and
- Any additional documentation needed dependent on the change. For example, if the change is an address change, you must submit a copy of the new license that reflects the address change and proves the site is licensed to operate at that location.

**NOTE:** A site cannot be approved if it does not meet the licensing and/or health and safety requirements.

Sponsors do not have to obtain the unaffiliated sites' signatures on the site application for changes the sponsor makes on behalf of the site; however, the sponsor must provide the site a copy of the site application with the changes indicated and maintain a copy on file. The sponsor can print the site application from TX-UNPS to accomplish this, or if completed via paper, mail the paper copy to the site. TDA will verify compliance with this requirement.

#### **4332 Denials**

A site's participation will be denied if:

- The site is already participating with another sponsor.
- The site requested a good cause transfer, but the transfer approval letter from TDA is not submitted with the application.
- The site, responsible principal(s) and/or responsible individual(s) has been declared seriously deficient and is on the National Disqualified List (NDL) or Texas Excluded SFSP List (TEXSL).
- The site is currently participating in the Program with a sponsor and signs site application or *Permanent Agreement Between Contracting Organization and Adult Day Care Site* prior to June 1 or after September 30.
- The site signed the site application and *Permanent Agreement Between Contracting Organization and Adult Day Care Site* with multiple sponsors between June 1 and September 30. The sponsor whose *Permanent Agreement Between Contracting Organization and Adult Day Care Site* shows the earliest sign date of both the site and the sponsor representative has the legally binding application and agreement.
- A copy of the site's license or certification was not submitted.
- The site is otherwise ineligible to participate.

#### **4333 Resuming Site Participation**

A sponsored site whose *Permanent Agreement Between Contracting Organization and Adult Day Care Site* has been terminated by mutual consent that wants to resume its participation in the same Program Year must participate with the same sponsor, unless:

- The site has "good cause" for a transfer and TDA approves the site to transfer to another sponsor. Refer to Item 4324, *Transfers*, for more information.

- The site signs a *Permanent Agreement Between Contracting Organization and Adult Day Care Site* for the next program year during the open enrollment period (June 1 through September 30 of each program year).
- The site applies to participate directly with TDA.

Sponsors must ensure a resuming site it eligible to participate and submit the same items as required in Item 4331.1, *Adding a Site*, to resume a site’s participation.

#### **4334 Open Enrollment**

Sites may select a new sponsor, without prior approval from TDA, between June 1 and September 30 of each program year. A *Permanent Agreement Between Contracting Organization and Adult Day Care Site* signed during the open enrollment period is effective October 1 of the following program year.

A new site can sign a *Permanent Agreement Between Contracting Organization and Adult Day Care Site* with a sponsor at any time during the program year. If the *Permanent Agreement Between Contracting Organization and Adult Day Care Site* is signed between June 1 and September 30, the new site may choose another sponsor before the end of the open enrollment period to be effective October 1 of the following program year.

If a site signs a *Permanent Agreement Between Contracting Organization and Adult Day Care Site* with more than one sponsor during open enrollment, the *Permanent Agreement Between Contracting Organization and Adult Day Care Site* that was signed earliest by both the sponsor representative and the site is legally binding. Once a site has selected a sponsor, the site may not transfer to another sponsor without prior approval from TDA.

Sponsors may not obtain a newly signed *Permanent Agreement Between Contracting Organization and Adult Day Care* during the open enrollment period from existing sites in an attempt to prevent the sites from transferring to another sponsor during open enrollment. A newly signed *Permanent Agreement Between Contracting Organization and Adult Day Care* signed by a sponsor and its existing site will not be considered as “signed earliest by both the sponsor representative and the site” if the site signs with another sponsor during the open enrollment period.

**EXCEPTION:** A site may terminate its *Permanent Agreement Between Contracting Organization and Adult Day Care Site* with the sponsor and apply to participate directly with TDA at any time during the year.

## 4335 Transfers

Prior to open enrollment, you may not recruit nor enter into a sponsorship agreement for the next program year with sites that are currently participating or had participated with a sponsor in the CACFP in the current program year.

Sites that can document good cause for transferring from a sponsor may, with prior approval from TDA, enter into a *Permanent Agreement Between Contracting Organization and Adult Day Care Site* with another sponsor at any time during the program year.

If a site wants to transfer to another sponsor, they must:

- Request in writing, and receive, prior approval for the transfer from TDA.
- Demonstrate good cause for the transfer request.
- Submit a letter to its current sponsor stating the intention to terminate their agreement and the effective date of termination.

"Good cause" for transferring from the sponsorship of one sponsor to another during the program year is limited to the following conditions:

- A sponsor denies a site access to the Program.
- A sponsor reduces the level of benefit a site receives under the Program, for example the sponsor:
  - Will not allow sites to claim suppers or weekend meals because the sponsor does not want to monitor those meal services.
  - Requests and receives approval to withhold more than 15% of the meal reimbursement annually for allowable administrative costs thereby reducing the reimbursement received by the site.
- Any other good cause as determined by TDA.

It is the site's responsibility to demonstrate that such conditions exist.

**EXAMPLE:** A site moved to an area where the current sponsor does not provide service.

When approving a transfer based on good cause, TDA will specify the earliest dates on which a new *Permanent Agreement Between Contracting Organization and Adult Day Care Site* may be signed or become effective. Transfers may be approved any time throughout the program year when there is good cause. The approval granted by TDA to transfer is only effective one time. A site may not use the same transfer letter to transfer between multiple sponsors. Sponsors must submit the approval to transfer letter with all other required documentation when adding a site.

Occasionally, a sponsor will cease participation in the CACFP prior to the end of the program year. When this happens, TDA notifies the sites that they are approved to transfer to another sponsor. No sponsor may execute an agreement with a site that has been approved for transfer prior to the date of notification.

Sponsors adding a site that was previously under the sponsorship of a sponsor that terminated during the same program year must submit the termination letter/approval to transfer letter with all other required documentation when adding a site.

Any costs sponsors incur while recruiting a current or former sponsor's sites, prior to June 1 or prior to the date that TDA has approved a site's transfer, are unallowable. At a minimum, your records must include:

- Itemized accounts, including the source of non-Program revenue, of recruiting costs.
- The first date of contact with the facility.

Failure to properly request a transfer may delay the processing of your claim or result in a reduced reimbursement.

#### **4336 Training and Education**

Proper training is an important element in ensuring compliance with Program requirements and minimizing disallowances, unallowable costs and termination of Program participation. Sponsors are required to provide and attend training, as follows:

- New site staff must receive training **prior** to the site's participation in the Program and annually thereafter.
- New site staff who performs key CACFP activities must receive training **prior** to beginning those activities.
- Participating site staff must attend training annually.
- A new employee of the sponsoring organization (SO) who performs key CACFP activities must receive training **prior** to beginning those activities.
- A current employee of the SO must receive training annually.

Sponsors must plan trainings that are appropriate to the experience level and duties of the sponsor's and site's staff. Experienced and inexperienced staff should not get the same training year after year; however, repetition of some information may be necessary to ensure continued Program compliance.

Although all topics must be included in the annual training, a sponsor may provide more information on some topic than others. A sponsor's training should always address areas in which deficiencies have been identified.

There is no requirement for the amount of time spent on training. Therefore, a sponsor may only need a short review on some topics, while other topics require a longer period of time.

Training may be conducted in a variety of ways to meet the needs of the sponsor and sites staff. Sponsors may use classroom style, on-site, distance learning (with the exceptions listed below), or other innovative training techniques, provided the training is properly documented and the training accomplishes the regulatory requirements for training content and frequency. However, sponsors may **not** fulfill the training requirements by providing a training video and requiring staff to certify that they watched it. Training on video, web-based training, and/or other independent learning approaches are only permitted to fulfill the requirement if there are means to verify that each trainee has actually received the training, i.e., pre- and post-tests, activities, exercises, etc. Sponsors may use electronic signatures to verify that sponsor and site staff has completed electronic training.

#### **4336.1 New Site and Sponsor Staff**

The sponsor, its staff and new site staff who perform key CACFP activities must participate in or receive training in the following areas and subtopics:

- Program Meal Pattern
  - Infant and child meal pattern
  - Serving sizes for age groups
  - Creditable foods
  - Meal service styles
  - Accommodating special needs diets
  - Menu planning
- Meal Counts
  - Daily (point of service)
  - Weekly
  - Monthly
- Claims Submission
  - Due date
  - Late claims
  - Adjusted claims

- Claims Review Procedures
  - Review elements
  - Adverse Action
  - Appeal rights
- Recordkeeping Requirements
  - Daily, weekly, monthly forms
  - *CACFP Meal Benefit Income Eligibility Form* (Child Care) and letter to households
  - Annual enrollment information
  - Meal production records
  - Attendance records
  - Financial records
  - Record retention
- Purchase meals (FSMC/Vendor)
- Reimbursement System
  - Claiming percentage
  - Administrative fee
  - Payment schedule
- Civil Rights

TDA provides Civil Rights training materials on the TDA website at <http://www.squaremeals.org>, click on F&N Resources, then “Training,” select “Online Education and Self Study”, and finally choose the English or Spanish course.

TDA may require sponsors to attend additional training during the program year. Sponsors will be notified if and when mandatory training is scheduled.

Key CACFP activities include:

Budget	Procurement	Enrollment	Eligibility Determination
Attendance Records	Meal Preparation	Meal Service	Meal Counting
Claim Preparation	Monitoring	Civil Rights	Training

### **4336.2 Participating Sites and Current Sponsor Staff**

After a sponsor’s first program-year of participation, the sponsor, its staff, and site staff that perform key CACFP activities must participate in or receive training annually in the same areas and subtopics as listed in 4336.1.

TDA may also require sponsors to attend additional training during the program year. Sponsors will be notified when mandatory training is scheduled.



During the program year staff may change. New sponsor and site staff are required to be trained on the areas and subtopics. It is the sponsor's responsibility to ensure new employees who will be performing key activities receive training prior to beginning these CACFP functions.

The sponsor can develop a method to ensure this training is performed and compliance with the requirement for the staff member to participate is met. This can include the sponsor providing the training as needed and/or developing a training plan with the site for a trained site employee to provide the training. All documentation requirements apply in either situation.

The sponsor is responsible for verifying compliance with the training requirements during their review of the site, if the site personnel provided the training.

### **4336.3 Physical Activity and Limiting the Use of Electronic Media**

Educating staff, sites, and participants on the importance of physical activity and limiting the use of electronic media can improve the health and well-being of older adults and chronically impaired disabled persons.

Educating staff, sites, and participants in proper nutrition, physical activity and healthy lifestyles (including limiting the use of electronic media) is also an important part of the Program purpose.

Although promoting physical activity and limiting the use of electronic media is not required, CEs and sites are encouraged to devote time to educating participants. The cost of these efforts can be an allowable expense and is further described in Item 7400, *Nonprofit Food Service* and FNS Instruction 796-2, *Financial Management – Child and Adult Care Food Program for further information*.

USDA has provided informational materials related to physical activity and limiting electronic media use as well as others which are free to CEs and sites and can be downloaded and printed for use in trainings and other settings. To obtain these materials visit the USDA website at:

<http://healthymeals.nal.usda.gov/cacfp-wellness-resources-child-care-providers>

CEs and sites are encouraged to use these free resources before developing or purchasing others. However, under certain circumstances, CEs and sites may be able to develop and distribute their own materials related to physical activity and limiting electronic media use and use CACFP funds to pay for those materials.

CEs and sites must ensure:

- The materials (e.g., training curricula, toolkits, newsletters, pamphlets, etc.) emphasize the link between nutritious meals and physical activity and/or limiting the use of electronic media; and
- Costs for these materials are reasonable, necessary, and allocable as to their content in relationship to Program requirements.

Reference Item 7400, *Nonprofit Food Service* and FNS Instruction 796-2, *Financial Management – Child and Adult Care Food Program* for further information.

#### **4336.4 Training Documentation**

CEs must maintain documentation of all training sessions that include the following:

- Date of training,
- Location of training,
- Training topics,
- Names of participants, and
- Written or electronic signature of the participants.

When a site completes a required training course, the sponsor must present the site with written documentation acknowledging their completion of the training.

The documentation must include the:

- Name of the site.
- Title of the training.
- Date that the training was completed.
- Name of the sponsoring organization.
- Name of the trainer who provided the training.
- Written or electronic signature of an authorized representative of the sponsoring organization.

**NOTE:** TDA materials are produced using federal funds for TDA-sponsored training events and as a tool for attendees to reference and use for training their own staff. No part of TDA's publications may be reproduced in any form or by any means for profit or for any purpose other than use in USDA FNS programs.

TDA cannot guarantee that non-TDA sponsored program training will contain current or correct information. CEs should contact TDA if there are any questions about information received during training.

#### **4337 Reviews**

Sponsors must conduct reviews of each of their sites to determine compliance with all Program requirements.

Sponsors must use TDA's *Review* (H1602) form, or alternate, during each review. All questions on the *Review* (H1602) form are considered critical.

However, each entry on the *Review* (H1602) form, in and of itself, does not ensure that an organization fulfills its fundamental management responsibilities. Some entries are essential to ensuring that the Program's intent is being met with integrity. Other entries denote that technical federal and state requirements are being met. Sponsors must ensure the form is completed in its entirety.

Sponsors that fail to complete all elements on the *Review* (H1602) form, or alternate, will be subject to serious deficiency.

Sites participating in the CACFP are subject to unannounced as well as announced reviews by the sponsor, TDA, USDA, or other State or Federal officials.

Sponsors must notify each site that:

- It will be reviewed on an announced or unannounced basis;
- Announced and unannounced reviews will be made during the site's normal hours of operation, including evenings and weekends if applicable;
- Monitors conducting announced and unannounced reviews will have photo identification that is current and must clearly identify the individual by name and the name of their sponsoring organization; and
- State or Federal officials that visit the site will carry photo identification that identifies them by name and agency.

A Texas Driver's License or Texas ID card is not sufficient to meet the photo identification requirement because it does not identify the individual as an employee of the sponsoring organization. State or Federal officials that visit the facility will carry photo identification that identifies them by name and agency.

Sponsors are required to review each of their sites:

- At least three times per year (based on the 12-month review period of each site), unless the sponsor is averaging reviews.
- Once within the first four weeks of Program operations with the sponsor.
- At least once every six months (unless the sponsor is averaging reviews).

**NOTE:** See Item 4337.1, *Review Averaging*, for procedures and requirements for review averaging.

Two of the reviews conducted must be unannounced (unscheduled), the third review may be announced or unannounced at the sponsor's discretion, during each site's 12-month review period.

Prior to conducting an announced review, sponsors must notify the sites in writing.

When planning unannounced reviews sponsors must ensure that the planning of the reviews does not allow for the unannounced review of a specific site to be conducted at the same time each year. For example, reviews that always occur during the third week of any given month, or never occur during the first week of the month when claims are being processed.

Unannounced reviews are designed to help sponsors ensure sites are operating the Program in accordance with regulations and policies, and unannounced reviews that are always scheduled at the same time, therefore known to be expected by a site, are less likely to uncover management deficiencies and Program abuse, and undermine the intent of unannounced reviews.

A sponsor must observe an entire meal service at each required review. The duration of the meal service is designated on the *Site Application* (beginning and ending times). Only one review during the site's 12-month review period may include the observation of a snack rather than a meal. If a site participates on Saturday or Sunday, the sponsor must attempt to conduct at least one of the reviews on a Saturday or Sunday.

**NOTE:** If the monitor has observed that all enrolled participants were offered a meal or the site confirmed enrolled participants not in attendance are not expected at the center during the meal service being reviewed, the monitor does not have to remain for the entire meal service.

A sponsor must provide oversight of all types of meal services being claimed by its sites. In order to provide adequate oversight, the sponsor must review all meal service types being claimed by all of their sites, including weekend meals.

Reviewing all meal service types does not require a sponsor to annually conduct reviews of all meal services being claimed at each site. As long as, in the total of all reviews conducted, the sponsor provides oversight of all meal service types being claimed, the sponsor has met its responsibility. Meal service types include: breakfast, lunch, supper, snacks (am/pm/eve) and/or weekend meals.

Sponsors may not observe the same meal service type at all reviews conducted for the same site.

**EXCEPTION:** If a site only serves one meal type, each review must include the observation of that meal service.

**The following is a recommendation and not a requirement when reviewing a meal service:**

The number of breakfast, lunch, or supper reviews should be roughly the same percentage as the percentages of breakfast, lunch, or suppers claimed for reimbursement.

**EXAMPLE:** If 20% of the meals claimed by the sites are suppers, then 20% of the sponsor's effort should be devoted to reviewing suppers.

The sponsor must keep records of the locations, dates, times, and findings for each review. The sponsor is responsible for using the reviews as an opportunity for training the site. If problems are identified during a review, the sponsor must prescribe corrective action to ensure that the problems are corrected. TDA expects reviews of sites that are experiencing difficulty operating the program to exceed the minimum number and frequency.

#### **4337.1 Review Averaging**

Sponsors may choose to average their reviews as a means to better utilize resources, by conducting only two unannounced reviews of sites with few or no Program non-compliances or findings at the last 2-3 reviews, three reviews for the bulk of their sites, and four reviews of those sites that need closer oversight and technical assistance.

Sponsors are not required to obtain approval from TDA to implement review averaging. However, sponsors are responsible for informing TDA of their intent to utilize the option and to provide a description of their implementation plan.

If a sponsor decides to implement or to stop review averaging during renewal application processing, or during the program year, they must submit a revised *Contracting Entity Management Plan – Centers* to TDA via TX-UNPS. If the request is to begin using review averaging, the sponsor must also submit their implementation plan.

A sponsor's plan must include the criteria it will use to determine which sites will receive two, three, or four reviews and review procedures for its organization. TDA will evaluate and approve the plan to ensure that all reviews will be conducted and performed according to Program regulations.

Regardless of the sponsor's review schedule, TDA will review and monitor the sponsor's operation for compliance to determine if reviews are being conducted as required.

**NOTE:** If a sponsor conducts one unannounced review of a site and finds no serious deficiencies the sponsor may choose not to conduct a third review of the site that year and may make the second review announced or unannounced at its discretion. However, the sponsor must ensure that it conducts an average of three reviews of all its sites in the year, and that it conducts an average of two unannounced reviews of all its sites that year. If a sponsor uses this provision, and a site or sites receive only two reviews in one year, it must ensure that the first review of the site(s) in the next review year occur no more than 9 months after the previous review.

### **Review Averaging Exceptions**

Sponsors that average their reviews must include the review requirements in Item 4337, *Reviews* with the following exceptions:

1. There can be no more than 9 months between reviews if a site is receiving two monitoring reviews.
2. The minimum number of reviews a site may receive is two.
3. A site that has a serious finding during the review year must receive at least three reviews.

### **How to Establish an Averaging Cycle**

In order to implement the review averaging option successfully, the sponsor's review cycle must correspond with the CACFP Program Year (PY)( October 1 – September 30). If the sponsor has been conducting reviews on a schedule other than the CACFP PY (for example, sites approved participation date, calendar year, etc.), the new review averaging cycle must have a beginning date of October 1 for all participating sites.

**Step 1. Calculate the number of total reviews that must be conducted.**

Number of participating sites as of October 1 multiplied by 3 equals the total number of required reviews over the entire PY.

**EXAMPLE:** 5 sites  $\times$  3 = 15 total number of required reviews that must be conducted during the PY (October 1 and September 30).

Step 2. Construct a profile to determine which sites need more or fewer reviews.

The following is an example of how a sponsor may determine which sites would require more frequent review and which would require less frequent review.

Sites that need only 2 reviews:

- Sites that had no findings on their last 2-3 reviews.
- Sites that have participated for several years that have only minor findings on their last review.

Sites that need 3 reviews:

- New sites that have previously participated with another sponsor.
- Sites that had findings on their last 2 reviews.
- Sites that are doing well, but need additional technical assistance in a particular area.

Sites that need 4 reviews:

- New Sites.
- Sites that had serious findings on their last review, and/or a principal or individual of the site were in the serious deficiency process.
- Sites that are having difficulties.
- Sites that have any combination of the above.

Fluctuations due to adding and terminating sites will affect the sponsor's review averaging plan. To help manage the total number of required reviews the sponsor must perform, a separate averaging plan may be beneficial for new sites added during the PY.

New sites added during a PY will then be added to the total reviews for the following PY.

For New Sites Beginning within a Program Year	
Site Beginning Participation Date	Minimum Number of Reviews in PY
October 1-December 30	3
January 1-March 31	3
April 1-June 30	2
July 1-September 30	1

**EXAMPLE:** If a new site begins participation on December 3, three reviews must be conducted for the PY. If a new site begins participation on May 2, two reviews are required.

Step 3. Determine exactly how many sites will get 2, 3, or 4 reviews.

In order to get the total number of reviews required, the sponsor will need to have the same number of sites receiving 2 reviews as it has receiving 4 reviews.

**EXAMPLE:** If 300 reviews are required, a sponsor’s schedule might have:

- 10 sites receiving 2 reviews.
- 80 sites receiving 3 reviews.
- 10 sites receiving 4 reviews.

Step 4. Develop a plan to track reviews.

Tracking reviews shows the timing of reviews for each site throughout the year, and identifies which reviews will be announced and unannounced.

A sponsor’s tracking plan should keep a running tally, by month and by year-to-date, of:

- The number of reviews conducted.
- The number of unannounced reviews conducted.
- The number of announced reviews conducted.

Step 5. Frontload reviews.

Conducting a majority of reviews early in the PY (“frontloading”) allows for more flexibility if circumstances occur later in the year that forces revision to the review averaging plan.

Step 6. Revise the schedule.

The sponsor’s review averaging plan will need to be reassessed periodically. The more sites the sponsor has, the more times the schedule will need to be assessed.



Anticipate changes such as:

- The number of participating sites changes due to new, terminated, or temporarily inactive sites.
- One or more monitors leave the position.
- Bad weather prohibits the review.
- The monitor has car problems and all reviews for the day cannot be conducted.

Averaging will work differently for each organization, depending on how the site profile is developed, the organization is structured, and other factors. Sponsors that implement review averaging should remember it is a tool to use to focus more technical assistance and oversight on problematic and new sites.

#### **4337.2 Meal Counts and Attendance**

Documented daily attendance must be maintained. The daily attendance is not the same as the meal count and the two must be indicated separately. The attendance must be compared to the meal count to determine if any discrepancies exist. For example, the site could have an attendance that is larger than the meal count but should not have a meal count that is greater than the number of adult participants in attendance.

**NOTE:** An unanticipated fluctuation in participation resulting in the service and claiming of second meals would be the only reasonable explanation for meal counts to exceed attendance. Claiming second meals requires prior approval. Refer to Item 4152, *Second Meals During One Meal Service*, for additional information.

**Sponsors' Action:** Sponsors must require corrective action and disallow any meals claimed in excess of attendance unless the site has requested approval for second meals and the CE has obtained that approval from TDA. Corrective action should include requiring the site(s) to:

- Develop and implement (step-by-step) processes/procedures to ensure:
  - Meal counts and attendance will be documented and reported accurately
  - Meals will only be claimed for those adult participants who are documented in attendance

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
- The date the process/procedure was or will be implemented

- How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
- Oversight measures to ensure the noncompliance will not occur again
- Submit:
  - The process/procedure developed
  - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Sponsors should also provide additional training and technical assistance.

### **4337.3 Meal Service**

Review of the meal service encompasses a wide range including compliance with the meal pattern requirements, meal service times, and documentation.

#### Meal pattern

To determine a site's compliance with the meal pattern requirements a sponsor would need to review documentation including, but not limited to:

- Meal production records
- Documentation of food purchases
  - Invoices
  - Receipts
  - Vendor receipts/records
- Donation logs
- Leftover/Recycle logs
- CN labels
- Product formulation statements

The sponsor must determine if the site has complied with the required meal components and portion sizes for each meal type, and if the site purchased or acquired enough of each item to support the meals and snacks it claims.

**NOTE:** If a site was unable to serve the documented meal with the whole grain-rich grain due to extenuating circumstances, such as being forced to close before serving that meal due to severe weather, the sponsor would not have to call a finding and disallow meals on the basis that the whole grain-rich requirement was not met.

To determine compliance with the components and portion sizes the sponsor must perform a meal analysis.

Ensuring compliance with the meal pattern requirements is not only done during a review, but each month when the sites submit documentation for a claim.

### Substitutions due to Disabilities or Medical or Special Dietary Needs

Sponsors must also review the meal production records to determine if there have been substitutions due to disabilities and/or medical or special dietary needs. If there are, sponsors must ensure documentation to support the substitutions is on file and that the substitutions have been made correctly. Refer to Items 4113.2, *Adult Participants with Disabilities* and 4113.3, *Adult Participants with Medical or Special Dietary Needs* for additional information.

### Meal Service Times

Sponsors must ensure sites are serving meals during the meal service times as indicated on the last approved *Site Application*. Meals served outside of the approved meal service times may not be claimed for reimbursement.

Common meal service non-compliances include, but are not limited to:

- Meal production record does not contain all required information to allow the reviewer to determine a credible meal was prepared for each adult participant
- Meal production record contains documentation which indicates the food prepared was not sufficient (measurable amount) to feed the number of adult participants claimed for the meal service
- Meal production record contains documentation which indicates not all required food components were prepared for the meal (missing a component such as fruit or vegetable, etc.)
- Meal production records are not available for the month(s)/day(s) being reviewed
- Meal production records do not contain substitutions as appropriate
- Meal being observed does not comply with meal pattern requirements
- Meal being observed is served outside of the approved meal serving times
- Records, such as invoices, receipts, do not support the meals produced and claimed

Sponsors' Action: Sponsors must require corrective action and may disallow any meals that do not meet meal pattern requirements or for which there is not sufficient documentation.

Corrective action should include requiring the site(s) to:

- Develop and implement (step-by-step) processes/procedures to ensure:
  - Meals claimed meet meal pattern requirements;
  - Meal production records are documented accurately;
  - Meal production records and all records to support the claim (receipts, invoices, recycle logs, etc.) are maintained and available for reviewers;
  - Only meals that comply with the meal pattern requirements will be claimed
  - Meals will be served during the approved meal service times

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
- The date the process/procedure was or will be implemented
- How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
- Oversight measures to ensure the noncompliance will not occur again
- Submit:
  - The process/procedure developed
  - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Adverse action is to be taken as follows:

- Insufficient quantity of food for a specific meal served - claim the number of meals for which sufficient quantities were available. **EXAMPLE:** One hundred children were present during a meal service. The main dish was spaghetti and enough meat was prepared for a total of 95 servings. Assume that all 100 attendees were fed, resulting in insufficient quantities for each of the children, however, allow the site to claim 95 meals.
- Receipts/invoices/other documentation shows insufficient quantity of food/milk was available for the meals claimed - first disallow from the meals with the lowest rate of reimbursement.
- Completely missing one or more of the required components – all meals for that meal service must be disallowed

Sponsors should also provide additional training and technical assistance.

#### 4337.4 Civil Rights

Sponsors must ensure sites are in compliance with civil rights requirements as detailed in Section 6000, *Civil Rights*, of this handbook. Sponsors will use observation, conversation and documentation to make this determination.

Sponsors' action: Sites that are in violation of civil rights requirements must be required to take immediate corrective action as well as develop corrective action to ensure future compliance. Corrective action should include requiring the site(s) to:

- Develop and implement (step-by-step) processes/procedures to ensure:
  - **{enter specifics related to noncompliance observed}**

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
  - The date the process/procedure was or will be implemented
  - How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
  - Oversight measures to ensure the noncompliance will not occur again
- Submit:
    - The process/procedure developed
    - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Sponsors should also provide additional training and technical assistance.

#### 4337.5 Record Keeping

Sites must comply with all record keeping requirements specified in this handbook. This includes not only retention, but the manner in which records are maintained and completed.

Sponsors will review the sites records to determine if the records are 1) available according to record retention requirements; 2) completed accurately according to policy and record instructions; and 3) current according to policy and record instructions.

Sponsors' Action: Sponsors must require corrective action, disallow any claims/meals or reduce reimbursement, if applicable, for which there is not sufficient documentation. Corrective action should include requiring the site(s) to:

- Develop and implement (step-by-step) processes/procedures to ensure:
  - All required documentation will be maintained according to record keeping requirements
  - {enter specifics to the documentation in question, such as eligibility documentation}

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
  - The date the process/procedure was or will be implemented
  - How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
  - Oversight measures to ensure the noncompliance will not occur again
- Submit:
    - The process/procedure developed
    - Corrected/updated documentation (for example, eligibility, enrollment)
    - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Example of potential adverse action due to record keeping is as follows:

- Incorrect eligibility - All meals for the children listed for the time period {enter time period – this will go back to the initial date of incorrect determination} are moved to the appropriate category until correct forms are received (paid if forms are out-of-date or missing, correct category if the determination was made incorrectly)

Sponsors should also provide additional training and technical assistance.

#### **4337.6 Training**

Site staff must receive training prior to beginning key CACFP activities and annually thereafter in all required areas and sub-topics. Sponsors are responsible for ensuring each site's staff are in compliance with the requirement through the review of training documentation, organizational charts, employee records, etc.

Sponsors' Action: Sponsors must require corrective action for any site not in compliance with training requirements. Corrective action should include requiring the site(s) to:

- Provide a description of the circumstances that resulted in the noncompliance
- Develop and implement (step-by-step) processes/procedures to ensure:
  - Staff participate in training prior to beginning key CACFP activities and annually thereafter
  - If applicable, sites ensure sponsors receive updated information on new employees in a timely fashion to be able to ensure the new employees receive training prior to beginning key CACFP activities

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
- The date the process/procedure was or will be implemented
- How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
- Oversight measures to ensure the noncompliance will not occur again
- Submit copies of the following documents:
  - The process/procedure developed

Sponsors must also provide training to those sites that have not received the required training.

#### **4337.7 Five-day Reconciliation**

During each review sponsors must conduct a reconciliation of meal counts to enrollment and attendance records for five consecutive operating days, including weekends and holidays, during the current and/or prior claiming period. **NOTE:** a comparison of meal counts to licensed capacity is not required as part of the five-day reconciliation process but is a best practice to help identify and resolve problems in the claiming process.

Reconciliation is expected to involve records from the current or previous month, or some combination of days from the current and previous months if the review is conducted early in a month. However, if there are circumstances that warrant the review of a five-day period from an earlier month (for example, the site was closed for vacation or the monitor is trying to establish a pattern), the sponsor may look at the earlier month's records.

The five-day reconciliation is done by comparing enrollment, attendance and meal counts by meal type. Use the information obtained from the meal count, attendance, and enrollment records to complete the five-day reconciliation portion of the *Review* (H1602) form.

Before beginning the reconciliation, the sponsor must:

- Review the enrollment and attendance records to ensure they are current and accurate.
- Compare the site's total enrollment to the recorded daily attendance to ensure the number of adult participants in attendance does not exceed the number enrolled. If attendance does exceed enrollment, for any day or for any shift (if shift care is provided), the sponsor must determine the source of the error (for example, inaccurate attendance records, missing enrollment forms) before the five-day reconciliation can be performed.

To perform the five-day reconciliation, compare the enrollment forms, meal counts and attendance records to the five-days chosen during the current and/or prior claiming period to determine the number of adult participants in care during each meal service and attempt to reconcile those numbers to the numbers of breakfasts, lunches, suppers, and/or snacks recorded for that day. Based on that comparison, determine whether the meal counts were accurate. If there is a discrepancy between the number of adult participants enrolled or in attendance on the day of review and prior meal counting patterns, the sponsor must attempt to reconcile the difference and determine whether the establishment of an over claim is necessary.

The monitor will:

- Choose five consecutive operating days from the meal count record.
- For this five-day period, gather records of:
  - Meal counts,
  - Current enrollment forms, and
  - Attendance.
- Identify the number of adult participants in attendance during the five-day period.
- Compare total meal counts to daily attendance to ensure that meal counts for each approved meal type did not exceed the number of adult participants in attendance on any day.
- Compare total enrollment to daily attendance to ensure that the number of adult participants in attendance did not exceed the number who were enrolled.
- If meal counts cannot be reconciled with enrollment or attendance data, determine the source of the error and appropriate corrective action.



If the site is unable to provide a reasonable explanation, or the sponsor is unable to reconcile the discrepancies, the sponsor must determine whether meals must be disallowed.

To resolve discrepancies and determine the source of errors and determine disallowances, the CE may reconcile the meal counts to attendance and enrollment by each individual adult participant. The CE would:

- Identify, by name, each adult participant in attendance during the five-day period;
- For each adult participant, compare the date of enrollment to dates that meals were recorded; and
- Compare meal counts to attendance to ensure that, for each meal type, meals were recorded only for children who were in attendance.

Sponsors that use automated systems that routinely check all of the critical elements, enrollment, attendance, and meal counts, for the entire claim period may use this as an alternative to the five-day reconciliation. The sponsor would have to demonstrate that the system has the capability to:

- Collect enrollment, attendance, and meal count data;
- Separate attendance or “in and out times” from meal counts; and
- Perform comparisons of enrollment, attendance, and meal counts that would detect potential problems in the claiming process.

The five-day reconciliation may be conducted in the office prior to the review if the monitor has access to all current enrollment forms and daily attendance and meal count records for the current or previous month. If this information is available, the monitor could conduct reconciliation in the office prior to arriving at the site, then complete any necessary follow-up work while onsite. The monitor could also conduct a desk review if the comparison of meal counts to attendance and enrollment records is for the purpose of a follow-up review.

If the monitor determines that enrollment data are either not current or not accurate, the monitor may use attendance sheets to conduct reconciliation until the enrollment forms are updated.

Sponsors' Action: Sponsors must require corrective action appropriate to the non-compliance identified during the reconciliation, if applicable and require the site to:

- Develop and implement (step-by-step) processes/procedures to ensure:
  - {enter specifics to the non-compliance identified}
- The process/procedure must include:
  - Who will be responsible for each/task/function/step in the procedure (by position/title)
  - The date the process/procedure was or will be implemented
  - How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
  - Oversight measures to ensure the noncompliance will not occur again
- Submit:
  - The process/procedure developed
  - Corrected/updated documentation, if applicable (for example, eligibility, enrollment)
  - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Adverse Action:

- Meals served to adult participants whose enrollment documents are more than a year old or are not complete are not eligible for reimbursement and must be disallowed.
- Meals claimed for children not in attendance must be disallowed.

Sponsors should also provide additional training and technical assistance.

#### **4337.8 Nonprofit Food Service**

Meal reimbursement, and the goods and services that reimbursement procures, must be used solely for the operation or improvement of the food service, principally for the benefit of the adult participants enrolled for care.

Sponsors must ensure sites are using the reimbursement received to procure goods and services for the use in the food service. This is done through review of documentation and determined by 1) identifying all nonprofit food service revenues; 2) including only allowable net expenses incurred in the operation or improvement of the nonprofit food service when determining food service cost; 3) deducting allowable net expenses from total nonprofit food service revenue; and 4) verifying that any excess is retained and used solely in the nonprofit food service.

Documentation of nonprofit food service status includes, but is not limited to:

- Cash register tapes, invoices, delivery slips, and receipts
- Receiving reports from vendors signed by authorized staff
- Itemized purchase invoices
- Records showing costs of processing, distributing, transporting, storing, and handling food (if these costs are in addition to the cost on the purchase invoice)
- Credits - if they are not shown on invoices
- Canceled checks or other forms of receipts for payments
- Inventory records (including records of major inventory adjustments)
- Payroll records (such as payroll ledgers, IRS Form W-2, IRS Form 941, and cancelled payroll checks, time distribution reports)
- Records of all income to the program
- Records of donations to the program, such as food, services, supplies or labor
- Bank statements
- General ledgers

Sponsors' Action: Sponsors must require corrective action if sites fail to operate a nonprofit food service and/or maintain documentation to allow the sponsor to determine compliance with the requirement to operate a nonprofit food service. Corrective action should include requiring the site(s) to:

- Develop and implement (step-by-step) processes/procedures to ensure, as applicable:
  - All Program funds will be retained and used solely for the operation or improvement of the nonprofit food service
  - Documentation will be maintained according to requirements outlined in the handbook to allow review of the nonprofit food service status

The process/procedure must include:

- Who will be responsible for each/task/function/step in the procedure (by position/title)
- The date the process/procedure was or will be implemented
- How often the process/procedure will be done, e.g., daily, weekly, monthly, etc.
- Oversight measures to ensure the noncompliance will not occur again
- If applicable, repayment of funds spent improperly back to the sites nonprofit food service from a non-Program source, and a plan to spend those funds on allowable costs
- Submit:
  - The process/procedure developed
  - Corrected/updated documentation (for example, general ledger)
  - If applicable, documentation of the refund of the improperly spent funds to the nonprofit food service and documentation to confirm use of those funds on allowable costs
  - Any additional supporting documentation required by the sponsor to demonstrate successful corrective action

Sponsors should also provide additional training and technical assistance.

#### **4338 Meal Edit Checks**

Sponsors must use monthly edit checks to review meal counts submitted by each site to ensure the accuracy of the sponsor's monthly claim.

The edit checks will ensure that sites are:

- Reimbursed only for approved meal types.
- Not reimbursed for more meals than they could have served during the claiming period.

Edit checks can reveal problems with sites' meal data that need to be resolved before the sponsor submits their claim to TDA. A failed edit check must always result in further investigation or follow-up by the sponsor.

The edit checks required are:

- Approved Meal Types Edit Check: Compare the meal types claimed to the meal types for which the site has been approved. This basic edit check can detect obvious claiming errors. It ensures, for example, that a site approved to serve breakfast, lunch, and PM snacks does not receive reimbursement for AM snacks and suppers.

**Follow-up Action:** Sponsors must follow their own procedures for handling invalid documentation submitted by a site. However, **all meal types claimed that are not approved must be disallowed**. For example, the sponsor could contact the site to determine if an amendment should be submitted to change the approved meal types. Sponsors *may not* retroactively amend the approved meal types in order to reimburse the site for meals already claimed.

- Maximum Number of Meals Edit Check: Identifies the total reported counts that exceed the maximum number of meals that a site could claim in a month. This maximum number equals the site's total enrollment, times the number of approved meal types that can be claimed per participant (3), times the number of operating days in the claiming period.

**EXAMPLE:** If a site has 50 adults enrolled and serves breakfast, AM snack and lunch for 20 operating days, it can claim a maximum of 1,000 for each meal type and a maximum of 3,000 total meals; 50 enrolled X 3 meal types X 20 operating days = 3,000 maximum total meals that can be claimed for the month.

When a sponsor prepares the claim, each site's total meals/snacks reported must be compared with the site's enrollment figure for that month. The sponsor must develop a procedure to ensure that it is using the most current information on enrollment for the claim month to conduct this edit check.

**Follow-up Action:** If the meals/snacks count reported for reimbursement fails the maximum number of meals edit check, the sponsor must follow up with a more complete review to determine whether the meal count is accurate. If the meal count is incorrect, the sponsor must follow their own procedures for handling inaccurate meal counts.

Although block claim edit checks are not required, sponsors may use it as a tool to determine potential training needs or claiming concerns with a particular site. Block claim edit checks identify data submitted by a site for which the number of meals for one or more meal type submitted for reimbursement is identical for 15 or more consecutive days within a claiming period.

## 4339 Health and Safety

When conducting a review of an adult day care center, the CE must ensure that noted or suspected instances of conduct or conditions that pose an imminent threat to the health or safety of the participants in care or the public are reported to the proper authorities. CEs must exercise judgment in making a determination of imminent threat.

CEs should have guidance in place for monitors to respond consistently and fairly to an imminent threat, and a plan to report, manage, and train staff on determining incidents that pose an imminent threat.

Examples of incidents that rise to the level of imminent threat include:

- Lost or missing participant;
- Suspected maltreatment of a participant;
- Suspected sexual, physical, or emotional abuse of staff, volunteers, or family members occurring while they are on the premises of the adult day care;
- Injuries to participants requiring medical or dental care;
- Illness or injuries requiring hospitalization or emergency treatment;
- Mental health emergencies;
- Health and safety emergencies involving visitors to the adult day care;
- Death of a participant or staff member (including a death that occurred outside of adult day care hours that had resulted from serious illness or injury at the adult day care); or
- The presence of a threatening individual who attempts or succeeds in gaining entrance to the adult day care.

If, during a review, a circumstance such as one of those listed above is suspected or occurs, the monitor must:

- Contact the proper authorities
  - Which authority(ies) to contact (HHSC (previously DADS), 911, etc.) will depend on the actual circumstances, CEs should have a procedure/process in place to aide monitors in making this determination
- Stay at the site until the authorities have arrived
  - Staying on-site will depend on the actual circumstances, CEs should have guidelines in the procedures/process to aide monitors in making this determination
- Request assistance from TDA to place the responsible principal(s)/individual(s) in serious deficiency (if it is determined to be an imminent threat to health or safety) following the procedure outlined in Section 10000, *Serious Deficiency*.

## 4340 Claims for Reimbursement

A CE's claim is its actual participation report submitted for the purpose of receiving reimbursement for costs associated with food service. TDA reimburses claims depending on the availability of funds.

A CE may claim a maximum of two meals and one snack or one meal and two snacks per participant per day.

Each meal and snack must be reported individually on the appropriate *Centers Claim for Reimbursement*.

For-profit CEs or sites must not claim reimbursement for meals or snacks served to participants in any month in which less than 25 percent of the participants in care (enrolled or licensed, whichever is less) were eligible for free or reduced price meals or were Title XIX/XX beneficiaries.

Sponsors will complete the *Documentation of Meals Claimed* (H1540), or alternate, monthly when preparing their claim for reimbursement and maintain the form(s) with their Program files.

In order to process a CE's claims, TDA must have an approved *Certificate of Authority for External Users* (FND-101), for the CE's staff member submitting the claim via TX-UNPS.

Each authorized representative will receive an email with a user ID and temporary password. Once logged into the system, the user will be prompted to change the password. A user manual is available on-line at <http://TXUNPS.TexasAgriculture.gov>.

The user manual gives instructions on how to:

- Access/log on to TX-UNPS;
- Submit a claim for reimbursement; and
- Obtain help if they are having trouble with their user ID or password, or with accessing TX-UNPS.

**NOTE:** The purchase of a computer and Internet Service Provider (ISP) support is considered an allowable cost. If a CE uses the automation equipment and ISP for any activity, personal or business, other than the operation of their nonprofit food service, the CE must prorate the cost. The only allowable cost is the portion used in the operation of the CE's nonprofit food service.

## 4341 Filing Claims and Submittal Deadline

CEs submit claims electronically via the Internet, through the Texas Unified Nutrition Programs System (TX-UNPS). TDA will set up a TX-UNPS account for each authorized representative indicated on the *Certificate of Authority for External Users* (FND-101).

Claims must be received no later than the 60<sup>th</sup> day after the last day of the claim month. Refer to Item 4342, *Late Claims*, for information on claims received after the 60<sup>th</sup> day.

Once the CE's claim has been successfully submitted, a confirmation number will appear, and the claim status will be "accepted." CEs can print the screen, which contains a confirmation number, to reference when calling to confirm or ask questions about the claim. If the 60<sup>th</sup> day is on a weekend or Federal holiday, the claim must be postmarked or received no later than midnight on the following workday.

CEs that call to confirm the receipt of their claim or make inquiries about their claim must have the confirmation number available. TDA office hours are 8:00 a.m. to 5:00 p.m. Central Standard Time (CST).

If TX-UNPS is unavailable on the last day of the filing deadline ("the system is down"), CEs may submit a paper claim via fax, mail, or by personal delivery to the TDA office in the Stephen F. Austin Building in Austin. However, the claim must be postmarked or received by TDA before close of business on the 60<sup>th</sup> day or it will be received as a late claim. CEs must attach a cover letter explaining why they could not submit their claim electronically via TX-UNPS.

If a CE waits until the 60<sup>th</sup> day to submit a claim electronically and then is unable to access TX-UNPS due to any problem other than TX-UNPS being down, the CE must:

- Find an alternate site to access TX-UNPS and submit their claim before the deadline, or
- Submit their claim via the paper process as a late claim. See Item 4342, *Late Claims* for information on the processing of late claims.

### NOTES:

- CEs should not mail their claim if they fax it or submit it electronically.
- It may take up to 45 days to process valid claims, no matter the method of submittal.

TDA recommends that CEs always have a back-up person designated to submit claims. Doing so could lessen the chance of submitting a late claim that may be denied for payment.



If a CE receives advance payments, it should submit the claim as early as possible after the end of the claim month, as a delay in submitting the claim could affect receipt of advance payments.

When submitting a claim for reimbursement the CE certifies that the claim is accurate and documentation is on file to support that claim. A CE that submits an inaccurate claim may be required to repay funds and will be required to submit corrective action.

Inaccurate claims include:

- Over claiming –
  - claiming more meals than were actually served
  - claiming meals that did not meet meal pattern requirements
  - claiming meals for ineligible children
- Under claiming –
  - claiming fewer meals than were served

#### **4342 Late Claims**

Claims postmarked or received by TDA later than 60 days after the last day of the claim month (i.e., late claim) will be processed in the following manner:

##### **Corrective Action Plan (CAP)**

The submission of a late claim is a program noncompliance; therefore, CEs must submit an approvable CAP that includes the:

- Reason for submitting a late claim;
- Actions to be taken to avoid repetition of the situation linked to the late claim submission;
- Actions to be taken to avoid any future late claim submission for the same or other causes; and
- Signature of an Authorized Representative designated to act on the organization's behalf per the *Certificate of Authority for External Users* (FND-101).

Once a CE has submitted an approvable CAP, TDA will determine if it is eligible for the one-time exception payment provision.

**NOTE:** TDA will accept as proof of submission of a claim a postmark affixed by the U.S. Postal Service or equivalent documentation from a private postal service showing when the item was mailed. TDA will not accept as proof of submission of a claim a postmark affixed by a postage meter.

### 4342.1 One-Time Exception

A one-time exception may only be used once within a 36-month time period for each USDA Child Nutrition Program (CNP) in which the CE participates. The CACFP is one CNP, regardless of whether a CE participates in only ADC or if they also participate in Child Care Centers and/or Day Care Homes. A one-time exception granted to a CE does not eliminate the CE from consideration for a one-time exception for another CNP claim, for example, the Summer Food Service Program.

<b>If the CE has...</b>	<b>Then the CE may ...</b>
Not used its one-time exception provision within the 36-month time period,	Choose or request to use its one-time exception payment or receive no payment for the late claim. If the CE submits claims for more than one month at the same time, then the CE may choose the claim month for which to apply the one-time exception.
Already used its one-time exception provision within the 36-month time period,	Request a good cause exception.

### 4342.2 Good Cause

#### Requesting a Good Cause Exception

<b>If a CE ...</b>	<b>Then TDA ...</b>						
Requests a good cause exception,	Will consider each request on a case-by-case basis. The CE must demonstrate that the noncompliance occurred due to circumstances beyond its control (i.e., Good Cause).						
	<table border="1"> <thead> <tr> <th><b>If TDA...</b></th> <th><b>Then TDA...</b></th> </tr> </thead> <tbody> <tr> <td>Approves the request,</td> <td>Will forward the request to USDA for approval.</td> </tr> <tr> <td>Does not approve the request,</td> <td>Will deny payment of the late claim.</td> </tr> </tbody> </table>	<b>If TDA...</b>	<b>Then TDA...</b>	Approves the request,	Will forward the request to USDA for approval.	Does not approve the request,	Will deny payment of the late claim.
	<b>If TDA...</b>	<b>Then TDA...</b>					
Approves the request,	Will forward the request to USDA for approval.						
Does not approve the request,	Will deny payment of the late claim.						
Does not request a good cause exception,	Will deny payment of the late claim.						

Examples of good cause beyond a CE's control may include, but are not limited, to:

- A catastrophic incident such as a tornado, flood, or fire; or
- A life-threatening injury or illness to the person responsible for submitting the claim.

**NOTE:** Catastrophic incidences, life-threatening injuries or illnesses **do not** automatically entitle a CE to be granted a good cause exception. The responsibility is upon the CE to demonstrate how the catastrophic incident, life-threatening injury or illness caused a situation that made submitting the claim within 60 days unreasonable/impossible.

Examples of reasons that would **not** be considered good cause beyond a CE's control include, but are not limited to:

- Absence of personnel on the 60th day, for reasons other than a life-threatening injury or illness;
- TX-UNPS is down or inaccessible for electronic filing;
- A malfunction of power or equipment at the CE's facility; or
- Failure to get the claim in the mail in time to get it postmarked on the 60th day.

If USDA determines that a CE's request for a good cause exception does not demonstrate that the noncompliance occurred due to good cause, payment of the late claim will be denied. CEs cannot appeal USDA's denial of a claim. However, CEs may appeal TDA's denial to submit the CE's request for a good cause exception to USDA for consideration of payment.

#### **4343 Adjusted Claims**

A CE may have a reason to submit an adjusted claim (that is, make a change to an already submitted claim) to amend any of the information submitted. An adjusted claim that results in TDA owing the CE money (an upward adjustment), will be included in the CEs next regular reimbursement payment. If the adjustment results in the CE owing TDA money (a downward adjustment), the amount will be deducted from the CEs next claim or claims until the funds have been repaid.

A CE that needs to adjust an already submitted claim may do so by following the instructions in the TX-UNPS user manual located at <http://TXUNPS.TexasAgriculture.gov>.

Occasionally, an adjusted claim as the result of disallowances taken during an administrative review or as the result of claim validation will be required. If this occurs, TDA will notify the CE in writing and provide appeal instructions.

### 4343.1 Upward Adjusted Claims

The corrective action procedures stated in Item 4342, *Late Claims*, also apply to any upward adjusted claim postmarked or received by TDA more than 60 days after the last day of the adjusted claim month.

### 4344 Limitations on Administrative Reimbursement for Sponsoring Organizations

Sponsors may only withhold an amount not to exceed 15% of the CACFP reimbursement paid annually as a source of income for paying **actual** allowable administrative costs incurred in supporting the operation of the nonprofit food service in its sites. The sponsor must maintain documentation to support the percentage of CACFP reimbursement withheld.

Sponsors that are operating with less than 15% (for example, sponsors that have operated at 12% for 2 or more consecutive months) are expected to retain no more than the lesser percentage each month unless or until they can document that the amount needed has increased or decreased. **NOTE:** When determining the monthly percentage, those costs which are incurred each month but are paid on a quarterly basis must be included in the calculation of the monthly amount.

Each claim month, sponsored sites submit their food service participation information to the sponsor who then consolidates the information and prepares the *Claim for Reimbursement* for submittal.

Upon receiving the reimbursement for a claim month, sponsors must determine each site's individual reimbursement and deduct from each site the amount the sponsor withholds for administrative costs in an amount not to exceed 15%.

Sponsors must not include the cash-in-lieu amount when calculating its administrative costs percentage, and sponsors must also have documentation of actual administrative expenses to support the percentage of reimbursement withheld each month.

Sponsors must also use the *Sponsoring Organization Disbursement Record* (H4503), or alternate, for any financial transaction in which the sponsor receives CACFP funds from TDA, including reimbursements related to advance payments, initial claim payments and adjusted claim payments.

The *Permanent Agreement Between Sponsoring Organization and Adult Day Care Site*, prohibits the sponsor from charging the site for CACFP services (see Rights and Responsibilities of the Sponsor).

A sponsor **requiring** a site to use software or services the sponsor provides must include the cost of the software or services in the allowable percentage of administrative reimbursement the sponsor can withhold each month, and cannot charge a separate amount in addition to the allowable percentage, regardless of whether the software or services are paid for out of CACFP funds or Non-CACFP funds.

In addition, a sponsor **requiring** a site to use software or services provided by another source must reduce the allowable percentage of administrative reimbursement it can withhold each month by the amount paid by the site to that third party, regardless of whether the software or services are paid for out of the CACFP funds or Non-CACFP funds by the site.

Sponsors charging a site for software or services, or requiring a site to purchase software or services from another source, in addition to withholding administrative reimbursement, exceeding 15%, will be required to reimburse the site and may be placed in the serious deficiency process.

Sponsors must have an internal accounting system in place to show how much and where the funds including overages were applied and must ensure the funds are used to enhance and support the nonprofit food service.

#### **4344.1 Sponsors of Affiliated Sites**

A sponsor of affiliated sites must only withhold an amount not to exceed 15% of each month's total CACFP reimbursement to pay for actual allowable administrative costs. The sponsor must use the remaining amount of each month's CACFP reimbursement to enhance the quality of the food service operation.

The sponsor must indicate on the *Sponsoring Organization Disbursement Record* (H4503) or alternate the total amount of the CACFP reimbursement it received for the corresponding claim month and the amount the sponsor withheld to apply to its actual allowable administrative costs. A sponsor of affiliated facilities only completes Section 2 of the *Sponsoring Organization Disbursement Record* (H4503) or alternate.

#### **4344.2 Sponsors of Unaffiliated Sites**

A sponsor of unaffiliated sites must only withhold an amount not to exceed 15% of each month's CACFP reimbursement to pay for actual allowable administrative costs. Sponsors of unaffiliated sites must disburse reimbursements to its sites **within 5 days of receipt** of payment from TDA. A sponsor of unaffiliated sites must complete all sections of the *Sponsoring Organization Disbursement Record* (H4503) or alternate.

Each month Sponsors of unaffiliated sites must provide each site written documentation that details the reimbursement the site is receiving that month, and includes the:

- Name of the site;
- Total meals/snacks claimed, by type, by the site for that month;
- Total meals/snacks disallowed, by type, including the reason(s) for the disallowances for the month, if applicable;
- Total meals/snacks submitted for reimbursement (minus disallowances, if applicable);
- Eligibility category of enrolled participants (totals by free, reduced-price and paid);
- Total reimbursement for meals/snacks claimed and submitted for reimbursement for the month (minus cash-in-lieu);
- Total cash-in-lieu for the month, if applicable;
- Total withheld for allowable administrative expenses for the month; and
- Total reimbursement paid to the site for the claim month.

The *Claim for Reimbursement Worksheet – Meals* (H4502) or alternate and *Sponsoring Organization Disbursement Record* (H4503) or alternate, as well as the claim summary in TX-UNPS can be used in preparing this documentation for each site.

#### **4344.3 Sponsors of Both Affiliated and Unaffiliated Sites**

A sponsor of both affiliated and unaffiliated sites must only withhold an amount not to exceed 15% of each month's total CACFP reimbursement to pay for actual allowable administrative costs. A sponsor of both affiliated and unaffiliated sites must:

- Indicate in Section 2 of the *Sponsoring Organization Disbursement Record* (H4503) or alternate the total amount of the CACFP reimbursement it received for the corresponding claim month and the amount the sponsor withheld to apply to its actual allowable administrative costs.
- Complete Section 3, of the *Sponsoring Organization Disbursement Record* (H4503) or alternate for unaffiliated sites only.
- Disburse reimbursements to its unaffiliated sites **within 5 days of receipt** of payment from TDA, this includes advances if applicable.

#### 4344.4 Waiver to Limitation on Administrative Reimbursement for Sponsoring Organizations

Sponsors may request approval to withhold a percentage of reimbursement that exceeds 15% for allowable administrative costs, if the sponsor:

- Does not have an outstanding debt to the Texas Department of Agriculture (TDA),
- Is not currently in the serious deficiency process, and
- Is in good standing with the Comptroller of Public Accounts.

To request a waiver, the sponsor must:

- Complete and submit the *Contracting Entity Request for Waiver of 15% Limit for Allowable Administrative Costs* form, as well as have the required documentation listed on the form to support the request available for review prior to approval of the waiver.
- Revise the Contracting Entity Budget Detail screen in TX-UNPS.
- Mark the Administrative Waiver Documentation Checklist item and indicate the date the waiver form was submitted, in TX-UNPS. Select the red “Submit for Approval” button to transmit your request.

If approved, the:

- Approval would be effective no earlier than two full months\* from the approval date;
- Sponsor must obtain a signed *Acknowledgement By Sponsored Adult Day Care Facility and Permanent Agreement Between Sponsoring Organization and Adult Day Care Facility Amendment #1* from each currently participating unaffiliated site and each new unaffiliated site they sign an agreement with.

\*For example, the sponsor’s request is approved November 20, 2015 the earliest it could begin withholding the higher amount would be February 2016. This gives the sponsor and unaffiliated sites time to execute the amendment, or the unaffiliated sites time to choose one of the other options given them on the amendment form.

A site that is currently participating with a sponsor at the time the sponsor receives an approved waiver has the following options:

- Execute the amendment and agree to allow the sponsor to retain more than 15%;
- Terminate its agreement with the sponsor and apply to participate directly with TDA;

- Request a “good cause” transfer from TDA to transfer to another sponsor during the current program year;
- Terminate its agreement with the sponsor and apply with another sponsor during the open enrollment period of June 1 through September 30.

A sponsor that has received an approved waiver must notify their current and potential unaffiliated sites of the approved waiver, and explain what it means to the site’s reimbursement, prior to signing an agreement and amendment with that site. Failure to do so could result in adverse action, up to placement in the serious deficiency process and termination of the CE’s Permanent Agreement.

#### **4400 Operation of Child Nutrition Programs During a Disaster**

Disasters, such as hurricanes, tornadoes, and floods, and an outbreak of a pandemic disease can cause situations that are not typical of the day to day operation of a CE or site. Below is guidance for handling CACFP operations in the event of a disaster or pandemic.

##### **Eligibility for Free Meals**

Participants residing in or evacuated from disaster areas may be determined homeless and are categorically eligible for free meals.

CEs and sites can get verification of the participant’s homeless status from the:

- School district homeless coordinator,
- Homeless liaison (in cases where a liaison assisted the family in moving in with another household),
- Application from the Health and Human Services Commission with case number showing receipt of Disaster Supplemental Nutrition Assistance Program (D-SNAP) ,or
- The *CACFP Meal Benefit Income Eligibility Form*, the participant would identify themselves as “homeless.”

Host families can include the displaced family members and any income provided to them when applying for free or reduced-price meals.

Participants determined eligible for free meals as a result of a disaster remain eligible for 12 months.



## **Designated Emergency Shelters**

TDA may designate as “temporary emergency shelters” organizations that provide:

- Temporary shelter and meals to displaced families, and
- Meals to displaced families though not providing actual shelter (for example, organizations that are serving meals to those sheltered in locations not providing meals).

These designated emergency shelters will not be required to complete the entire application process to participate in the CACFP and may serve and claim up to three meals (breakfast, lunch, and supper) each day for each participant.

## **Meal Components and Meal Service**

Modifications to time of meal service and use of offer versus serve may be made with TDA approval. Additionally, changes to meal components, such as using canned or dry milk in the event that fluid milk is unavailable may be approved by TDA.

Any other modifications to the required meal pattern must be submitted to TDA and will be approved or denied in consultation with FNS.

## **Record Keeping**

CEs must maintain required records. When required records have been destroyed due to a disaster CEs should consult with their Community Operations office for guidance.

## **Other Exceptional Emergency Situations or Man-made Disasters**

Other exceptional emergency situations or man-made disasters, such as human pandemic or chemical plant explosions, may impact the ability of schools, institutions, and sponsors to continue normal program operations (for example, congregate feeding, review requirements, etc.).

In the event of such exceptional emergency situation or man-made disaster, flexibilities may be approved by USDA on a case-by-case basis to accommodate the needs of severely impacted areas. CEs in these situations should contact their Community Operations office for assistance.

## **Resources**

The following resources are available to assist in planning for and responding to disasters:

FNS Disaster Resources website at: <https://www.fns.usda.gov/disaster/disaster-assistance>

National Center for Homeless Education: McKinney-Vento Toolkit at:  
[https://nche.ed.gov/pr/liaison\\_toolkit.php](https://nche.ed.gov/pr/liaison_toolkit.php)

FEMA: Guide for Developing High-Quality School Emergency Operations Plans at:  
<https://www.fema.gov/media-library/assets/documents/33599>

### **4500 Program Documentation**

#### **4510 Record Retention**

CEs must keep the Permanent Agreement and any amendments for at least three years from the end of the CE's final program year. CEs and sites must retain all documents relating to their participation in the program, such as claims and supporting documents that are specific to a particular program year, for at least three years from the end of that program year. For example, all documents specific to the CACFP 2014 program year must be retained until September 30, 2017.

**NOTE:** Records that have not been revised and are still in effect at the end of a program year will be considered current and cannot be archived or destroyed until three years from the end of the program year in which they are finally superseded. For example, budgets, management plans, organizational charts, etc.

**EXCEPTION:** If audit findings, claims, or litigation have not been resolved, all forms and records must be retained beyond the required time period until all issues are resolved.

#### **4520 Availability of Records**

CEs and sites must allow TDA, USDA, Government Accountability Office, and representatives of other appropriate agencies to inspect facilities and records and to audit, examine, and copy records during normal working hours, which at a minimum are 8:00 a.m. to 5:00 p.m., Monday through Friday.

CEs and sites must maintain their CACFP records separately from other programs; additionally sponsors must maintain separate records for each of their sites.

## 4530 Types of Records

CEs and sites\* must keep complete and accurate records of the Program including, *but not limited to*, the following:

- Copies of application documents submitted to TDA, including but not limited to
  - Budget Detail, all versions submitted
  - Direct Deposit Authorization
  - Application for Texas Identification Number
  - Contracting Entity Management Plan
  - Pre-Award Civil Rights Compliance Review form
  - Documentation of Licensure or certification
  - Proof of tax-exempt status (501(c)(3))
  - Organizational chart
  - Articles of Incorporation, Certificate of Formation, Assumed Name Certificate
  - Governing Body Awareness
  - Government Issued Identification and proof of residential mailing address
    - Drivers' license or personal identification card issued by the Texas Department of Public Safety, or a similar document issued by an agency of another state, regardless of whether the card or license has expired,
    - Military identification,
    - Valid US Passport
    - Current, valid voter registration card,
    - Official mail addressed to the person's current address, by name, from a utility provider or government agency or bank,
    - A lease (that has not expired) executed by the individual,
    - Any other proof approved by TDA.
- Site applications
- Copies of financial documents, including but not limited to
  - Cash register tapes, invoices, delivery slips, and receipts
  - Receiving reports from vendors signed by authorized staff
  - Itemized purchase invoices
  - Records showing costs of processing, distributing, transporting, storing, and handling food (if these costs are in addition to the cost on the purchase invoice)
  - Credits - if they are not shown on invoices
  - Canceled checks or other forms of receipts for payments

- Inventory records (including records of major inventory adjustments)
- Records of insurance claims and collections
- Mileage logs to support transportation costs
- Payroll records (such as payroll ledgers, IRS Form W-2, IRS Form 941, and cancelled payroll checks, time distribution reports)
- Records of all income to the Program
- Records of donations to the Program, such as food, services, supplies or labor
- Bank statements
- General ledgers
- Copies of audits
- Records of dates and amounts of food service payment to each of a sponsor's sites/providers
- Enrollment records for each participant
- Procurement records, including the basis for the cost or price and the reason for selecting a particular:
  - Method
  - Contract type
  - Contractor
- Field trip documentation, if applicable
- Daily meal production records that include the food items and amounts of food prepared.
- Daily records of
  - The names and number of participants in attendance (H1535)
  - The number of meals, by type, served to enrolled participant (including names)
  - The number of meals served as second meals, if any
    - Documentation sufficient to justify the service of second meals (if claimed for reimbursement)
  - The number of meals, by type, served to adults working in the food service (H1535).
  - The number of non-Program meals, by type, served to adults (H1535).
- Copies of medical statements with prescribed substitutions for adults with disabilities or who require special diets
- Copies of CACFP claims and receipts for payment from TDA
- Participant eligibility documentation
  - *CACFP Meal Benefit Income Eligibility Form* (Adult Day Care)

- Documentation of training
  - Documentation of training provided to staff prior to beginning key CACFP activities and annually thereafter
  - Documentation of attendance at training provided by TDA or the ESC
  - Documentation of training provided to sites (sponsors only)
- Records of site reviews (locations, dates, problems noted, corrective action prescribed, and technical assistance provided), including completed Reviews (H1602)
- Records of pre-approval visits (H1602-P)
- Agreements
  - Copy of organization's Permanent Agreement with TDA
  - Copies of *Permanent Agreement Between Sponsoring Organization and Adult Day Care Site*, for all sponsored unaffiliated sites
  - Lease/rental agreements
  - Subcontractor agreement
  - *Invitation for Bid and Contract for Purchased Meals (IFB)*

\*Not all records pertain to sponsored sites, for example the Texas Department of Agriculture Food and Nutrition Division Permanent Agreement.

CEs and sites that scan original documents for storage must maintain the original (source) documentation on file if that documentation contains signatures. For example enrollment records, *Daily Meal Count and Attendance*, *CACFP Meal Benefit Income Eligibility Forms*, etc.

Additionally, all other copied or scanned documentation must copy or scan completely and must be legible when viewed or printed. Failure to maintain acceptable documentation could result in disallowances or unallowable costs.

#### **4540 Required Forms**

CEs and sites must use forms provided by TDA to administer and operate the CACFP with the *exception of* the forms listed below.

The forms listed below are provided for CE and site use in documenting compliance with the operation of the Program.

CEs and sites may develop their own forms or documentation, in lieu of using the forms listed below, to capture the information contained in these forms. CEs and sites must ensure that they maintain this information as required and that it is available for review.

Failure to capture all required information on alternate documentation, including certification statements and signatures (as applicable), could result in Program non-compliances, including disallowances and/or placement in the serious deficiency process.

- *Governing Body Awareness*
- *Daily Meal Production Record – Adult Day Care (H1654)*
- *Daily Meal Count and Attendance Record (H1535)*
- *Documentation of Meals Claimed (H1540)*
- *Record of Leftover/Recycled Food (H1568)*
- *Claim for Reimbursement Worksheet – Meals (H4502)*
- *Sponsoring Organization Disbursement Record (H4503)*
- *Review (H1602)*
- *Pre-Approval Visit (H1602-P)*